



Village of Corrales

Planning & Zoning Department
4324 Corrales Road, Corrales, New Mexico 87048
Phone: (505) 897-0502 / Fax: (505) 897-7217

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PLANNING AND ZONING COMMISSION
Date of Meeting: Wednesday, Feb. 21, 2024, 6:30 PM
Location of Meeting: Council Chambers in-person, or via zoom teleconference

DRAFT MEETING AGENDA

The Meeting will be held in-person at the Council Chambers, 4324 Corrales Road, or via zoom: To access via zoom meeting go to Zoom.com and click "Join a Meeting". Meeting ID: **899 6226 1358**, Passcode: **850552**
***Please join the meeting a few minutes before 6:30 pm.** To call: 1-408-638-0968.

PLEASE NOTE: The deadline to submit *written* comments you wish to have included in Commissioner Packets regarding an agenda item, is *1pm on Wednesday, February 14.*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
Jan. 17, 2024 Meeting Minutes
- V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit)
- VI. PUBLIC HEARING ITEMS

*** Request for an extension of time to submit a Final Plat. Preliminary Plat SUB 23-03** was approved by the Commission in February of 2023. This will ultimately create **Lots 1-6 of Novo Farms Subdivision.** (An existing home on the property has a site address of 340 Pueblito Road.) A condition of approval was that the private roadway be constructed prior to submittal of Final Plat. Preliminary Plats normally expire after one year. Applicants **Community Sciences Corporation** are requesting a 12-month extension to submit Final Plat per **Village Code Section 18-86 (g) (1-4).**

*** ZMA 24-01. (Zone Map Amendment)** Applicant **Joan Lewis, PO Box 2480, Corrales,** is requesting **Zone Map Amendment** approval for property she owns at **5093 Corrales Road** (Lands of Adela W. C de Baca subdivision, Tract 2A). This property is located within the Corrales Road

47 Commercial Area, and she is requesting it be rezoned to **Commercial**. This 1.027-acre property is
48 currently zoned *A-1 Agricultural and Rural Residential* and contains a residence. While future plans
49 include short-term rentals, restaurant, and a residence, those uses will **not** be approved at this hearing.
50 This approval, if granted, would only be for zoning change from residential to commercial. (Also
51 requires subsequent approval by Village Council.)
52

53 * **ZOC 24-02. (Home Occupation)**. Applicant **John Young** of 411 Mockingbird Lane, Corrales, is
54 requesting **Home Occupation** permit approval to operate a supper club on land located at **4569**
55 **Corrales Road** and occupied by Mary/Pat Young. His business is called "**Sandia Mountain Sauce**
56 **Company**". He would like to host up to 20 customers in an existing structure on site, one day a week,
57 between 7pm – 9pm, April through October. A portion of this property is zoned *C – Commercial* and a
58 greater portion *A-1 Agricultural and Rural Residential*. Most of the business activity will take place on
59 the residentially zoned area.
60

61 **VIII. OTHER BUSINESS**

62
63 * **Commission discussion regarding potential recommendations to Council related to Code**
64 **Section 18-166, *Terrains and Stormwater Management*.**
65

66 **IX. PZA REPORT**

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68 **X. COMMISSIONERS FORUM**

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70 **XI. NEXT MEETING: March 20, 2024 at 6:30pm**

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72 **XII. ADJOURNMENT**
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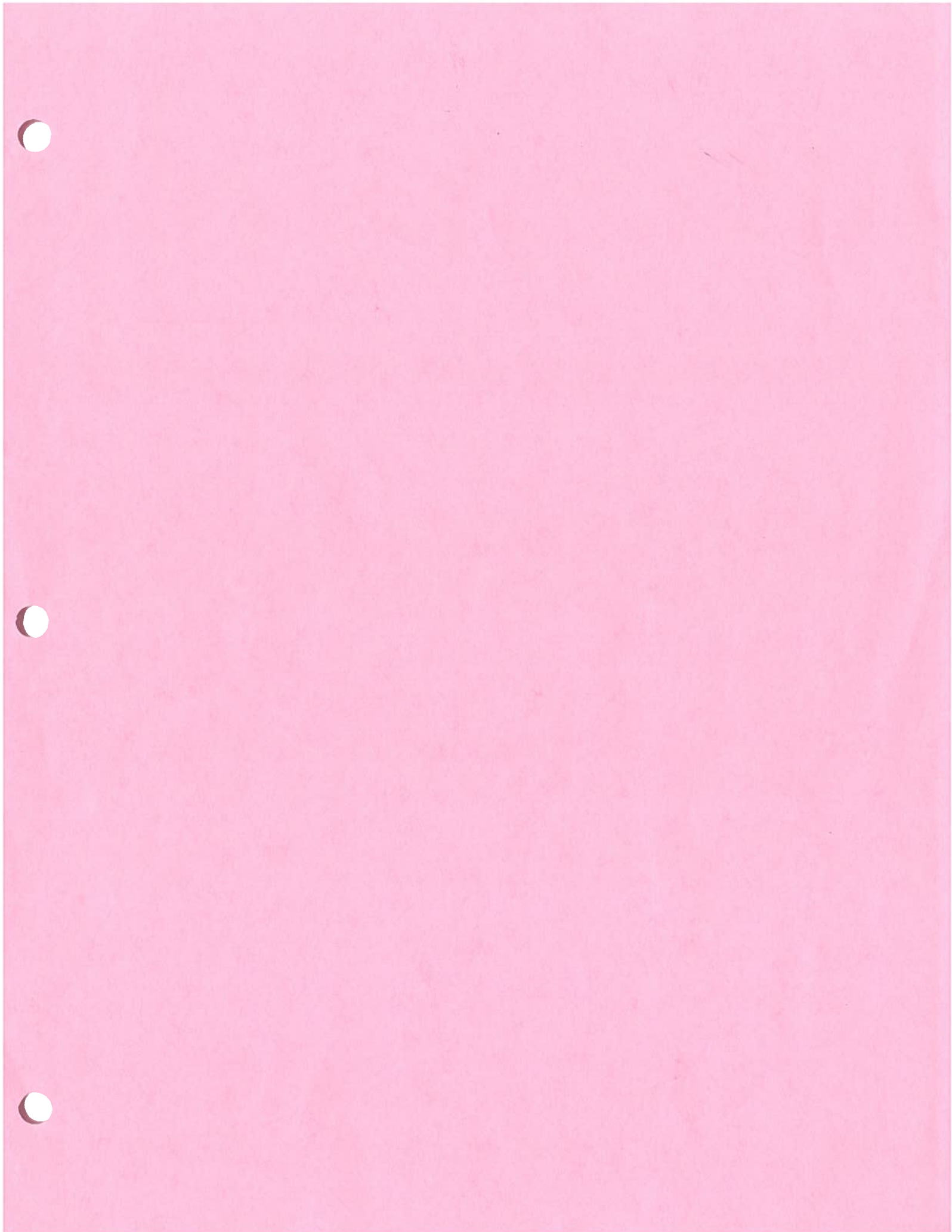
74
75 The above requests will be heard in in the Courthouse Chambers at 4324 Corrales Road (or via zoom) on **Wednesday, February 21, 2024, at 6:30**
76 **p.m. before the Planning and Zoning Commission**. If anyone wishes to comment on these requests but cannot attend the meeting, written
77 comments may be sent to Planning and Zoning Administrator Laurie Stout at LStout@corrales-nm.org no later than 1:00 P.M. on Wednesday, Feb.
78 14, 2024. Those communications will be distributed to the Commission and the applicant by the Planning and Zoning Department. No
79 written documents shall be distributed to the Commission except through the Planning and Zoning Department. Written communication received
80 fewer than five (5) working days prior to the public hearing must be read into the record by the writer of the communication, under oath. Please note
81 that written communication **must be received by 1 P.M. on Feb. 14**, to be included in the Commission hearing packets. Citizens are invited and
82 encouraged to attend the meeting and may choose to comment on agenda items in-person.
83

84 If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service
85 to attend or participate in the meeting, please contact the Village Clerk at the Village Offices located at 4324 Corrales Road, at least five (5) days
86 prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.
87 Please contact the Village Clerk at 897-0502, or by email at: MRomero@corrales-nm.org if a summary or other type accessible format is needed.
88
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95 Laurie Stout, Planning & Zoning Administrator

2-6-24

Date





Village of Corrales

Planning & Zoning Department

4324 Corrales Road, Corrales, New Mexico 87048

Phone: (505) 897-0502 / Fax: (505) 897-7217

PLANNING AND ZONING COMMISSION

Date of Meeting: Wednesday, Jan. 17, 2024, 6:30 PM

Location of Meeting: Council Chambers in-person, or via zoom teleconference

DRAFT MEETING MINUTES

I. CALL TO ORDER

II. ROLL CALL

Present: Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall.

Absent: Heather Balas. (A quorum was present)

III. APPROVAL OF AGENDA

Move to approve: Jerry Stermer, Second: Mary Chappelle. Vote, Yes: Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall. (unanimous)

IV. APPROVAL OF MINUTES

Nov. 15, 2023 Meeting Minutes

Move to approve: Melissa Morris, Second: Mick Harper. Vote, Yes: Mary Chappelle, Mick Harper, Melissa Morris, Elizabeth Marshall. Abstain: Jerry Stermer, Rob Black.

V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit) (None)

VI. PUBLIC HEARING ITEMS

Chair Black: (Explained how the hearing structure works.)

ZOC 24-01. (Home Occupation) Applicant Karen Fitzpatrick of 1144 W. Meadowlark Lane is requesting home occupation permit approval for Stuck Lizard Vineyards and Winery, LLC. She will grow, harvest and make grape wine for consumption. There will be no tasting room; product will be sold to the wholesale market only. A 13' X 13' room will be used for the stainless tanks and cold storage refrigerator, with 200 square feet of the garage used for storage. This 1.4-acre property is zoned A-1 Agricultural and Rural Residential.

Planning & Zoning Administrator Stout: (Sworn in) Summarized application and noted it is a small operation. All sales will be off site, no tasting room or client areas.

47 **Karen Fitzpatrick, 1144 W Meadowlark Lane (applicant, sworn):** (Stated they planted grapes in 2012 and
48 now make an award-winning wine, but she cannot sell it until she is licensed. Is currently applying for Federal
49 license, and when it is issued, she will apply for her State licenses. She will make about 50 cases of wine (per
50 year). Hopes to recoup some money as the wine making process is expensive.)

51 **Mark Guerin, 1144 W Meadowlark Lane, (applicant, sworn):** (did not speak)

52 **Chair Black:** (Asked for public comment on this item. There was none.)

53 **Commissioner Harper:** I don't see anything that's against the public interest here or any reason to deny this
54 application.

55

56 **Move to approve, compliant with Section 18-45 (c):** Mick Harper, **Second:** Mary Chappelle. **Vote, Yes:**
57 **Mary Chappelle, Mick Harper, Melissa Morris, Elizabeth Marshall, Jerry Stermer, Rob Black.**

58

59 **Chair Black:** You have approval and Laurie will follow up with you shortly. (Mentioned possibility of appeal
60 within 20 days, and that the Village will let them know if that occurs.)

61

62 **VAR 24-01 (Variance)** Applicants **Allan** and **Christine Reid** of **24 Manzano Road** are requesting a **Variance** to
63 the normally required ten-foot back setback for an RV garage they would like to construct on their property.
64 Distance would vary from just over 8 feet separation on one end, to 5.29' on the other. This 1-acre property is zoned
65 *A-1 Agricultural and Rural Residential*.

66

67 **PZA Stout:** (Went over her summary. Noted that the neighbors adjacent to the variance had submitted a
68 support letter.)

69 **Alan Reid, 24 Manzano Rd (applicant, sworn):** We own an RV and we propose to add an RV garage. (He
70 noted there is a septic system on the northwest area of the property behind the shed that prevents the addition
71 from being located there.)

72 **Commissioner Stermer:** (Asked how the garage would be accessed as there are two new gates shown on the
73 plan.)

74 **Christine Reid, 24 Manzano Rd (applicant, sworn):** We're going to put up 2 new gates. The one on the west
75 side would be continued to the new garage, the second gate on the east side of the circular drive would access
76 the well and for yard maintenance.

77 **Commissioner Marshall:** On this letter that you wrote the request for the variance. It says that the structure is
78 going to be 20 by 34, which is 680 square feet. Yet on the site plan, it says that the RV garage is 603 square
79 feet, so there's a discrepancy there and I'm just trying to clarify because obviously the size of it might make a
80 difference as to the distance to the property line.

81 **Alan Reed:** I'm not sure, where you're getting the two different sizes?

82 **Commissioner Marshall:** On the letter that you wrote on November 22nd, the request for variance, it says
83 that it's a 20 by 34 feet structure. However, on the site plan (page) C1 it says under the project area in the
84 middle of the page RV garage, 603 square feet.

85 **Alan Reed:** I'm going to say 603. (He noted the garage was not designed yet, but the width would not vary
86 from 20 feet, while length could, but it would not change the closest point to the property line.)

87 **Commissioner Marshall:** (Asked about the width of the RV as that could determine how wide the garage
88 needs to be to house the RV)

89 **Alan Reed:** The garage door we're anticipating being 12 foot wide, 14 foot tall. The van itself is comparable to
90 a UPS or FedEx truck. (Noted the garage could be less wide, but that would not accommodate both storage and
91 RV related equipment.)

92 **Chair Black:** Is there any public comment on this item? Seeing none, we're going to close public comment.
93 We'll move this back to the Commissioners for discussion.

94 **Commissioner Harper:** It may be true that 20-foot-wide garage is not necessary. I look at this drawing and
95 see the distance from the proposed RV garage to the fence widens the farther west they go along the attached
96 garage. Noted that there was no compelling reason to deny as there is no harm done, the neighbors were not
97 concerned, and the addition would be screened from view by trees. As for firefighting purposes or emergency
98 vehicles, I don't see any impediments there.

99

100 **Move to approve, compliant with Section 18-48, conditions for variance:** Melissa Morris, **Second:** Mick
101 Harper. **Vote, Yes:** Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black. **No:** Elizabeth
102 Marshall.(Motion passes 5-1).

103 **Chair Black:** (Stated approval given; possibility of appeal as with any application.)
104

105 **STR 24-01. (Short-Term Rental)** Applicant **Iris Cherie Noble Day** (POA for property owner **Peggy Noble**), both
106 of 14631 E. Dixileta Drive, Scottsdale, AZ, request **Short-Term Rental** approval for a 3-bedroom home Ms. Noble
107 owns at **330 Alamos Road**. Maximum 6 occupants. Charles Day, of 79 Gossett Lane, Corrales, will be the
108 local/emergency contact. This .95-acre property is zoned *A-1 Agricultural and Rural Residential*.
109

110 **PZA Stout:** (Summarized report, noted that Charles Day is the local 24-hour emergency contact who resides
111 in Corrales at 79 Gossett Lane. His phone number has been provided as part of the application. Noted that
112 events/parties etc. are not allowed at a residential short-term rental. Stated that a Fire inspection is required and
113 that the applicants are required to pay lodgers tax to the Village.)

114 **Iris Cherie Noble Day, 14631 E Dixileta Dr. Scottsdale, AZ. (agent for Peggy Noble, applicant, sworn):**

115 (Stated that she is aware that neighbors do not want a STR in the neighborhood, and are opposed to the
116 application, but she feels this is a special case, and had prepared a letter to that effect. She offered this letter to
117 the Commission. (Commission declined as deadline to turn in items had passed)) We don't really want it to be
118 a short-term rental either, but the property was part of the 10-31 exchange. For tax purposes, we'd like to list it
119 as a short-term rental but hopefully not rent it very often. (Stated that she covered most of the document she
120 wanted to submit and believed neighbors were aware of it due to an email chain between her and the
121 neighbors.) I've told them that we would only rent to the top tier of Airbnb rental guests, everyone would be
122 screened, there are security cameras around the property. (We'll be) aware of who comes, who goes, what
123 happens at the property.

124 **Commissioner Chappelle:** Is the alternative this house would be vacant?

125 **Day:** Yes. (Noted they stay at the home when they can and at her mother's passing the requirement of the
126 investment property terminates. They would then live in the house.)

127 **Commissioner Chappelle:** You're saying that if you sell it now, you lose those benefits of a 10-31 exchange?

128 **Day:** If we sold the house, then yeah, but we're not going to sell the house now.

129 **Commissioner Chappelle:** And Charles Day, is that a relative?

130 **Day:** He's my brother-in-law. (Explained her husband is New Mexican and is currently working in southern
131 NM, so they are not using the house.) Our business has been renting the home to satisfy the 10-31 exchange,
132 but mom's accountant keeps telling me that I should list it on Airbnb, so here I am.

133 **Commissioner Harper:** Ms. Day, what occupancy rate do you expect?

134 **Day:** I think on the permit, it says no more than six occupants at a time. There's ample parking for that. I
135 would hope to only have a couple people at a time, or not to have any people at all. We don't want damage to
136 the house, the property, or the neighborhood. I appreciate all their concerns. That's part of why we bought the
137 house. Because it's a great neighborhood. It's a great street.

138 **Commissioner Harper:** So, you're not doing this as a primary source of income for your family?

139 **Day:** No. However, if I don't show that it's an investment property, I think my mom would have to pay a lot of
140 capital gains taxes from the sale of her house in Arizona.

141 **Commissioner Chappelle:** So alternatively, could you make it a long-term rental?

142 **Day:** I could make it a 30 day, like a month to month. It could be a long-term rental.

143 **Commissioner Stermer:** I'm not familiar with the structure that you're referencing. And you're not familiar
144 with the long-term rental possibility.

145 **Day:** Right. We would prefer not to do a long-term rental. (Reiterated they had a lot of money invested in the
146 house for repair and furnishing and would prefer to not have anyone stay there).

147 **Commissioner Stermer:** You purchased a fully furnished house?

148 **Day:** No. We furnished it, we've done some remodeling. Done some new fencing.

149 **Commissioner Stermer:** But if he were to live here, it wouldn't be an investment property and this structure
150 would be a financial problem?

151 **Day:** You're not supposed to rent out to family members unless they pay exactly what the going rate is for rent
152 on that property.

153 **Chair Black:** Any other questions prior to public comment? Seeing none, anyone with public comment please
154 come forward.

155 **Ron Lenig, 505 Alamos Rd. (public commenter, sworn):** (Expressed concerns about a business that has
156 strangers coming to the property. Concerned about having to monitor the property in order to report when use
157 violations occur.)

158 **Edgar Phillip Furie, 507 Alamos Rd. (public commenter, sworn):** (Owns adjacent property. Is concerned
159 that his own children could utilize his home after his passing as an STR, which would create two next to each
160 other. Stated he is concerned that it would devalue the intrinsic value of surrounding properties.)

161 **Linda Socha, 345 Alamos Rd. (public commenter, sworn):** (Concerned about the enforcement aspect of
162 short-term rental. Concerned about additional traffic as the street is a dead end, and home values.)

163 **Chair Black:** Any public comment online on this item?

164 **Kim Hedrick, 505 Alamos Rd. (public commenter, sworn):** (Opposed to the short-term rental, concerned
165 about strangers as everyone knows each other, she helps neighbors keep in touch via email.)

166 **Commissioner Morris:** Stated she understands the concerns of the neighbors. Noted that the application
167 complies with the ordinance and has no good reason for denial.

168 **Commissioner Chappelle:** (Stated that a short-term rental should not much generate more traffic than
169 someone living there. Asked PZA Stout to confirm whether there have been complaints about other permitted
170 short-term rentals.)

171 **PZA Stout:** (Stated to date no issues have been brought to the attention of Code Enforcement.)

172 **Commissioner Chappelle:** (Noted objections are based on something that *may* occur, and if it does, the
173 Planning Department would address the issue. Agreed there is no justification for denial.)

174 **Commissioner Harper:** (He noted that the same issues are brought up each time a short-term rental is
175 considered by the Commission. Pointed out that elected representatives adopt ordinances, appointed
176 Commissions do not change the ordinances. Stated that if repeat violations occur an action can be taken to lift
177 the approval. Stated the Planning Commission may set reasonable restrictions on any applications and in the
178 past that has been done.)

179
180 **Move to approve:** Mary Chappelle, **Second:** Melissa Morris. **Vote, Yes:** Mary Chappelle, Mick Harper,
181 Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall.

182 **Chair Black:** You have your approval; it could be appealed within 20 calendar days. Laurie will follow up
183 with you on next steps. Laurie, there was a request for process. If the neighbors have concerns or if something
184 happens, for the record, could you give us what those steps should be?

185 **PZA Stout:** After hours, contact Corrales Police. Contact the Planning and Zoning office the next business
186 day, specifically, the Code Enforcement Officer, so that we're aware and can work with the police. If it's during
187 business hours, our Code Enforcement Officer will respond. (Noted no short-term rentals have been an issue
188 but some home occupations had their business license and home occupation permits revoked, removing their
189 ability to do business in Corrales. One appealed to Council to challenge the revocation and Council upheld it.
190 Stated the Code Enforcement Officer can take violations to the court if necessary.)

191
192 **SUM 24-01. (Summary Plat)** Applicant **Community Sciences Corporation**, on behalf of property owner **Jose**
193 **Baer**, 2320 Oak Park Ave, Chico, CA, is requesting **Summary Plat** approval. A lot line between existing Lot 7 and
194 a "remnant" portion of Lot 6 will be moved, creating 1-acre Lot 7-A and 1.9-acre Lot 7-B, Vista Corrales Addition
195 #2 Subdivision. Prior to this plat, two Variances were brought before the P&Z Commission and approved; one
196 creating a cul-de-sac turnaround slightly smaller than standard, and the other allowing a limited amount of slope
197 over 15% to be disturbed to widen the drive leading to the turnaround. All property is zoned *A-1 Agricultural and*
198 *Rural Residential*.

199
200 **PZA Stout:** There is a new proposed lot line, and a lot line that's being eliminated. There is a slope analysis
201 page. The site plan shows wells and septic systems. The plat corrects an un-platted land transfer that was done
202 by deed. The lot line being eliminated currently goes through a residence. The new lot line will move further
203 west. There are approved variances to allow an 80-foot instead of the required 100-foot cul-de-sac diameter
204 and another variance to 15% slope for a portion of the driveway leading up to this new turnaround. Prior to
205 this, there was no emergency turnaround at the end of West Ella Drive. The widened driveway, the new cul-de-

206 sac, and the gravel surface have all been completed. Chief Martinez has provided an e-mail stating his approval
 207 of the roadway improvements. (Noted West Ella Drive is public right-of-way up to the area being platted, then
 208 it becomes private. Stated lot 7-A has slopes over 15%, as result she requested a note on the plat stating parts
 209 of lot 7-A are unbuildable, due to slope development restrictions within current Village ordinances.)
 210 **Tom Patrick, Community Sciences, 4481 Corrales Road (applicant, sworn):** (Mentioned the lot line
 211 corrections.) We are granting a few easements on the plat, the private road easement, an extension of West Ella
 212 Drive, even though it's private and the rest of West Ella is public, it still makes an extension for emergency
 213 access. Two lots are being created and this plat formalizes access to another property under different
 214 ownership. It's not part of this plat; has been deeded out since 1971. The easements are the cul-de-sac
 215 easement, the utility easement, the construction and maintenance easement. We adhered to the requirements
 216 for the variance for the 15% slope and that area which was less than 1000 feet has been modified to provide a
 217 sufficient side slope to the road itself as it goes up to the cul-de-sac. And then there's the private walking trail,
 218 that is being granted.
 219 **Commissioner Chappelle:** Wanted to know about the road maintenance agreement.
 220 **Patrick:** I think you got an exhibit from Laurie showing the maintenance of that road will be shared equally by
 221 the owners of Lots 7A and 7B.
 222 **Commissioner Chappelle:** Will the turnaround be kept up?
 223 **Patrick:** Yes, that entire length will be the responsibility of whoever owns the two lots.
 224 **PZA Stout:** That is the document labeled "Exhibit A". Road maintenance agreement language will be added to
 225 plat as Note 5. It states the responsibilities and cost for road maintenance will be shared equally by the owners
 226 of Lot 7-A and 7-B.
 227 **Patrick:** And that language will be substituted for—it now says a maintenance agreement would be recorded.
 228 We're going to strike that and substitute the language of equal maintenance responsibility.
 229 **Commissioner Harper:** (Concerned about whether 2,000 square feet of buildable area on the lot existed.
 230 Asked if it had been identified by their engineer.)
 231 **Patrick:** Community Sciences no longer does engineering.
 232 **Commissioner Harper:** But you did prepare the grading and drainage plan, right?
 233 **Patrick:** We did the topographic survey, that would be the basis for a grading and drainage plan. I don't think
 234 there is a grading or drainage plan by an engineer that is part of this plat process.
 235 **Commissioner Harper:** I'm headed for whether there is 2000 square feet of buildable area on this new lot.
 236 **Patrick:** That's what would be required by the ordinance. We feel that it would be premature to try and show
 237 any 2000 maximum square foot buildable area without having an engineer address that issue.
 238 **Chair Black:** We're going to move to public comment.
 239 **Ovidio Barranco, 481 Chimaja Rd. (public commenter, sworn):** (Expressed concern about a home being
 240 built on the new lot blocking his view from his house adjacent to the subject property.)
 241 **Nicole Villareal, 4820 Vista de Paseo, Albuquerque (public commenter, sworn):** (Concerned if it is not a
 242 buildable lot, why create it? And why that determination is not made at the plat process.)
 243 **Chair Black:** Laurie, is there anything from the Village from that perspective?
 244 **PZA Stout:** That's why I asked that the note be put right on the plat itself. If the lot is unbuildable, it does not
 245 prevent agricultural uses such as animals or crops. But a future buyer would see that and could move forward
 246 accordingly.
 247 **Commissioner Harper:** Wanted to verify that the 15% slope requirement was on the plat, as there may not be
 248 a 2,000 square foot buildable area.
 249 **Patrick:** I would just say that issues of buildable area are appropriate to the building permit process rather than
 250 applying to the platting process. And we added that note and it's my opinion that the note serves as a disclosure
 251 statement.
 252 **Commissioner Morris:** The warning here says parts of Lot 7A may be unbuildable. Isn't it possible the whole
 253 thing could be unbuildable?
 254 **Patrick:** That's possible, but it's also possible that there are small areas that would be buildable.
 255 **Commissioner Morris:** I think that's enough warning for someone to take it seriously and check.
 256 **Patrick:** There was interest expressed by one of the neighbors to buying (the new lot). That person certainly
 257 knows what the nature of the lot is.
 258 **Commissioner Morris:** Some people might like an open lot adjoining their property to protect the view.

259 **Commissioner Harper:** (Noted that buyers may not be aware of Corrales building requirements, but the note
260 on the plat should provide adequate warning.)

261
262 **Move to approve:** Mick Harper, **Second:** Elizabeth Marshall. **Vote, Yes:** Mary Chappelle, Mick Harper,
263 Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall.

264
265 **Chair Black:** You have approval, but it could be appealed within 20 days. Laurie will follow up.

266
267 **VIII. OTHER BUSINESS**

268 None

269
270 **IX. PZA REPORT**

271
272 **PZA Stout:** (Mentioned an upcoming appeal and summarized her year-end reports. Noted that short-term
273 rental application numbers will go up again, as the Village has purchased the Host Compliance software that
274 identifies short term rentals in the Village. If they don't have a short-term rental permit our Code Enforcement
275 Officer will reach out, and cite those who refuse to submit an application before the Commission. Stated she
276 recently had her first floodplain development permit, for a new house being built within a FEMA floodplain.
277 Discussed the year-end reports from the Building Official and the Code Enforcement Officer.)

278
279 **X. COMMISSIONERS FORUM**

280 **Commissioner Marshall:** (Concerned about real estate agents listing properties as buildable, that aren't.

281 **Commissioner Harper:** (Agreed and noted that Council should change the language of Code to require that a
282 2,000 square foot pad site be shown on plats).

283 **PZA Stout:** (Agreed with Commissioners. Reiterated her desire for the notation to be directly on the plat.
284 FEMA floodplains are also identified. The plat information may not be conveyed to buyers. Noted Planning
285 and Zoning often must explain to buyers what the rules are.)

286 **Commissioner Harper:** (Expressed concern about buyers and sellers not knowing the rules and getting
287 themselves into a situation where a variance or other remedy may be needed. Wants Council to look at the
288 ordinances around slope and development.)

289 **Commissioner Stermer:** Ha a motion that we recommend to the Council that they make an adjustment to
290 achieve this goal.

291 **Commissioner Morris:** Somewhere in the ordinances, there is something that says part of the job of the
292 Planning and Zoning Commissions is to make just those types of suggestions (to Council).

293 **Chair Black:** I would want to have that conversation and a publicly noticed discussion not just in this forum.
294 I don't feel comfortable taking an action during Commissioners forum, but we could certainly get that for an
295 upcoming agenda.

296 **Commissioner Harper:** Restated his concerns about the need to show a 2,000 square foot building site.

297 **Cory Strife, Village Attorney:** I'll tell you what I know and that there is a little bit of a nuance and I see this
298 more of a County situation than I do municipal because of the way that we do zoning. (Stated that the language
299 was specific to subdivisions, this was redrawing a boundary to allow the lot area to match the ownership.
300 Agreed that the language could be improved.)

301 **Commissioner Harper:** It seemed like a good enough resolution to me at the time and I'm really in favor of
302 taking the lot line out of the middle of this fellow's house.

303 **Strife:** Absolutely. Any time we can clean up the legal description to match what it really should be, I'm all in
304 favor.

305 **Commissioner Stermer:** Well, could we ask the staff to? Think about this and bring us some proposed
306 language that we might send to the Council.

307 **Chair Black:** (Asked PZA Stout to put the discussion topic on an upcoming agenda.)

308 **Commissioner Marshall:** (Had concerns about a case that was on the agenda.)

309 **Chair Black:** I'm going to say this is probably not the proper forum for that discussion, since we're talking
310 about an item we've already voted on. And I don't want to revisit that item in this forum.
311 **Commissioner Marshall:** That makes sense, yes.
312 **Chair Black:** Any other comments regarding Commissioners forum.
313 **Commissioner Harper:** (Concerns about event centers special impacts on the Village, especially when entry
314 to and from the property is via a residential street.)
315

316 **XI. NEXT MEETING: February 21, 2024 at 6:30pm**

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318 **XII. ADJOURNMENT**
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327
328 Laurie Stout 1-31-24
329 _____
330 Laurie Stout, Planning & Zoning Administrator Date
331



SUB 23-03 Novo Farm Subdivision, Lots 1-6, Preliminary Plat (approved with condition of private roadway construction and certified as-built)

**Request to extend the time period to submit Final Plat by 12 months,
Staff Summary**

Applicant **Community Sciences Corporation**, on behalf of property owners **Beta Investments, LLC/Gamma Development LLC** of 9798 Coors Blvd. NW, Ste C-400, Albuquerque, NM submitted a Preliminary Plat in February of 2023. This plat, if finalized, will create Lots 1-6, Novo Farm Subdivision. The Preliminary plat was approved by the Planning and Zoning Commission with the condition that the private roadway be completed, with a certified as-built from the applicant's engineer, prior to submittal of Final Plat. This 7.97-acre property is zoned *A-1 Agricultural and Rural Residential* and currently is known as Tract 1-A, Los Tierras de Stromei. (Plat pages are enclosed for reference.)

Applicants request is to extend the time period to submit the Final Plat out another 12 months. A letter dated January 22, 2024 from Community Sciences explains the extension is being requested in order to complete the private roadway, with construction scheduled to begin shortly.

A Preliminary Plat extension request falls under Village Code **Section 18-86 (g) expiration of preliminary plat approval**.

- (1) *Approval of a preliminary plat shall expire 1 year following the date of such approval by the Commission, unless within that period a final plat is submitted for consideration and approval by the Commission, or the applicant is granted an extension of time for submittal of the plat as provided herein.*
- (2) *Upon timely application to the Commission, the Commission may for good cause shown, and in the Commission's sole and absolute discretion, grant an extension or extensions of time provided that such shall not exceed a total of one year beyond the original expiration date of the preliminary plat. Such extension may be granted only if the Commission finds that:*
 - a. *The extension of time is not detrimental to the public interest; and*
 - b. *The preliminary plat, as approved, is not in conflict with current Village ordinances, rules, regulations, plans, policies, or procedures. No Village ordinances or other policies regarding platting actions have changed since February of 2023. The Preliminary Plat as approved (with condition) remains compliant with Code Section 18-86 (a-d).*
- (3) *The Commission may, as a condition of granting any extension of time for final plat submittal following approval of the preliminary plat, require the subdivider to complete any or all subdivision improvements, public or private, that are shown in the preliminary plat, in a fully satisfactory manner, before a date certain set by the Commission. The Village requests that the Preliminary Plat condition of private roadway being constructed (and a certified as-built of such) remain in place, before a Final Plat can be accepted.*

(4) *Preliminary plat approval shall be null and void unless a complete final plat application, including all materials required to be submitted herewith, is submitted and accepted by the Village before the expiration date of such approval, including any extensions granted in accordance with Section 18-86 (g). The Village and its officers and employees shall have no liability whatsoever for failure of an applicant to complete all required submittals in a timely manner, including but not limited to a complete and satisfactory Final plat and accompanying materials, and the completion of any subdivision improvements that may be required by the Commission. Please see second paragraph of the "recommendation". The Village is requesting that if an extension is granted, the roadway with as-built and all necessary Final Plat application documents be submitted in time to be placed on the February 19, 2025 agenda.*

There is no ordinance requirement for additional certified letters for a request for extension of time. The Preliminary Plat was approved by the Commission during the publicly noticed Planning and Zoning meeting that took place on February 15, 2023. Certified letters were sent for that hearing and will be sent to applicable neighbors once again, assuming approval of this extension of time request and that a future Final Plat application is also submitted timely.

In the interest of transparency, I placed a yellow "notice" sign at the entrance to the proposed subdivision on February 5, 2024.

Recommendation: The Planning and Zoning Commission has the discretion to grant or deny this request per **Section 18-86 (g)** subsections noted above, for "good cause shown".

If the extension is granted, the applicant should meet the Preliminary Plat condition of roadway construction complete with a certified as-built and the complete Final Plat application submitted by the due date for the February 19, 2025 Planning and Zoning Commission meeting. (Would be approximately Jan. 9-10, 2025).

Laurie Stout, Planning & Zoning Administrator

Date

Community Sciences Corporation
Professional Land Surveying & Planning

505.897.0000
505.898.5195 Fax
www.communitysciences.com

January 22, 2024

Planning and Zoning Administrator
Planning and Zoning Commission
Village of Corrales, NM

RE: Final Plat Extension for SUB23-03
Novo Farms Subdivision, Lots 1-6

Dear Ms. Stout, Chair and Members of the Planning and Zoning Commission,

Community Sciences Corporation is the agent for Beta Investments LLC and Gamma Development LLC. On February 15, 2023, this Commission approved the Preliminary Plat application for the proposed Novo Farms Subdivision, Lots 1-6, SUB23-03.

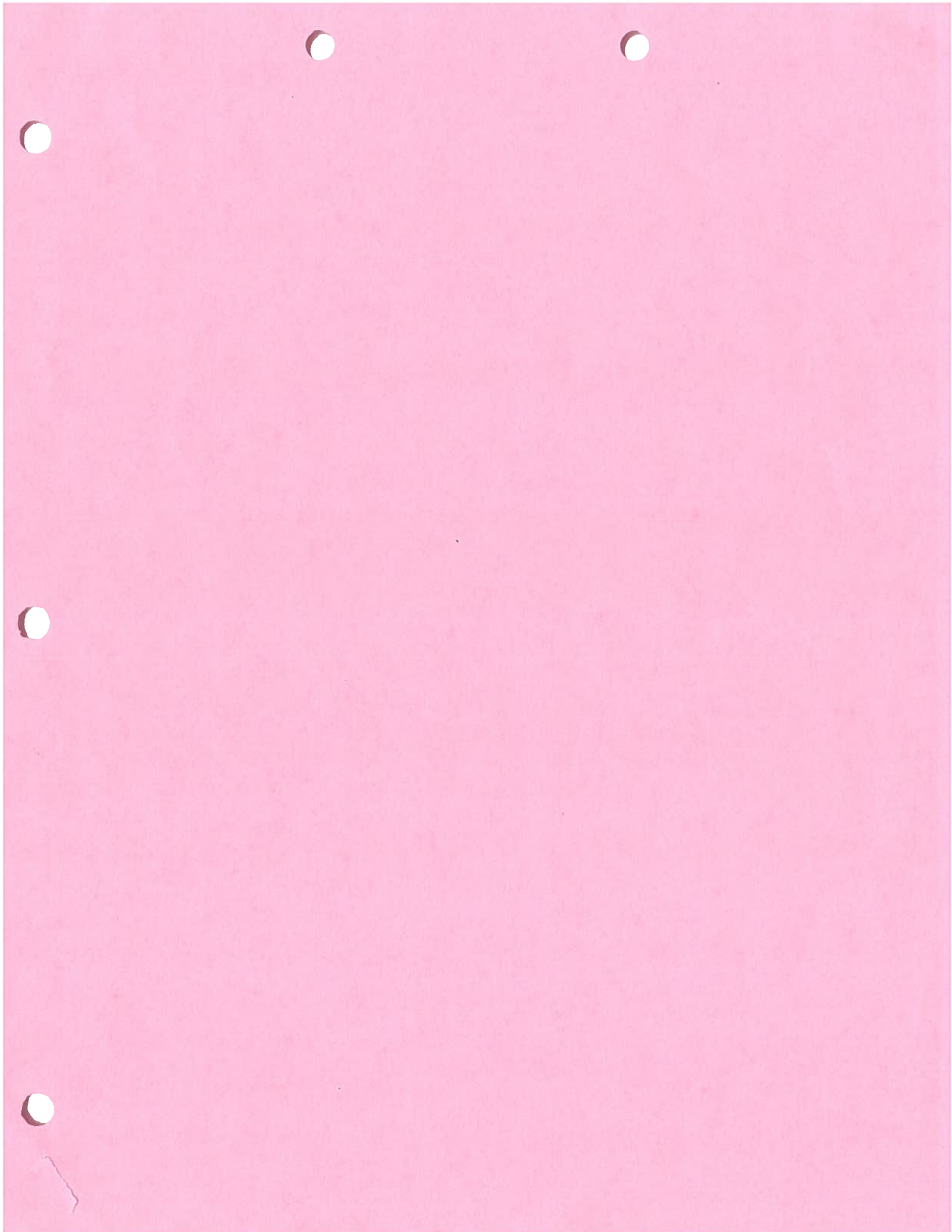
The condition of approval for the Final Plat is that the private roadway be completed with a certified as-built provided by the applicant's engineer.

Consequently, we are requesting a one-year extension to this project to allow completion of the private roadway. Plans have been finalized and approved and construction is scheduled to begin shortly.

Respectfully,



Thomas W. Patrick
New Mexico Professional Surveyor No.12651



ZMA 24-01, Zone Map Amendment, 5093 Corrales Road, Zone change request from A-1 Residential to C – Neighborhood Commercial, Staff Summary

Applicant **Joan Lewis** is requesting a zone change from the current **A-1 Agricultural and Rural Residential** to **C – Neighborhood Commercial** on property she owns at **5093 Corrales Road**. This 1.027 – acre property is located at the southwest corner of Old Church Road and Corrales Road. This lot is the northernmost lot on that side of Corrales Road that is eligible for Commercial zoning.

The applicant also owns an adjacent property at 5065 Corrales Road that is already zoned Commercial and was approved for 4 professional offices (first floor of the building only) by the Commission in August of 2019 with a previous Site Development Plan on that property. There is a driveway access permit acknowledged by NMDOT for 5065 Corrales Road, according to the applicant. Unfortunately, that driveway is only 13 feet wide, which has inhibited any further uses on that property.

Currently on residentially zoned 5093 Corrales Road (the subject of this zone change request) there is a 3-bedroom residence with a driveway leading to the garage on the property. There is no driveway access off Old Church Road to this property.

This is the northernmost lot on the west side of Corrales Road. It is within the Corrales Road Commercial Area as specifically noted in Section 18-37 (b) (1) (b) and is thus eligible for rezone to C – Neighborhood Commercial.

This is a request for a zone change only—while potential future business uses are shown, those are not being considered currently. The applicant understands that a separate Site Development Plan application would be required in order for the Commission to approve any future uses here.

Zone changes are governed by **Village Code Section 18-48 (b) Map Amendments (4) Conditions for Zone Map Amendment**. *In considering a request for approval of a zone map amendment, other than Village-owned property to the M zone, the Planning and Zoning Commission and Governing Body shall consider the following:*

- a. *Compatibility with the zoning and use of adjacent properties and other properties in the vicinity;*
- b. *The overall health and safety of the community;*
- c. *The goals and objectives of the Comprehensive Plan.*
- d. *One or more of the following conditions exist:*
 - (i) *There was a mistake in the original zoning;*
 - (ii) *There has been a change in the neighborhood or community conditions that justify the change;*
 - (iii) *A change in zoning would be more advantageous to the community as articulated in the comprehensive plan. Language within the Comp Plan states: **Goal: Encourage appropriate commercial and professional office development within the designated commercial zone.** The Comp Plan also acknowledges the benefits of gross receipts taxes, which is what pays for fire, police, library, parks, etc. (See enclosed Comprehensive Plan pages, where some objectives and policies are highlighted.)*

- (iv) *The cost of land or other economic considerations shall not be the determining factor for zone change.*
- (v) *The site is physically suitable for the development of the uses and density permitted by the proposed zoning district.*

(5) Prior to development a Site Development Plan will be required. (Section 18-45 (b)).

This is a zone change request only; absolutely no changes in use can occur until such time as a Site Development Plan application is brought before the Planning and Zoning Commission, and the Commission approves those changes in use. There is a residence only on the property today.

(6) (Item 6 in Code refers to Municipal zone only.)

(7) If the owners of twenty-percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation or within 100 feet, excluding public right of way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the Governing Body. NMSA 1978, Section 3-21-6(C).

(8) (This section speaks to notice requirements.) Certified letters were sent timely, and I observed the notice sign properly posted at the edge of the property on February 5, 2024.

Recommendation: This property is within the Corrales Road Commercial Area, and is therefore eligible for rezone under Village Code **Section 18-48 (b) Zone Map Amendments.**

Future proposed plans for the property (assuming the requested change to Commercial zoning is approved by the Commission and then Village Council) are shown in the interest of providing information. I've told the applicant I thought the proposed future uses on 5093 Corrales Road, taken as a whole, were ambitious.

Commission and Council approval of a zone change does not grant nor imply approval of any of those plans. Those new uses would need to be presented and considered separately in the future with a Site Development Plan application brought before the Planning and Zoning Commission.

Laurie Stout 2-14-24

Laurie Stout, Planning & Zoning Administrator

Date

Topic: Commercial and Professional Office Development and Home Business Activity

Background: The designated commercial areas in Corrales are the Corrales Road commercial area and the Far-Northwest Sector commercial area. The Corrales Road area is defined as the area on the west side of Corrales Road, from and including the property adjacent to the southwest side of Meadowlark Lane, to Old Church Road on the north, and on the east side of Corrales Road, from and including the property adjacent to the southeast side of Meadowlark Lane to Wagner lane on the north. This area is a mixture of businesses, residences and open land. The Far



Northwest Sector commercial area is defined as a Neighborhood Commercial and Office District. It is located in the northwest corner of the Village, and at this time, is mostly undeveloped. Corrales needs vital commercial areas.

In addition to concentrated business areas, Corrales has 700-plus home occupancy businesses, which include: accounting and bookkeeping, adobe manufacturing and restoration, agriculture, architecture, art, and craft studios, attorneys, auto repairs, bed and breakfasts, boarding stables and other equine pursuits, construction and contractors, consultants, a cooking school, dance studios, health and medicine, internet sales, music, photography, public relations, real estate, software, wine, etc. These licensed businesses all contribute to the economic diversity of the Village as well as the Village's tax base.

The gross receipts taxes generated by commercial development pay for about half of the Village services: fire, police, recreation center, library, animal services and Village offices. Property taxes pay only a small part. As the Village grows, more revenue will be needed to maintain these services. Having a strong tax base will ensure that the Corrales government can provide necessary services, a more independent community; and will ensure a viable local economy.

GOAL:

Encourage appropriate commercial and professional office development within the designated commercial zone and appropriate home occupancy businesses.

OBJECTIVES:

- 3.2.1 Encourage commercial and professional office and home occupancy business development in Corrales in order to further develop a diverse revenue source.
- 3.2.2 Assure that commercial and professional office development in the Village is accomplished in a manner that complements the character of the Village.
- 3.2.3 Enhance the architectural character and appearance of the central commercial area on Corrales Road.
- 3.2.4 Enhance the sense of community and economic vitality of the Village by attracting appropriate businesses.
- 3.2.5 Establish commercial and professional office development standards and regulations that are consistent with characteristics and scale of neighboring structures.
- 3.2.6 Insure that the planning and zoning process and decision making is consistent with current land use ordinances for commercial and professional office development and home occupancy businesses.
- 3.2.7 Enhance the central commercial area on Corrales Road by integrating public facilities, municipal facilities, and commercial activities, with public parking, public restrooms, and other amenities.
- 3.2.8 Provide safe, pedestrian friendly pathways in the Corrales Road commercial area.
- 3.2.9 Ensure that appropriate access is constructed to streets, roadways, and trails within the northwest commercial area of the Village.

POLICIES:

- 3.3.1 The Village should cooperate with the business community to help promote existing businesses and encourage new and appropriate commercial development within the commercial and professional office areas.
 - A. The Village should create an economic development plan.
 - B. Properties in the designated commercial areas should allow existing permissive uses consistent with existing land use ordinances.
 - C. The commercial and professional office zones should not be expanded or moved.



**ZMA
24-01**

4324 CORRALES ROAD
CORRALES, NEW MEXICO 87048
PHONE (505) 897-0502
FAX (505) 897-7217
EMAIL: info@corrales-nm.org
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Village of Corrales
Planning and Zoning Department

**ZONE MAP AMENDMENT, TEXT AMENDMENT, OR
VARIANCE APPLICATION**

APPLICANT INFORMATION

Property Owner : JOAN R. LEWIS Telephone: 505-414-3996
Mailing Address: P.O. Box 2480 Email: grokeon@gmail.com
Representative: _____ Email: grokeon@gmail.com
Mailing Address: _____ Telephone: _____
Descriptive Information: Lands of Adela W. C de Baca Subdivision Tract A
Lot Number/ Tract Number 2 A MRGCD Map Number _____
Acreage of Site: 1.027 Zoning: Residential
Type of Request: Zone Change Text Amendment Variance
Reason for Request: Change from residential to commercial zoning. Front part of property will fit in surrounding fabric of commercial properties; ex. Ex Novo, Wagner Farm, Apple Tree Cafe. Ultimate use will include commercial restaurant, residence, and short term rentals.
Signature of Applicant: Joan Lewis Date: 1/4/24

(Site is 5893 Corrales Rd)

General View requested

GENERAL INFORMATION

1. Ten (10) sets of required documentation, in 11" by 17" format and an electronic copy (PDF format) is required with EACH submittal. Two full size plan set in 24" by 36" format shall be submitted.
2. Fees are as follows:
 - a. **Variance Application - \$200.00**; cost of legal notice mailing shall be invoiced to the applicant.
 - b. **Zone Change without site development plans - \$650.00**; cost of legal notice mailing and cost of advertising ordinance, shall be invoiced to the applicant.
 - c. **Zone Change with site development plans - \$500.00 plus 1.5% of the valuation of construction as a condition of approval, or a minimum of \$700.00**, minimum fee payable at the time of application, and any additional fees owed payable prior to issuance of a development permit; plus costs of legal notification for the Commission hearing (certified mail, signature required; plus cost of advertising ordinance in newspaper for Council hearing, and legal notification for Council hearing.
3. The P&Z administrator shall schedule a hearing on the application before the planning and zoning commission no later than sixty (60) days following the submittal of a complete application.
4. Legal notice required by posting in the village and also by mailing written notice by certified mail, return receipt requested, not less than fifteen (15) days before the date of the hearing, to the owners of properties within 300 feet of the property boundaries, excluding public rights-of-way, of the property for which a hearing has been requested.
5. **Public notice sign must be requested by applicant and posted per §18-79(b) of the Codified Ordinances.**

OFFICE USE ONLY

Date Received: 11/8/24 Received By: Rdscut File No.: ZMA 24-01

Amount Paid: \$650 Cash Credit Credit Card Number: _____

Check Check #: _____ Receipt Number: _____

Completed Application Acceptance Date: 11/9/24 Date: _____

Applicant Invoiced for mailing (certified, return receipt): 119.62 Paid: \$ _____

Approved: _____ Date: _____

Findings of Facts and Conclusions of Law:

Approved with Conditions: _____

Denied: _____

Date

Findings of Facts and Conclusions of Law:

Requirements for Zone Map Amendment, Text Amendment, or Variance
Application: Sec. 18-48

Anyone requesting a zone map amendment, text amendment, or variance to this article must submit the completed application form for a zone map amendment, text amendment, or variance application, accompanied by the appropriate application fee and number of set of required drawings.

- 1) **Meeting with the P&Z Administrator.** Review and comments can be obtained at this time concerning the relationship of the application to the Village Comprehensive Plan and applicable regulations and submittal requirements.
 - a) **Amendment.** The Governing Body may amend any part of this article, including the zone district boundaries, following a review and recommendation made by the Planning and Zoning Commission; however, the governing Body is not bound by the recommendation of the Commission.
 - b) **Review process for an amendment.** The administrator shall schedule a public hearing on any proposed amendment to this article before the Planning and Zoning Commission no later than sixty (60) days following the submittal of a request for such public hearing by the Governing Body. The Commission shall transmit a recommendation in writing to the

Governing Body within fifteen (15) days after its review of the proposed amendment is completed.

- c) **Applications for zone map amendment or variance.** Anyone requesting a zone map amendment or variance to this article must submit the completed application form for a zone map amendment or variance request. This form shall be returned to the Administrator accompanied by the appropriate application fee and number of sets of required drawings.
- d) **Meeting the administrator.** Prior to submitting an application for a zone map amendment or variance, the applicant shall first schedule a meeting with the Administrator. Review and comments can be obtained at this time concerning the relationship of the application to the Village Comprehensive Plan and the applicable zoning ordinances, along with copies of the pertinent provisions of this article, applications and other submittal requirements.
- e) **Review process for zone map amendment.** The Administrator shall schedule a hearing on an application for a zone map amendment before the P&Z Commission no later than sixty (60) days following the submittal of the completed application. The Commission shall transmit a recommendation on any zone map amendment request in writing to the Governing Body within fifteen (15) days after its review of the proposed zone map amendment is completed. The Governing Body shall schedule a hearing on the application for zone map amendment as soon as reasonably practicable, but no more than one hundred twenty (120) days after the commission's recommendation is transmitted to the Governing Body.
- f) **Conditions for zone map amendment.** In considering a request for approval of a zone map amendment, the Planning and Zoning Commission and Governing Body shall consider the following, and may impose any condition deemed to be in the best interests of the Village:
 - (1) **Village-owned property;** request for zone map amendment to "M" Municipal, public and quasi-public zone. In considering a request by the Village for approval of a zone change to "M" (Municipal, public and quasi-public) zone, the Commission and the Governing Body shall consider the overall health, safety and welfare of the community.
 - (2) **Other zone map amendment request.** In considering a request for approval of a zone map amendment, other than Village-owned property to the "M" zone, the Commission and the Governing Body shall consider the following, and may impose any condition deemed to be in the best interests of the Village.
 - a. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, adjoining streets/roads, and emergency access in case of fire, flood or catastrophe;
 - b. Off-street parking and loading areas where required, with particular attention to refuse and service areas;
 - c. Show all locations on-site for water, septic, sewer and liquid waste facilities, with reference to soil limitations, locations, and public health;
 - d. Noise, glare, or odor effects of the proposed use on adjoining properties;
 - e. On-site drainage and storm water runoff;

Boundary
Survey
access

- f. Compatibility with the zoning and use of adjacent properties and other properties in the vicinity;
- g. Overall health and safety of the community; and,
- h. The goals and objectives of the Comprehensive Plan.

2. **Review process for variance.** The Administrator shall schedule a hearing on the application before the Planning and Zoning Commission no later than sixty (60) days following the submittal of a completed application.

- a) **Conditions for variance.** The Planning and Zoning Commission may deny any request for a variance that is based on conditions which are the result of the action of the applicant. Where the Planning and Zoning Commission finds that the strict application of the requirements of this article would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building, a variance may be granted provided that:

- (1) the variation of this article will not be contrary to the public interest;
- (2) the variation will not adversely affect adjacent property owners or residents;
- (3) the conditions are unique to the property; and,
- (4) the variance is authorized only for lot controls and not for use of the premises.

- b) In considering a request for approval of a variance, the Planning and Zoning Commission may impose any condition deemed to be in the best interests of the Village. The Commission shall consider the following:

- (1) Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, all streets/roads, and emergency access in case of fire, flood or catastrophe;
- (2) Off-street parking and loading areas where required, with particular attention to refuse and service areas;
- (3) Show all locations on-site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations, and public health;
- (4) The economic, noise, glare, or odor effects of the proposed use on adjoining properties;
- (5) On-site drainage and storm water runoff;
- (6) General compatibility with adjacent properties and other properties in the vicinity;
- (7) Overall health and safety of the community; and
- (8) The goals and objectives of the comprehensive plan.

3. **Public notification.** Requests for zone map amendment and variance require legal notice mailing, as well as public notice (**applicant shall request a public notice sign**) posted a minimum of 15 days prior to the scheduled public hearing (Sec. 18-79(b)).

Public Comment

2/5/2024

Planning and Zoning Department
Village of Corrales
4324 Corrales Road
Corrales, New Mexico 87048

Attn: Members of the Planning Commission
Ms. Laurie Stout, Planning and Zoning Administrator

Re: **ZOC 24-01**
Applicant Joan Lewis

Dear Members of the Commission,

As one of several surrounding “residential” landowners of the subject property, my wife and I request that you **“turn down”** the applicant’s request per the following issues created by the applicant and the Village:

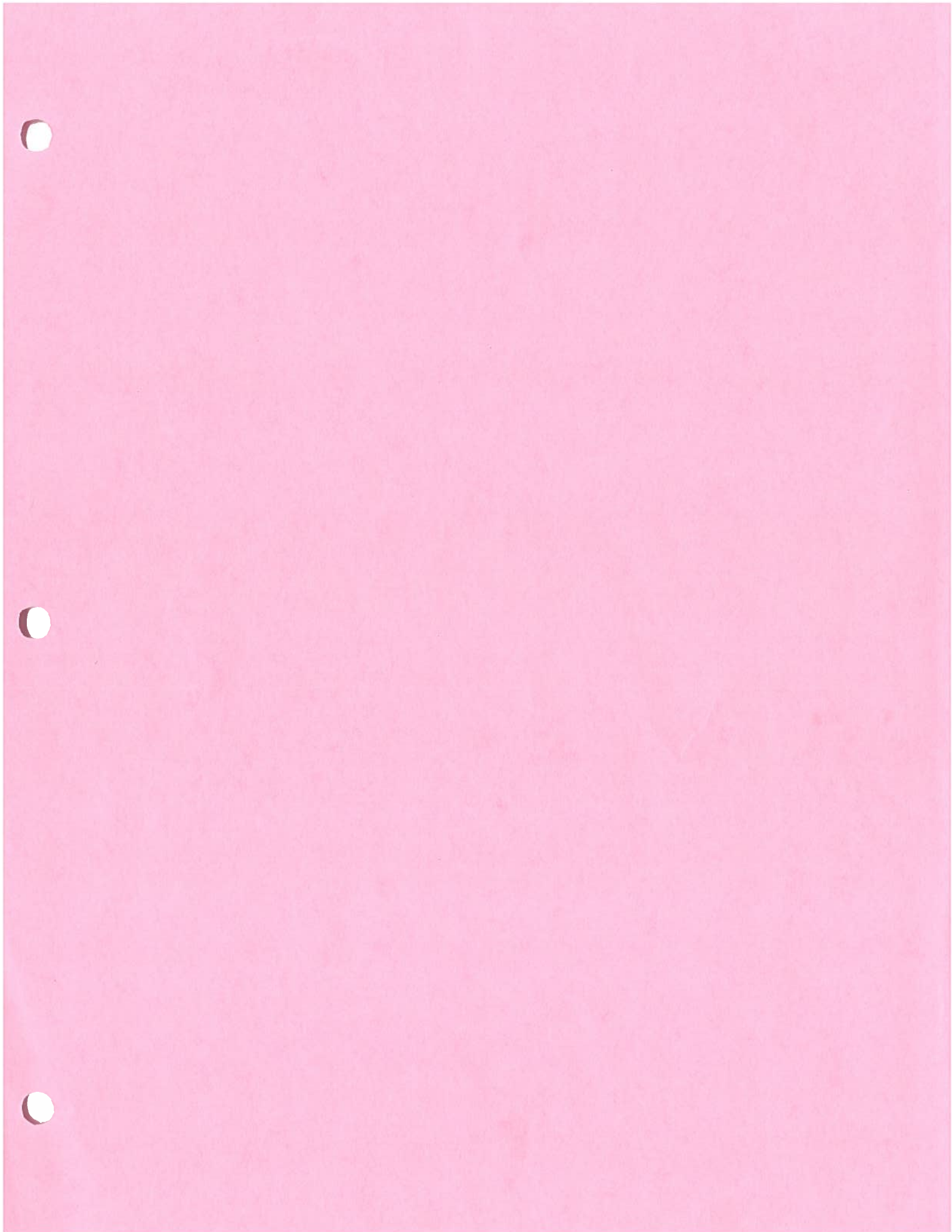
1. This is the second property that the applicant has submitted to the Village. The Village has not held the applicant accountable for completing the conditions of the first property’s approval, improvements that would lessen the impact of the applicant’s project and properties on adjacent neighbors.
2. On numerous occasions, the applicant proceeded without building permits nor planning approval to improve her properties. This includes the property of this application where the applicant attempted an entry on Old Church Road as access to her first property, which would impact traffic flow on Old Church Road and violate the Water Rights access of a neighbor.
3. The applicant’s adjacent property has been empty and up for lease as a commercial enterprise for over a year even though the property does not meet Village approved Building Codes, Fire Codes, ADA requirements, nor State Highway access requirements for a commercial property.
4. While this property may be in the Corrales Road Commercial Area, historically, the applicant’s properties have been residential while being surrounded by residential properties. The volumes of public usage that the applicant proposes would exceed most commercial property currently approved in the village. Most of those commercial properties have proper

access and land buffers to adjacent residential neighbors while this property does not.

Neighbors are frustrated with the incompleteness of Village requirements on the applicant's first property, and we are confused as to how the applicant intends to use either property. We have seen and heard numerous proposals for the applicant's properties, a few of which are listed in this application. What adds to our frustration is the usage of the applicant's first property is not what was proposed to neighbors in the Village Application process. We ask that the Commission refuse this request:

1. Until the Village holds the applicant accountable for the improvements on her first property's approval.
2. That the properties meet the various codes that they violate now.
3. That the applicant specifies the usage of this property with a plan and be held to that plan.

Thank you for your consideration.
Paul and Susan Matthew



**ZOC 24-02, Home Occupation, Sandia Mountain Sauce Company,
4569 Corrales Road, Staff Summary**

Applicant **Jon Young** of 411 Mockingbird Lane in Corrales is seeking **Home Occupation** permit approval to operate a supper club on a lot located at **4569 Corrales Road** (Map 18, Lot 78) owned by Pat Young. (A letter has been provided granting approval for the proposed business use.) The applicant's business is called "**Sandia Mountain Sauce Company**". He also owns a food truck and operates "At Last Farm" (the latter also located at 4569 Corrales Road), both of which are licensed within the Village.

This property has a long driveway that heads west from Corrales Road, and the lot is unique in that only the driveway and a small portion west of it is zoned *C – Neighborhood Commercial*. The entire house and westward beyond that point is zoned *A- 1 Agricultural and Rural Residential*. While it appears some or most of the business parking is located on the commercially zoned portion just west of the driveway, the office (shown within the home) and area where customers will dine are all on the residentially zoned part of the lot.

For that reason, I requested the applicant submit a **Home Occupation** application rather than a Commercial Site Development Plan, which would only encompass the parking and not the actual proposed business use on the premises.

Home Occupations are governed by **Village Code Section 18-45 (c) (5) (c)** (Home occupation applications requiring Planning and Zoning Commission approval), which says, in part:

- (i) *The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants. See item ii, only a small area of the home will be used for the home occupation (an office space).*
- (ii) *Not more than 25 percent of the floor area of the dwelling unit and not more than 2,000 square feet in an accessory building shall be used for all home occupations on the lot. The applicant has identified an approximately 30 square foot area within the dwelling unit for office space. The area where customers will dine is noted as a 300 square foot accessory structure next to the greenhouse. (This structure will need a building permit.) Food will be prepared in the yellow food truck shown in a photo provided by the applicant. This truck does not stay on this property, when not in use it remains at 411 Mockingbird Lane, where Mr. Young resides.*
- (iii) *No more than one person other than residents of the premises shall be engaged in all home occupations at any one time on the premises in A-1 and A-2 zoned lots. The applicant has stated verbally that he is the sole employee, and has acknowledged on page 3 of his application that other than family members, no more than one additional person will engage in the home occupation(s) on the premises.*

(The remainder of the home occupation requirements are found on page 3 of the application.)

One piece of Code within 18-45 (c) that is very relevant to this type of application states: *No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, noxious odors, or other nuisances detectable from adjacent properties. Applicant attests there are no plans for*

live or loud music. I've enclosed an aerial view of this long narrow lot in relation to neighboring properties. The lot to the north also stretches from Corrales Road westward to the ditch. To the south (on Corrales Road) is Casa Vieja, a commercial property and behind Casa (west) is a residential property. Another Code section relevant to this request is Section 18-30 (h) **Portable restroom facilities**. *Portable restroom facilities are allowed on a property only in conjunction with an active construction project. They are not to be used for permanent or semi-permanent use for employees or residents.* There is a porta-potty on site, perhaps for agricultural workers (the applicant can verify its purpose), but that cannot be the business "restroom". The applicant told me via email that guests would be allowed into his mother's home for restroom facilities.

I observed the public "notice" sign posted at the entrance to the property, facing Corrales Road, on February 2, 2005.

Recommendation for ZOC 24-02: The number of expected customers is noted on the application as 11-20, but very limited otherwise in that the applicant states the dinners will take place only one day a week, 7-9pm, April through October. There appears to be ample parking just west of where the driveway opens into the property. Most if not all of the proposed parking area is zoned Commercial.

The application as presented is substantially compliant with Village Code Section 18-45 (c) (5) (c). Casa Vieja (a commercial business) is adjacent, to the south. There are commercial businesses to the north, adjacent to the driveway and parking area of this request. The closest residential neighbors are southwest and are aware of the request. They came into the office, and I sent them the application materials at their request. They may support/oppose, comment, and/or attend the meeting.

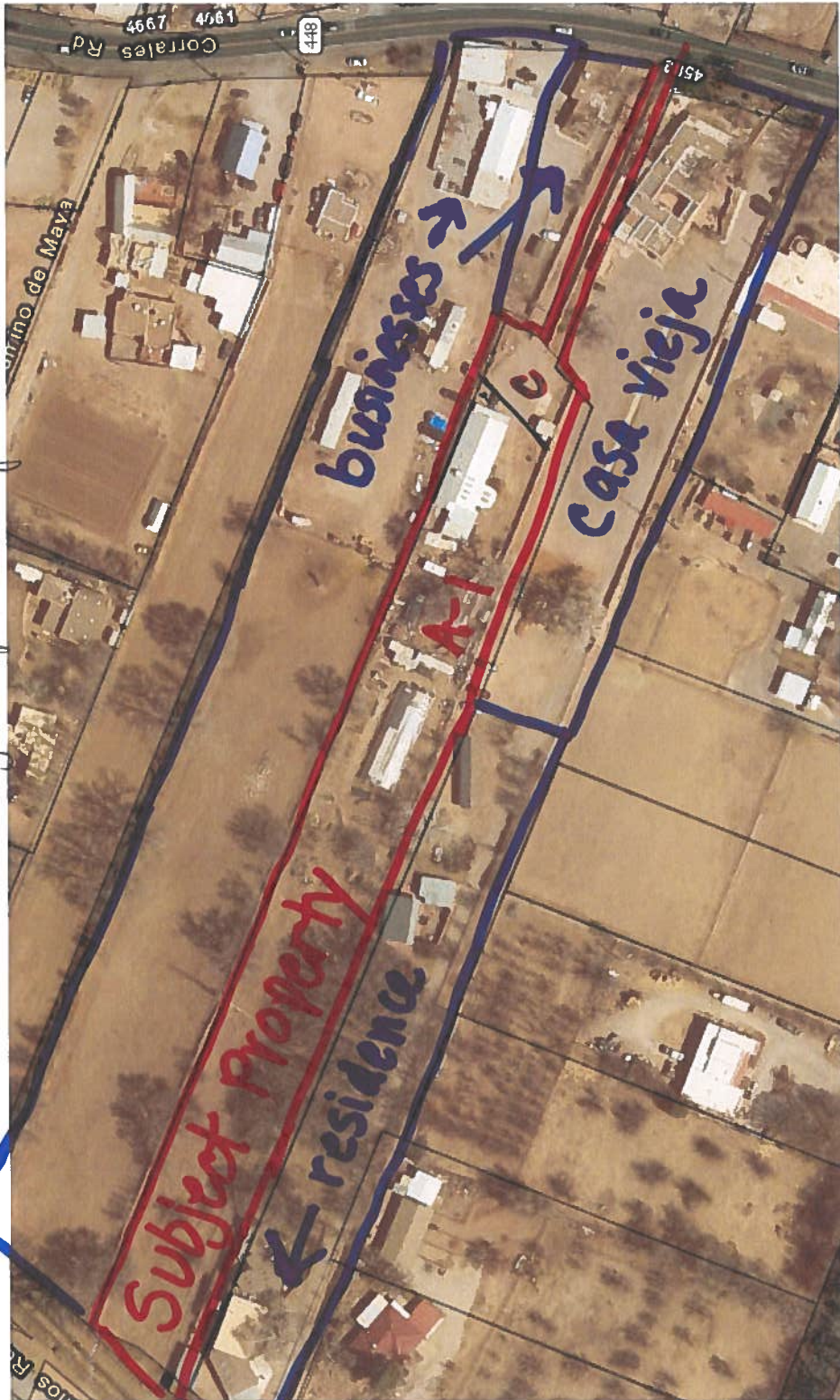
If approved, the applicant will need to obtain a building permit for the partially constructed dining structure shown north of the existing greenhouse. The Environmental Health Department must approve the cooking/serving areas. The Fire Department would also conduct a fire inspection, prior to a business license being issued for this proposed use.

Laurie Stout 2-9-24

Laurie Stout, Planning & Zoning Administrator

Date

Red is Subject property





ZOC
24-02

4324 CORRALES ROAD
CORRALES, NEW MEXICO 87048
PHONE (505) 897-0502
FAX (505) 897-7217

VILLAGE OF CORRALES

EMAIL: Planning@corrales-nm.org
WEBSITE: www.corrales-nm.org

Application for Home Occupation Permit

Everyone who operates or plans to operate a business at any location within the A-1, A-2, or H zones of the Village of Corrales must obtain a Home Occupation Permit (ZOC) issued by the Village. (Ch.18 Sec. 18-45(c)(1), Codified Ordinances of the Village of Corrales.). In order to obtain a Home Occupation Permit, you must follow these procedures:

Instructions:

* If you have any questions about filling out the form or about the process, please phone, email or make an appointment with a Planning and Zoning staff member. We are here to help.

1. Fully and accurately complete the Home Occupation Permit application and attach ALL of the following:
 - a) **One or more photographs** of the home from the road, showing access;
 - b) **A map or sketch** clearly showing the location of the proposed business activity on the property;
 - c) **A site plan** (google map or other aerial view) **showing all structures, the road** that serves the property with view of **25 feet of adjacent properties**, and **on-site parking** provisions to meet any parking needs of the business (a regular parking space is 9'x20');
 - d) A copy of your valid **New Mexico CRS ID** certificate.
2. Submit the application, **\$35.00 fee and nine (9) copies of all required materials**, to Planning & Zoning. If the application is complete, the administrator will in some cases be able to provide review and permit approval, or otherwise will schedule a hearing by the Planning and Zoning Commission within 60 days of a 100% complete application.
3. If Planning & Zoning Commission approval is necessary, you will **post an easy-to-see notice (yellow sign)**, which you must obtain from the Village, for fifteen (15) days prior to the meeting when your application will be heard.
4. **Attend the hearing** and be prepared to answer questions.
5. Obtain a Village **business registration** (\$35 fee annually) within 90 days, if your Home Occupation is approved by the Commission or Administrator.

***An application without all the required attachments is incomplete. If the application is not complete, it will be returned and will NOT be set for hearing until resubmitted in a complete form.**

General Information

Name of Applicant: Jon L. Young Date 1-22-24

Phone: 505) 300-7841 Email: youngj7272@gmail.com

Physical Address: 4569 Corrales RD
Number Street

Mailing Address: 411 Mockingbird Ln Corrales NM 87048
(if different from physical) Number Street

Legal Description: 78 Map No. 18
Subdivision Lot/Tract

Acreage: 1.9 Zoning: A1

Are you the property owner? Yes ___ No X. Do you reside here? Yes ___ No X. If you are not the property owner, you MUST attach a letter signed by the owner granting approval for the proposed business use.

Are there other home occupations on the property? Yes X No ___ (Cannot exceed 4 at any one time) If YES, you must attach copies of the approvals for existing home occupations to the application.

Total square footage of home: 2000
(Exclude garage unless part of home occupation) Square Feet

How many square feet of the home will you use for your home business? 30
(Cannot exceed 25% of total, or 45% in Neighborhood Community & Office District NCOD) Square feet

Will you use accessory structures in your home occupation? Yes ✓ No ___

If yes, how many square feet of accessory structures will you use for your home business?
300 (Cannot exceed 2,000 square ft., or 4,000 in NCOD)

What is the name of your business? Sandia Mountain Sauce Company

Briefly describe your business and its functions see Page 1 of 8

What days/hours will your business operate? from April-October no more than one day a week

Will clients/customers be coming to your home? Yes ✓ No ___

If yes, please circle how many persons/vehicles will come to your home for business purposes:

Per Day: 1-5; 6-10; >10 ;

Per Week: 1-5; 6-10; (11-20) >20.

How many *additional* motor vehicle trips in and out of the property will be generated by your business (deliveries, your own business-related trips, and any other business-related trips)

Per Week? 10-20

Will the business be conducted strictly by mail and/or electronic communications? Yes ___ No X

Will there be any materials storage? Yes ___ No X

If yes, please explain what the materials are and how and where they will be stored.

Will there be any employees who are not residents of the property? Yes ___ No X

The statements below track the **requirements** of the Village Code section governing Home Occupation Permits (ZOC). (Chapter 18-45(c)(1)(5)). By initialing these items, you certify that you meet these criteria and will abide by them if your home occupation is approved. Violating these requirements may result in the loss of your Home Occupation Permit or Business License.

INITIAL EACH APPLICABLE ITEM. (Initial items. Do not use X or check mark.)

Item a, and items d through j **MUST** be initialed. Initial either b1 OR b2, and either c1 OR c2, whichever is applicable in each case.

SLY a. The use of the dwelling unit for the home occupation shall be clearly subordinate and incidental to its use for residential purposes by the occupants.

SLY b1. No more than 25% of the floor area of the dwelling unit and not more than 2,000 square feet in one accessory building shall be used for all home occupations upon the lot.

Or, if applicable:

____ b2. My lot is zoned A-1 and is located in the Neighborhood Community and Office District (NCOD); no more than 45% of the floor area of the dwelling unit or more than 4000 square feet of any accessory building will be used for all home occupations upon the lot.

SLY c1. Other than family members, no more than 1 (ONE) person will engage in the home occupation(s) on the premises at any one time.

Or, if applicable:

____ c2. My lot is zoned A-1 and is located in the NCOD; other than family members, no more than three (3) persons will be engaged in the home occupation on the premises at any one time.

SLY d. There will be no change in the exterior appearance of the buildings or premises (except for a single sign authorized and permitted under Chapter 8, Art. IV.).

SLY e. All business-related tools and materials shall be maintained to have an orderly appearance.

SLY f. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, noxious odors, or other nuisances detectable from adjacent properties.

SLY g. There shall be no sales of goods or services from the home, which would generate greater traffic volume than would be created in a residential neighborhood.

SLY h. No more than two (2) service vehicles used in the conduct of the home occupation shall be upon the premises at any one time for all home occupations and business registrations.

SLY i. Any parking needs generated by the conduct of the home occupation shall be met by using off-street parking.

SLY j. Maximum of four (4) home occupations shall be permitted on any one lot at one time.

I certify that I meet the above requirements and will abide by them. I understand that I may lose my Home Occupation Permit and Business License if I violate any of these requirements. I also understand and agree that any representation made by me in connection with this application, whether orally or in writing, is deemed to be a condition of the Home Occupation Permit, and violation of such condition may result in loss of my Home Occupation Permit and Business License.

Signature of Applicant: _____

Date: 1-22-24

PLANNING & ZONING OFFICE USE ONLY

Received By: Brightte Date Received: 1-22-24 File No.: ZOC- 24-02

Amount Paid: 35⁰⁰ Cash Check No.: _____ Receipt No.: _____

Credit Card No. _____

Application Reviewed and certified complete by: LBS Date: 1-22-24

Planning and Zoning Commission Approval/Denial:

APPROVED with the following conditions, if any:

Village Approval: _____ Date: _____
Village Administrator (hearing date, if applicable)

Ninety Day Business License Application Deadline: _____

DENIED with the following findings:

Denial: _____ Date: _____
Village Administrator (hearing date, if applicable)

The goal of Jon Young and Sandia Mountain Sauce Company is to create a dining experience on location at the At Last Farm. The food is sourced from local fresh products highlighting Corrales farming and culture. All dinners will be held from April through October, 7-9pm. Only one day a week when Jon's catering events for the New Mexico Department of Agriculture allows. There is parking provided for up to 12 cars on the east side of the property. There are no plans for live or loud music.

At Last Farms

Pat Young
P.O. Box 917
Corrales, NM. 87048

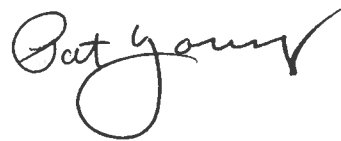
Re: At Last Farms
Jon Young Prop.

I own the property at 4569 Corrales Rd. My son, Jon Young, has been leasing 1.4 acres of this property for growing produce, raising livestock, and conducting farm dinners for his supper club. I have given him permission to use the property for these purposes.

In addition, I have availed my yard for parking for the participants. There is adequate room for the amount of cars that need space.

Please feel free to contact me for further questions:

505-261-0547

A handwritten signature in cursive script that reads "Pat Young". The signature is written in black ink and is located in the lower right quadrant of the page.

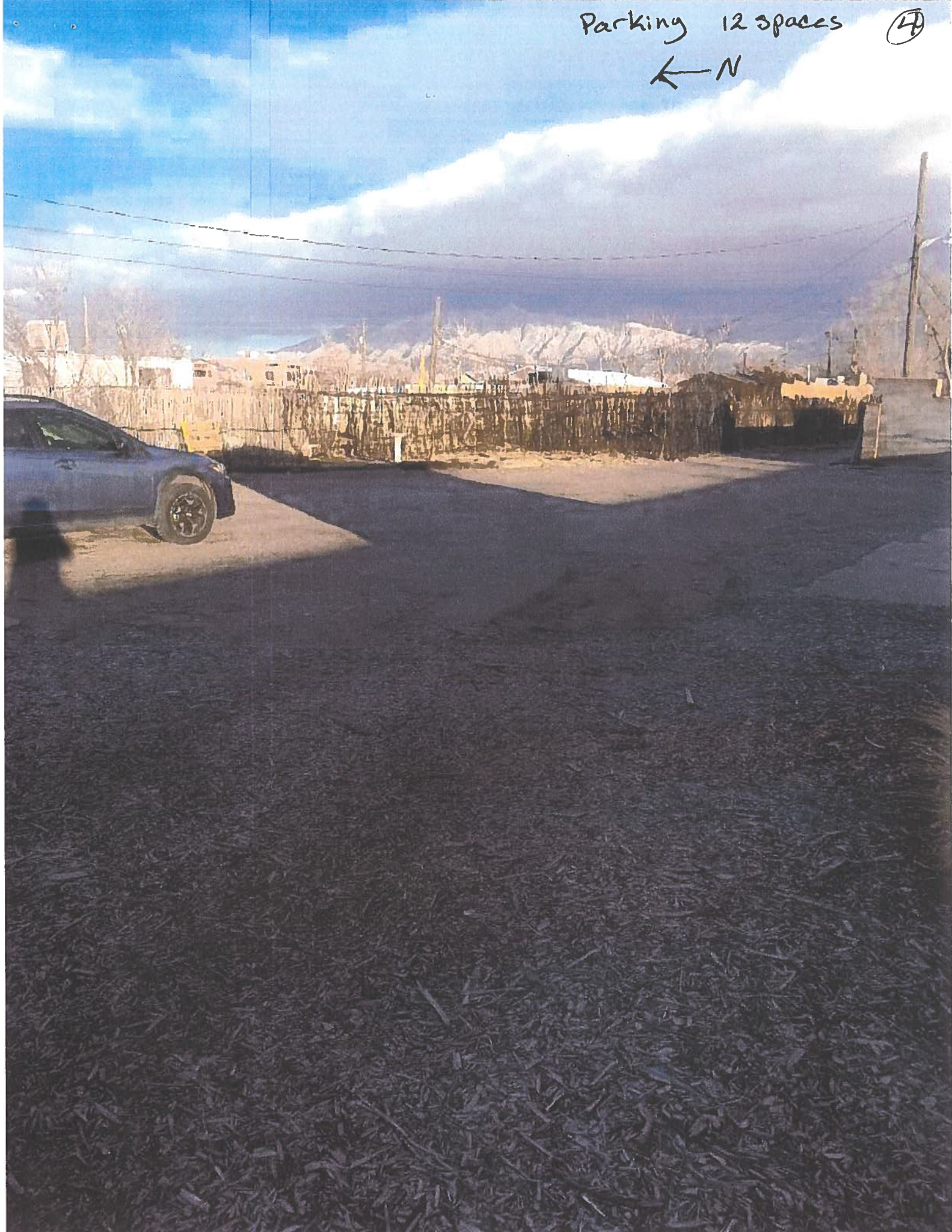
3



Parking 12 spaces

④

← N

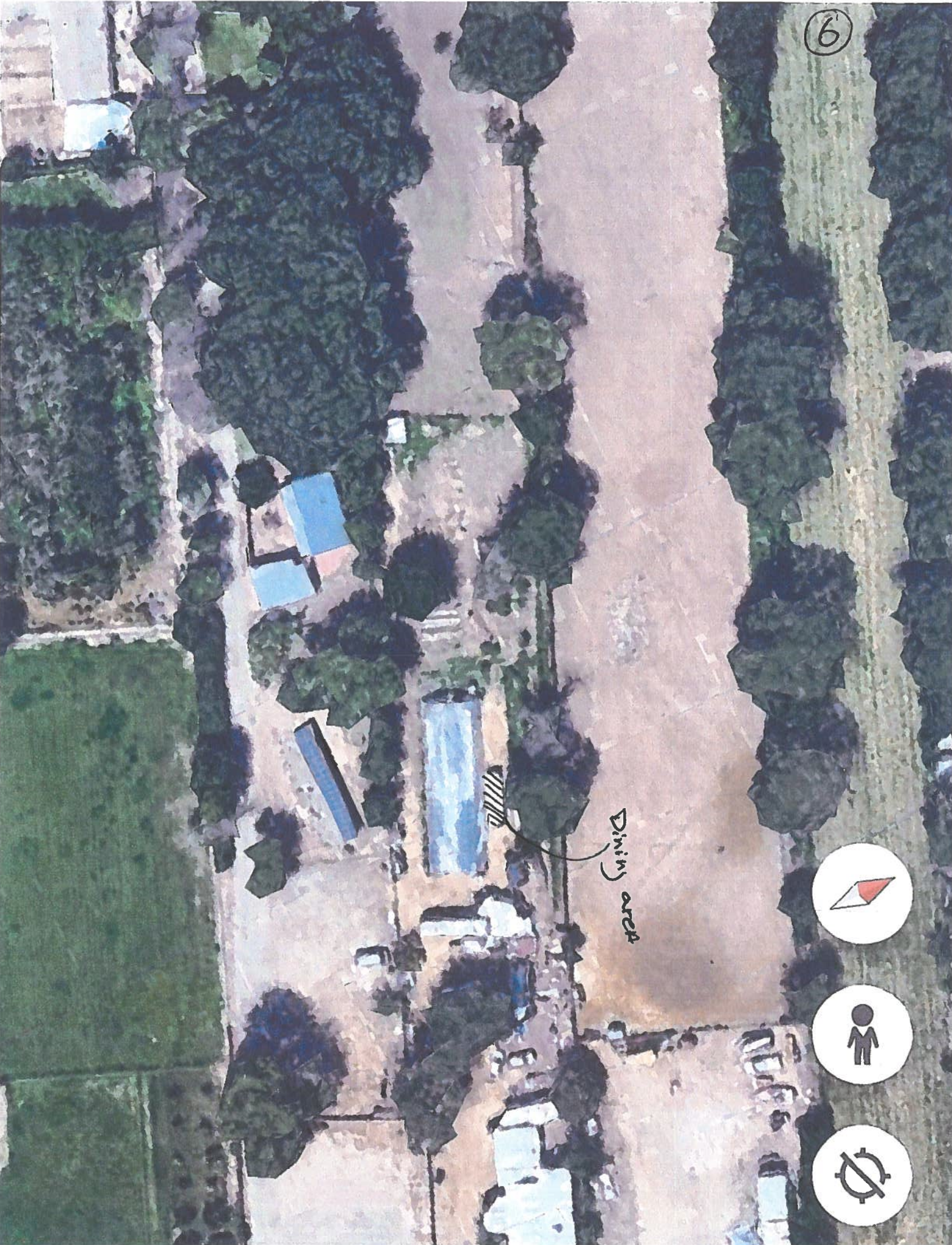


Parking 12 spaces ⑤
S →



6

Dining area



7



North

 = Dining

120A Parking Spaces

Corrales Rd





VILLAGE OF CORRALES

Business Registration Certificate

Sandia Mountain Sauce Company
411 Mockingbird Lane
Corrales, NM 87048

2023-007

Expires: February 15th, 2024

Pursuant to Chapter 10 of the Village of Corrales Code of Ordinances

Melanie L. Romero, Village Clerk

James F. Fahey, Jr., MD
Mayor

POST IN A CONSPICUOUS PLACE



VILLAGE OF CORRALES
Business Registration Certificate

At Last Farm
4569 Corrales Rd
Corrales, NM 87048

2021-143

Expires: February 15, 2024

Pursuant to Chapter 10 of the Village of Corrales Code of Ordinances

Melanie L. Romero, Village Clerk

James F. Fahey, Jr., MD
Mayor

POST IN A CONSPICUOUS PLACE



PZA request:

Proposed change to ordinance 18-164 (c) (2) (c). It now reads: *Natural slopes greater than 15% shall remain undisturbed. A variance may be granted, upon application, for isolated occurrences such as arroyo crossings and other limited areas with a natural slope greater than 15%, where the disturbance does not exceed 1,000 square feet in total. If the applicant demonstrates to the satisfaction of the Village that strict enforcement of this provision would prohibit access to the lot or placement of utilities, the Commission may grant a variance from the terms of this subsection 18-164 (2) (c). The Commission may seek the advice of the Village Engineer in considering a request for variance under this subsection, but shall not be bound or limited by such advice. The variance provision shall apply solely to the construction of streets, roadways, driveways, drainage ways and utility placement and is not intended to permit development on natural slopes exceeding 15%.*

The “strict enforcement of this provision” refers to “natural slopes greater than 15% shall remain undisturbed” NOT the variance only being allowed for only up to 1,000 square feet, but that has been challenged. Fortunately, the challenge was unsuccessful and our legal team agreed with both the interpretation of the ordinance, what was done in previous variance to slope applications, and that it should be revised for clarity. (In the specific case where the language was questioned, the applicants requested a Variance of nearly 14-thousand square feet of slope over 15%).

My suggested fix. The current second sentence in Code needs to be AFTER the third one. Swap the two sentences and separate out (c), adding one more letter to the mix, as follows:

(c) *Natural slopes greater than 15% shall remain undisturbed.*

*NEW (d) If the applicant demonstrates to the satisfaction of the Village that strict enforcement of this provision would prohibit access to the lot or placement of utilities, the Commission may grant a variance from the terms of this subsection 18-164 (2) (c). A variance may be granted, upon application, for isolated occurrences such as arroyo crossings and other limited areas with a natural slope greater than 15%, where the disturbance does not exceed 1,000 square feet in total. The Commission may seek the advice of the Village Engineer in considering a request for variance under this subsection but shall not be bound or limited by such advice. The variance provision shall apply solely to the construction of streets, roadways, driveways, drainage ways and utility placement and is **not intended to permit development** on natural slopes exceeding 15%.*

(Remaining letters of this subsection then simply move one letter forward.)

I then highlighted “not intended to permit development” as the Village has interpreted that to mean a house or other (accessory) structure. The Variance to slope can only be requested for the items specifically listed, but again, there have been challenges.

This can be made crystal-clear by changing “not intended to permit development” to specifying that the variance provision is “not intended to create a house/accessory structure pad site”.

ARTICLE V. - TERRAINS AND STORM WATER MANAGEMENT

Section 18-160. - Purpose.

The purpose of this article is to protect, maintain and enhance the health, safety, and general welfare of the citizens and natural environment of the Village. The following goals and objectives shall be considered during the design and planning process for all proposed developments subject to these regulations:

- (a) Ensure sound and orderly development of the natural terrain;
- (b) Protect life and property from the dangers of flooding and the hazard of improper cuts and fills;
- (c) Minimize erosion and sedimentation;
- (d) Minimize destruction of the natural landscape;
- (e) Protect the scenic character of the Village of Corrales from the visual blight of indiscriminate cuts and fills and vegetation removal resulting from extensive grading and utility scars;
- (f) Treat storm water runoff as a valuable natural resource in the Village of Corrales, a community that is prone to drought, by encouraging water collection and infiltration on site;
- (g) Control the adverse impacts associated with accelerated storm water runoff on natural drainage ways, hillsides, and all structures due to increased development and impervious surfaces;
- (h) Minimize erosion and degradation of arroyo channels and improve the condition of the channel where possible;
 - (i) Respect, protect, maintain, and restore natural drainage ways, wetlands, bosques, floodplains, steep slopes, riparian vegetation, and wildlife habitat areas;
 - (j) Prevent storm water runoff from damaging acequias or other irrigation facilities; and,
 - (k) Provide aesthetically pleasing solutions to storm water management and erosion control measures by integrating measures into the overall landscape and site design.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-161. - Applicability.

- (a) The requirements of this article shall apply to all lands within the Village that are located west of the Corrales Main Canal. The requirements of this article shall also apply to new development and redevelopment projects that disturb greater than or equal to one acre, including projects

disturbing less than one acre that are part of a larger common plan of development that in total will disturb an area greater than or equal to one acre, regardless of location in the Village. The provisions of Section 18-172 apply throughout the Village.

- (b) Minimum standards and submittal requirements for terrain and storm water management are based on the type of project, as follows:
- (1) Grading permit applications, when required by this article or any other provision of the Village Land Use Ordinances, shall meet the minimum standards and submittal requirements in Section 18-164.
 - (2) The approved final terrain and storm water plans, when required, shall be submitted with the application for building permit.
 - (3) All construction projects shall comply with the objectives, intent, and minimum standards of this section including, without limitation:
 - a. New construction;
 - b. Reconstruction;
 - c. Demolition; and
 - d. Construction of roadways and drainage as approved in the subdivision process following approved grading and drainage plans.
- (c) Exemptions. New construction, remodeling, additions, or other alterations to existing structures and development identified in Section 18-164(a)(2) are exempt from the requirements of this section provided that they meet all of the following conditions:
- (1) Less than one thousand (1,000) square feet of total land area is disturbed;
 - (2) No slopes greater than eight (8) percent are disturbed;
 - (3) Existing drainage patterns on the property are not changed in a way that would increase the amount of storm water runoff leaving the property;
 - (4) No cut slopes or fill exceeding 3 to 1 grade (3 horizontal to 1 vertical) are created, unless retained in accordance with a design certified by a professional engineer and approved by the Village Engineer; and
 - (5) The applicant, by applying for this exemption, has not exceeded the thirty-five percent (35%) lot coverage limitation of the property.
- (d) Alternative compliance. Applicants may propose alternatives to standard storm water management techniques, so long as these alternatives allow the project to meet the minimum standards and general requirements of this section. Alternative techniques may be proposed that achieve improved environmental performance, including reduced storm water runoff, increased infiltration, reduced sedimentation and erosion, and for aesthetic purposes. Proposals for alternative compliance to standard storm water management techniques shall

be subject to review and recommendation by the Village Engineer in writing to the Planning and Zoning Commission. Applicants shall bear costs of engineering review whether the proposal for alternative compliance is approved or rejected.

- (e) Fees. All applications and permits required by this article shall not be processed without payment of an administrative fee to the Village by the applicant at the time of application. All fees are nonrefundable. A current fee schedule shall be maintained by the Administrator.
 - (1) All costs incurred for publication and certified mailings related to notice of a hearing shall be paid by the applicants.
 - (2) Any additional resubmittals shall be accompanied by the required application fees.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09; Ord. No. 11-009, adopted 5-10-11; Ord. No. 15-06, adopted 2-24-15.

Section 18-162. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Words, terms, or phrases not defined in this section shall be interpreted to give them the meaning they have in most common usage and to give this article its most reasonable application.

Active water harvesting means the containment of precipitation or run-off in a storage tank and distribution with a mechanical system, by means of gravity or a pump.

Administrator means the Planning and Zoning Administrator of the Village.

Application means all the documents and fees required of the applicant for a permit or approval.

Arroyo means a normally dry water course.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Best management practices means practices used to reduce erosion and sediment transport during the construction process.

Bioengineering techniques means erosion control methods which use plants, sometimes in conjunction with mechanical methods, to build living structures on steep slopes, stream banks, and at the interface between soil and water.

Build means to construct, erect, convert, enlarge, reconstruct or structurally alter a structure.

Buildable site means a contiguous area of land located within a single lot on which a structure can be developed in compliance with all requirements of this section, all requirements of the underlying zone, and all applicable performance standards, including, but not limited to, the terrain management regulations set forth in this article.

Channel means a portion of a drainage way that has naturally or artificially developed bed or banks to confine and conduct continuously or periodically a flow of water.

Channel depth means the vertical distance between the lowest point of a channel and the highest adjacent top of bank on either side of the channel.

Check dam means a small dam built within a drainage channel to decrease flow velocity and reduce erosion (by reducing the channel gradient), minimize scour, and promote deposition of sediment.

Cistern means an artificial reservoir for storing water, often underground.

Commission means the Planning and Zoning Commission of the Village.

Cul-de-sac means a minor street with only one inlet and a turnaround or dead end at the other terminus.

Cut means the removal of earth material from a slope.

Detention means the temporary storage of storm water to prevent excessive or excessively rapid runoff. A detention basin is designed to empty within a specified period of time after filling and will not normally contain water.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Drainage easement means the use of land primarily for the movement of storm water through a drainage way, a floodplain or land susceptible to flooding and for the maintenance of drainage structures. This right of use by a person, private entity, the Village, or other public agency over the property of another may be reserved by plat, by easement agreement, or otherwise acquired.

Drainage right-of-way means land dedicated by the owner and accepted by the Village or other public agency primarily for the movement of storm water through a drainage way, a floodplain or land susceptible to flooding and for the maintenance of drainage structures. Such ownership in fee simple may be conveyed by plat, by deed, or by other instrument, or otherwise acquired.

Drainage way means a natural or artificial land surface depression with or without perceptibly defined bed and banks, to which or through which surface runoff gravitates, collects, impounds or is channeled for disposition.

Earth material means any rock, natural soil or fill and any combination thereof.

Erosion means the wearing away of ground surfaces as a result of the movement of wind, water and ice.

Erosion control structures means structures of any type that are designed or intended to reduce or minimize erosion, and includes but is not limited to check dams, detention basins, and wire-enclosed rip-rap.

Excavation means the mechanical removal of earth material.

FEMA means the United States Federal Emergency Management Agency.

Fill means a deposit of earth material by artificial means.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood fringe means a portion of the floodplain lying on either side of the floodway, as determined by FEMA.

Floodplain means the area inundated by the 100-year flood, which contains the floodway and flood fringe.

Floodway means the stream channel and that portion of the adjacent floodplain which must remain open to permit passage of base flood, as defined by FEMA.

Footprint means the configuration of the area of ground covered by a structure including all its parts.

French drain means an artificial in-ground trench or other volume of rock that infiltrates and distributes water.

Grade means:

- (1) The elevation at a defined point; or
- (2) Slope: an inclined ground surface.

Grading means any excavating or filling or combination thereof.

Impervious surface means built or paved areas that will not absorb storm water. Graveled surfaces are not impervious surfaces.

Infiltration basin means a facility for the storage of storm water or other runoff that empties solely by water moving into the soil or through evaporation.

Infrastructure means facilities needed to sustain development activities and includes water, sewer, electric, gas, telephone service, storm drainage systems, and streets.

Inspector means the Village of Corrales Planning and Zoning Administrator or designee.

Landscaping means the planned introduction of living plants such as trees, shrubs, ground cover, or grass and non-living materials such as rocks, gravel, mulch, fences, walls, or paving materials, but does not include the growing of crops, fruit trees, vegetables or nursery stock, whether for commercial purposes or

personal consumption.

Lot means a parcel or tract of land platted and recorded with the County Clerk in accordance with appropriate laws and ordinances.

Minor lot development means small scale land development that takes place on a single lot, disturbs less than one-thousand (1,000) square feet of land, disturbs no slope greater than eight percent (8%), creates no more than one-thousand (1,000) square feet of new impervious surface, and does not exceed the thirty-five percent (35%) lot coverage limitation.

Mulch means material applied to the surface of the soil to decrease moisture loss and control the growth of weeds. Organic mulches include bark and wood chips, straw, grass, hay, compost, and seed shells. Inorganic mulches include rock and gravel.

Natural grade means the elevation of the ground surface before any grading, excavation or filling by the applicant.

New construction means structures for which the start of construction commenced on or after the effective date of this article.

One hundred (100)-year flood or one hundred (100)-year frequency flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

One hundred (100)-year frequency/twenty-four (24) hour precipitation event means a storm event that within twenty-four (24) hours, produces a quantity of precipitation so great that it has a 1 percent (1%) chance of happening in any given year.

Passive water harvesting means precipitation and/or runoff collected and/or stored by surface or in ground structures with no means of mechanical distribution.

Peak flow rate means the maximum rate of storm water run-off resulting from a 100-year frequency, 24-hour precipitation event.

Percent of slope means the relation of vertical rise from or to the contour line at horizontal intervals of not more than fifty (50) feet and calculated as follows: $(H - L) \div D \times 100$; where H equals the highest elevation of the portion of the tract measured; L equals the lowest elevation on the portion of the tract measured; and D equals the horizontal distance between H and L.

Permit means a document issued by the Village allowing a person to begin an activity provided for in this article.

Plat means a map, chart, survey, plan or replat certified by a licensed, registered land surveyor which contains a description of the subdivided land with ties to permanent monuments.

Professional architect means an architect registered by the State of New Mexico.

Professional engineer means an engineer registered by the State of New Mexico, qualified in the specific engineering discipline(s) required to provide the necessary engineering service(s).

Professional landscape architect means a landscape architect registered by the State of New Mexico.

Professional surveyor means a surveyor registered by the State of New Mexico.

Project means any activity regulated by this article.

Property means a parcel or parcels of land commonly owned and contiguous, excluding streets and rights-of-way.

Public right-of-way means land owned by the Village or another public agency primarily for the use of the public for the movement of people, goods and vehicles and for the installation and maintenance of public utilities or drainage ways.

Retention means storage of storm water or other runoff in a facility that empties solely by infiltration or evaporation and does not have an engineered outlet structure.

Roadway means that portion of a street which is primarily devoted to vehicular traffic.

Runoff means the water from natural precipitation that flows over the surface of the land and does not percolate into the soil.

Scale means the relationship between the distances on a plat or on a map, and the corresponding actual distances.

Significant tree means a deciduous tree six (6) inches in caliber or greater or a conifer tree eight (8) feet in height or greater, except for Siberian or Chinese Elm, Russian Olives or Tamarisk (salt cedar).

Slope means an inclined ground surface.

Soil means the layer of earth material found near the surface and naturally occurring in the Village.

Soils engineering report means a report prepared by a professional engineer indicating the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, along with opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

Special flood hazard area means the base floodplain displayed on FEMA maps

Storm drainage system includes but is not limited to drainage courses, constructed channel underground storm sewers, streets, drop inlets, detention basins and other drainage improvements.

Storm water management measures means controlling the water on site so as not to impact adjoining property.

Street means a way, right-of-way or easement, whether on public or private land, used or intended to be used by the general public and open to the general public for passage or travel by motor vehicle, but does not include a driveway or similar way designed or created for access to a single property or a limited number of properties, merely by virtue of providing access to such properties for the general public.

Structure means any construction or any production or piece of work consisting of a combination of materials to form an edifice or building of any kind, or a construction for occupancy, use or ornamentation that is installed on, above, or below the surface of the land.

Subdivide means to legally divide or redivide land into two or more parts for the purpose, whether immediate or future, of sale, lease, offer, or development, whether by deed, metes and bounds description, lease, map, plat or other instrument, including all changes in street or lot lines, but does not include the following actions:

- (1) The lease of land for grazing or farming activities;
- (2) The lease of apartments, offices, stores or similar space within a building;
- (3) The lease of a building within a commercial or office development; or,
- (4) The division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land.

Subdivider means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in this section, and includes any agent of the subdivider.

Subdivision means the act of subdividing or the parcel of land subdivided.

Swale means a shallow excavation constructed perpendicular to overland flow direction to detain storm water runoff, keeping it onsite and allowing it to infiltrate.

Ten (10)-year flood or ten (10)-year frequency flood means the flood having a ten percent (10%) chance of being equaled or exceeded in any given year.

Top of bank means, for an arroyo, stream or watercourse, the outer limit of the convex surface where the bank slope diverges from the land surface external to the channel.

Topsoil means the uppermost part of a soil, generally ranging in depth from three (3) to six (6) inches, provided such part of the soil can sustain vegetation and is free of caliches, trash, or toxic materials.

Variance means an approved, limited relaxation from the strict application of this article applicable to a designated parcel or parcels of land. Water harvesting means, the capture and use of precipitation for plant irrigation, soil recharge, or collected and stored for future use. Precipitation may be collected from surfaces including roofs, roads, parking lots, and landscapes. Water harvesting may be active or passive.

Watershed means a land surface area that drains into a single stream, watercourse, arroyo, pond, or similar water body, whether perennial or intermittent. The term "watershed" is commonly used interchangeably with "drainage basin."

Xeriscape means, landscaping in a manner that reduces or minimizes the need for water. Xeriscaping may include but is not limited to the use of native and drought-tolerant plants and the use of efficient systems of irrigation.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09; Ord. No. 15-06, adopted 2-24-15.

Section 18-163. - Procedures and general requirements

- (a) All proposed development shall be so designed as to meet the goals and objectives listed in Section 18-160.
- (b) The Village Engineer, at the discretion of the Mayor upon the recommendation of the Administrator, and at the expense of the applicant, may be requested to review and evaluate the following:
 - (1) The completeness of all required terrain and storm water management submittals;
 - (2) Compliance with all minimum standards;
 - (3) The acceptability of all proposed erosion control and storm water management methods; and
 - (4) The need for additional information or written approval in order to determine compliance with the purposes, intent, and minimum standards of this section.
- (c) The preparation of submittals required under this article shall be as follows:
 - (1) *Grading permits*. Submittals shall be prepared and certified by a professional engineer or professional architect.
 - (2) *Topographic Plans*. Submittals shall be prepared and certified by a professional surveyor or professional engineer.
 - (3) *Site restoration*. Submittals shall be prepared and certified by a professional engineer, professional architect or professional landscape architect.
- (d) Detention ponds.
 - (1) Detention ponds over eighteen (18) inches in depth will require fencing unless side slopes are 3:1 or flatter.
 - (2) All detention ponds must be designed to evacuate from a full condition within twenty-four (24) hours or less, unless discharge is limited by downstream constraints, in which case the evacuation period shall be no greater than ninety-six (96) hours. Ponds that take more than six (6) hours to drain will be designed for a design storm equal to or exceeding the evacuation

time. No percolation credit for volume reduction will be given.

- (e) Retention ponds.
 - (1) Retention ponds over eighteen (18) inches in depth will require fencing unless side slopes are 3:1 or flatter.
 - (2) All retention ponds must empty from a full condition within twenty-four (24) hours through percolation into the subsurface.
- (f) No certificate of occupancy or any type of final construction approval shall be issued by the Village unless a parcel is in full compliance with the requirements of this section, all required inspections have been conducted and final construction drawings have been submitted as described in Section 18-168.
- (g) Activities permitted by this section may also require notification or permitting by other agencies, including but not limited to approval from the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) or other official watercourse related organization, the Federal Environmental Protection Agency, the United States Army Corps of Engineers, the Federal Emergency Management Agency (FEMA) and the New Mexico Environment Department. It is the responsibility of each applicant to determine whether additional notification or permitting is required and to provide for such notification or permitting.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-164. - Grading permits.

- (a) *Applicability.*
 - (1) No person shall do any clearing, grubbing or grading of land within the boundaries of the Village, except as provided in Subsection 18-164(a)(3), without first receiving a grading permit. Prior to the issuance of a grading permit, all projects shall comply with all applicable State and federal regulations. Application and review process, minimum standards and submittal requirements for grading permits are provided in Section 18-163.
 - (2) Except as provided in Subsection 18-164(a)(3), a grading permit shall be required for:
 - a. All development that is subject to the requirements of Section 18-165, Section 18-166, or Section 18-167;
 - b. Work within an arroyo or drainage way which is intended to create or may create changes in flow characteristics, including but not limited to earthwork, construction of drainage devices or erosion control devices, removal of significant trees, and modifications of arroyo or drainage way banks or bottom, in addition to State or federal permits that may be required;

- c. Grading for new driveways, streets or roadways;
- d. Paving for all driveways, streets or roadways;
- e. Utility trenching for all commercial and public projects; and,
- f. Any of the following individual activities:
 - 1. Removal of more than twenty-five percent (25%) of significant trees, grass coverage, or natural vegetation on a lot; or,
 - 2. Ground disturbance of one thousand (1,000) square feet or more.

(3) A grading permit is not required for:

- a. Development that satisfies each of the conditions of Subsection 18-161(c) and is issued an exemption by the Administrator;
- b. Lands east of the Corrales Main Canal;
- c. Grading, for maintenance purposes, of existing driveways, private streets or roadways, and private drainage ponds on individual lots;
- d. Cemetery graves;
- e. Excavation for wells; and,
- f. Exploratory excavations under the direction of archaeologists, soil engineers or engineering geologists.

(b) *Application and review process.*

- (1) Anyone requesting a grading permit or anyone requesting an exemption from the grading permit requirements must obtain and submit a completed application for grading permit review. The application shall be returned to the Administrator accompanied by the appropriate application fee and the appropriate number of sets of required submittal materials.
- (2) Request for Exemption. The Administrator shall determine if the proposed development satisfies each of the conditions of Subsection 18-161(c).
 - a. If approved, the Administrator shall indicate such approval on the application and issue the appropriate exemption.
 - b. If denied, the Administrator shall indicate such denial on the application, state the reasons for the denial, and inform the applicant of the subsequent procedures as required by this article.
- (3) Request for Grading Permit. The Administrator shall determine if the proposed development complies with the minimum standards (Subsection 18-164(c)) and determine if the application includes the required submittal materials (Subsection 18-164(d)).
 - a.

If approved, the Administrator shall indicate such approval on the application and issue the appropriate permit.

- b. If denied, the Administrator shall indicate such denial on the application and state the reasons for the denial.
- (c) *Minimum standards.* When a grading permit is required by this article, applications for the permit shall include a grading plan prepared by a licensed professional engineer or architect showing compliance with the following minimum standards:
 - (1) *Cut and fill slopes.*
 - a. Cut slopes on a site shall not exceed ten (10) feet in height;
 - b. Fill slopes on a site shall not exceed fifteen (15) feet in height. Retaining walls for fill slopes shall be no greater than ten (10) feet in height. Concrete or cement coated retaining walls shall be a matching earth tone color or constructed of natural materials. Unstabilized fill slopes shall be no steeper than 3 to 1 (3 horizontal to 1 vertical) unless a structural alternative such as a retaining wall or some other measure acceptable to the Village Engineer is provided;
 - c. Cut or fill slopes for roads and driveways shall not exceed fifteen (15) feet in height; and,
 - d. All cut slopes that are not stabilized by a retaining wall or some other measure acceptable to the Village Engineer, shall be no steeper than 3 to 1 (3 horizontal to 1 vertical), unless a structural alternative approved by the Village is provided or the applicant demonstrates to the satisfaction of the Village that existing soils will naturally accommodate a steeper slope and acceptable revegetation or other erosion control can be achieved.
 - (2) *Grading.*
 - a. Grading on building sites is limited to fifteen (15) feet beyond the outer edge of the building foundation, patio, wall, driveway, roadway, parking area, or other constructed facility on all sites and for all construction projects, including both new construction and reconstruction, except:
 1. As necessary for the construction of storm water runoff management measures in compliance with this section; or,
 2. As necessary to accommodate required horizontal to vertical measurements for cut and fill slopes; or,
 3. As necessary to accommodate water and waste water systems.
 - b. Private driveways shall not exceed a grade of eight percent (8%) nor shall the inside-turning radius of any private driveway be less than fifteen (15) feet.
 - c.

Natural slopes greater than fifteen percent (15%) shall remain undisturbed. A variance may be granted, upon application, for isolated occurrences such as arroyo crossings and other limited areas with a natural slope greater than fifteen percent (15%), where the disturbance does not exceed one thousand (1,000) square feet in total. If the applicant demonstrates to the satisfaction of the Village that strict enforcement of this provision would prohibit access to the lot or placement of utilities, the Commission may grant a variance from the terms of this Subsection 18-164(c)(2)c. The Commission may seek the advice of the Village Engineer in considering a request for variance under this subsection, but shall not be bound or limited by such advice. This variance provision shall apply solely to the construction of streets, roadways, driveways, drainage ways, and utility placement and is not intended to permit development on natural slopes exceeding fifteen percent (15%).

- d. The Administrator, in the Administrator's discretion, may require specific phasing for grading and clearing on any site where construction will not begin immediately after clearing and grading, or where initial construction will occupy only a portion of the site to be cleared and graded.
 - e. No grading permit for driveway construction shall be issued unless the Administrator has first determined that a buildable site as defined in Section 18-162 exists on the lot.
 - f. All grading completed on the site shall be in conformance to the approved grading plan.
- (3) *Site restoration*. All development subject to a grading permit shall be required to meet the requirements of Subsection 18-166(c)(5) as appropriate for the project.
- (4) *Best management practices*. The following best management practices shall be used before and during the construction process:
- a. Disturbed areas shall be protected from erosion during construction by diversion of storm water around the disturbed area, energy dissipation of storm water adequate to prevent erosion, retention of sediment on the disturbed area, and/or other means adequate to retain soil on site; provided, however, that any diversion of storm water shall not increase the runoff of water or sediment onto any other property.
 - b. Except as necessary to install temporary erosion and sediment control devices, land shall not be graded or cleared of vegetation until all such temporary devices have been properly installed and inspected. Temporary erosion and sediment control devices may include silt fencing, swales, straw bales, berms, geotextiles sediment basins or traps, or fencing. Control devices shall be kept in place and used until the disturbed area is permanently stabilized.
 - c. Significant trees, areas with, existing vegetation and drainage ways that are to remain undisturbed shall be fenced off prior to the use of any heavy machinery on-site and shall remain fenced during the entire construction process. Fencing material may include snow

fencing, plastic mesh or other similar fencing material. To protect the root zone of significant trees, fencing shall be placed five (5) feet to the outside of the drip line of significant trees.

- d. To prevent soil from leaving a site, soil stockpiles shall be protected from wind and water erosion throughout the construction process by using appropriate erosion control techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall be kept on site, within the disturbance zone of a construction site, and then reintroduced into planting areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other drainage ways.
 - e. Techniques to prevent the blowing of dust or sediment from the site, such as watering down exposed areas, are required for projects which disturb greater than five thousand (5,000) square feet.
- (d) *Submittals.* Applications for grading permits shall include:
- (1) A topographic survey and grading plan with elevation contours shown at not more than one (1) foot intervals on slopes up to eight percent (8%), not more than two (2) foot intervals on slopes between eight percent (8%) and fifteen percent (15%), and not more than five (5) foot intervals on slopes of fifteen percent (15%) or greater, which shows:
 - a. All areas with slopes greater than eight percent (8%) must be differentiated through shading, tone, color, or line weight; and all areas with slopes fifteen percent (15%) or greater must be differentiated through shading, tone, color, or line weight;
 - b. All areas to be graded on the site and the final contours to be achieved by the grading;
 - c. All finished floor or grade elevations;
 - d. Spot elevations, as needed;
 - e. The location of temporary erosion control structures and methods used, including staging and stockpile areas;
 - f. All significant trees and areas with substantial grass coverage to be removed;
 - g. A construction schedule when the project will be developed in phases;
 - h. The location of fencing around the areas to be protected;
 - i. The ratio of horizontal to vertical measurement for cut and fill slopes;
 - j. The total volume, in cubic yards, of earth to be moved;
 - k. All existing disturbed areas; and
 - l. FEMA flood hazard areas.
 - (2) For all roadways or other excavations where the volume of earth to be moved exceeds three hundred (300) cubic yards, cross-sections or contour maps showing the height of cuts and fills at a maximum of one hundred (100) foot intervals and at any major breaks in the terrain may

be required by the Administrator or the Village Engineer.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-165. - Building permits for minor lot development.

- (a) Minor lot development includes the construction of any structure, including but not limited to single-family residences, additions, sheds, garages, driveways, or pavement, that meets all of the following criteria:
- (1) All development takes place on a single lot.
 - (2) Development disturbs less than one thousand (1,000) square feet of land, or covers less than one thousand (1,000) square feet in area;
 - (3) Development disturbs no slope greater than eight percent (8%);
 - (4) No more than one thousand (1,000) square feet of new impervious surface is created; and,
 - (5) Total development does not exceed the thirty-five percent (35%) lot coverage limitation on the lot.
- (b) Minimum standards. Minor lot development shall comply with each of the following minimum standards:
- (1) All water generated on the lot must be contained on site.
 - (2) The minimum volume of water to be contained or infiltrated on site shall be determined by multiplying the total area of new impervious surface, in square feet, by 2.90 inches (0.242 feet) to arrive at a value expressed in cubic feet, (i.e., 242 cubic feet of water containment is required per 1,000 square feet of impervious surface). Compliance may be achieved by:
 - a. The use of active or passive water harvesting techniques such as cisterns, swales, berms, and check dams;
 - b. The construction of a detention or retention basin; or,
 - c. A combination of a. and b.
 - (3) All water containment structures that have water open to the air shall empty within twenty-four (24) hours either through percolation into the subsurface or through outlet structures designed to ensure a controlled release of water that will not cause flooding or erosion.
 - (4) Waters specific to minor lot development including the construction of any structure including but not limited to single family residences, additions, sheds, garages, driveways, or pavement must be contained on the individual lot.
 - (5) To protect against erosion, all land disturbed during construction shall be revegetated with drought tolerant vegetation. Trees and shrubs shall be irrigated until established. The use of naturally degrading erosion control blankets or other erosion control materials is encouraged

to ensure that grasses become established. Stones or treated landscape timber may be used to stabilize disturbed areas in lieu of re-vegetation as long as it does not increase runoff to adjoining properties.

(c) Submittals. Building permit applications for minor development shall include:

- (1) A brief narrative description of the proposed project;
- (2) A topographic map of the property to scale, including United States geological survey quadrangle maps adequate to show elevation contours, natural drainage ways, existing and proposed improvements;
- (3) A brief verbal description and/or representative photographs of the type (such as, sage brush and annual weeds, grass cover, bare ground, and so on) and approximate coverage of existing vegetation at the site, and a plan for vegetation removal at the site;
- (4) A description of all proposed grading or ground disturbance;
- (5) Calculations and a plan drawing showing:
 - a. The size and location of all proposed runoff containment structures or methods and how water will be directed to the structures or methods;
 - b. Percolation test results demonstrating that stormwater retention ponds, if any, will empty within twenty-four (24) hours;
 - c. A roof run-off drainage plan; and,
 - d. A planting plan for revegetation showing proposed plant materials and a description of the proposed irrigation method or other methods used to establish vegetation and prevent erosion until vegetation becomes established;
- (6) Copies of all percolation test results relied upon in connection with the application; and
- (7) Compliance with requirements of all other applicable ordinances.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09; Ord. No. 16-11, adopted 10-11-16.

Section 18-166. - Building permits for all other development.

- (a) *All other development.* All development that requires a building permit and does not meet the criteria for a minor lot development under Subsection 18-165(a) shall meet the following minimum standards and submittal requirements:
- (b) *Minimum standards.*
 - (1) All projects shall meet the minimum standards for grading permit approval in Section 18-164.
 - (2) Topography.
 - a.

Each lot shall have a designated buildable site of not less than two thousand (2,000) square feet, which shall be developed in accordance with the terrain and storm water management standards and minimum performance standards;

- b. The area designated as suitable for building and designated for the building footprint shall have a natural slope of fifteen percent (15%) or less. The remainder of the lot area may have a natural slope over fifteen percent (15%) but may not be disturbed;
- c. For a structure built on a natural slope over eight percent (8%), the finished floor elevation at any point shall not exceed five (5) vertical feet above the natural grade at that point;
- d. No structure may be built on a natural slope of over fifteen percent (15%); and,
- e. The development does not exceed the thirty-five percent (35%) lot coverage limitation on the lot.

(c) *Storm water management plan.*

(1) *General standards.*

- a. Storm water management measures shall be selected to best accommodate the specific geologic, hydrologic, and topographic features of the land to be developed.
- b. Storm water management measures shall be designed as both a comprehensive and integral part of the development.
- c. Storm water management measures shall be designed to directly address additional flows from the proposed development. Compliance with these standards shall not be achieved solely by alterations to flows upstream of a proposed development.
- d. Storm water management plans may be designed to incorporate measures that are shared by two (2) or more developments provided that the measures comply with the minimum standard of this section.

(2) *Discharge standards.*

- a. The storm water runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the 100-year, 24-hour storm event at each discharge point. Calculation of the runoff peak flow rate may approximate the event from available data based on using 2.90 inches (0.242 feet) of precipitation, or a volume of 242 cubic feet of water per 1,000 square foot of impervious surface.
- b. Runoff control measures may include, but are not limited to, the use of detention or retention basins and active and passive water harvesting techniques including swales, berms, cisterns, check dams, vegetative ground cover, and other techniques appropriate for retaining and infiltrating water on-site.
- c.

No storm water shall be discharged into any watercourse or drainage channel without adequate reduction of flow velocity. This shall be accomplished by erosion control techniques that may include the routing or energy dissipation of storm water runoff to a vegetated swale, vegetated basin, or stone-protected area. The techniques used shall be sufficient to diminish runoff velocity and spread runoff flow adequately to avoid erosion upon entering the watercourse. No storm water runoff shall be routed into irrigation ditches, canals, acequias or watercourses related to an acequia system.

- d. No existing acequia, watercourse or other natural or constructed drainage system whether on-site or off-site, shall be disturbed by any on-site building development or construction activity unless specifically permitted by the Village.

(3) *Basin standards.*

- a. Storm water detention and retention basins and overflow structures shall be sized and designed to adequately accommodate flows from 100-year, 24-hour storm events.
- b. Infiltration, detention, and retention basins shall provide a means of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets, or other methods. Except as otherwise specifically provided in this article, all basins shall be designed to empty within no more than twenty-four (24) hours after a 100-year, 24-hour storm event.
- c. No french drain, infiltration basin or other similar structure intended for the percolation of water into the soil shall be constructed so that its depth is greater than its widest horizontal dimension unless a notice of intent for the construction is filed with the New Mexico Environment Department and provided to the Village in advance of construction.
- d. Nothing in this section shall be construed as prohibiting construction of tanks, cisterns or surface off-ponds for the purpose of harvesting water, provided that overflow provisions meet the standards of this section.

(4) *Arroyo, stream and watercourse standards.*

- a. Except as otherwise specifically provided in this Subsection 18-166(c)(4), no structure, paved road, driveway, or parking lot shall be located (i) less than twenty-five (25) feet laterally from the nearest top of bank of any arroyo, stream or watercourse less than one (1) foot in depth, or (ii) less than a distance laterally of twenty-five (25) feet plus the channel depth from the nearest top of bank of any arroyo, stream or watercourse having a channel depth of one (1) foot or more. This setback provision does not apply to storm water management structures or public access trails.
- b. Except for construction, repair or maintenance of erosion control measures, storm water management measures, public access trails, the placement of underground utilities, or necessary public works projects, no grading shall occur within the setback area.

- c. Where practical, erosion control and channel stability in arroyos, streams, or watercourses shall be achieved using techniques that reduce storm water velocity, preserve active floodplains, provide adequate room for floodwaters to spread safely, and utilize native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion baskets, sheet piling, rip-rap, or similar hardened material unless no reasonable alternative exists to protect public infrastructure or pre-existing structures.
- d. Fences, walls, and similar structures may not be constructed in or across any arroyo, stream, or watercourse.

(5) *Site restoration.*

- a. Soil stabilization and erosion control measures for all land disturbed by construction shall be completed within twenty-one (21) calendar days after completion of construction or other activities on site that would interfere with such soil stabilization measures. If the time of year is not conducive to planting, then upon application to and approval by the Administrator, planting may be delayed until the next appropriate planting season provided that all appropriate temporary erosion control measures are maintained until permanent erosion control measures are implemented. A request for planting delay must be filed within twenty-one (21) calendar days after completion of construction with the Administrator. All requests for planting delays must include the grading permit number, reason for delay, a description including location of all temporary erosion control measures, and date by which planting will be completed.
- b. If stabilization and erosion control measures are required one or more of the following shall be used:
 - 1. Revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover;
 - 2. Restoration with bioengineering techniques such as live staking, brush layering, and brush mattress, or other appropriate techniques approved by the Administrator; or,
 - 3. Stabilization with stones, terracing, or similar techniques.
- c. All trees and shrubs shall be maintained until established. It is recommended that grass seed either be: 1) hydro seeded; or, 2) covered with biodegradable material or synthetic soil erosion control blankets or matting and irrigated until established.
- d. All vegetation and revegetation must comply with applicable Village ordinances regarding xeriscaping.

(6) *Enhanced standards in certain situations.*

- a.

The Administrator may require implementation of further storm water management measures, in addition to the minimum storm water standards stated in this article, if arroyos or watercourses on site or immediately downstream of a site show evidence of increased flooding, channel erosion or sedimentation, as a direct result of conditions on the site. Required additional storm water management measures may include, but will not necessarily be limited to:

1. Erosion control measures extended to a broader area of the site than the development area;
2. Revegetation of highly eroded areas;
3. Arroyo restoration or other erosion control measures within highly eroded channels;
or,
4. A combination of the above measures.

(d) Submittals. Submittals for building permit applications for development under this Section 18-166 shall include:

- (1) The submittals for grading listed in Section 18-164(d).
- (2) Topography plan, based on a topographic map of the site, which shall include as a minimum:
 - a. All sloped areas over eight percent (8%) shall be clearly marked and differentiated by shade, tone, or color at the same scale required for preliminary subdivision plat, and all slopes fifteen percent (15%) or greater shall be clearly marked and differentiated by shade, tone, or color at the same scale required for preliminary subdivision plat;
 - b. Ground elevations, referenced to a specifically cited National Geodetic Survey datum [the datum, either National Geodetic Vertical Datum of 1929 (NGVD 29) or North American Vertical Datum of 1988 (NAVD 88), shall be specified], showing elevation contours at not more than one (1) foot intervals on slopes up to eight percent (8%), not more than two (2) foot intervals on slopes between eight percent (8%) and fifteen percent (15%), and not more than five (5) foot intervals on slopes of fifteen percent (15%) or greater;
 - c. The designated buildable site; and
 - d. Date, method of survey, and certification from a professional land surveyor that the topographic map is in compliance with national map accuracy standards.
- (3) Storm water management plan, prepared and certified by a professional engineer, which includes:
 - a. A vicinity map;
 - b. Existing and proposed contours, all watercourses, arroyos, drainage ways, impoundments, and wetlands on or adjacent to the site or into which storm water from the site flows;
 - c.

Location of all existing and proposed improvements including buildings, structures, impervious surface, storm water management measures, roads, and utilities;

- d. Location of all easements and rights-of-way;
- e. The delineation, if applicable, of the 100-year floodplain, including the flood fringe and floodway, if available, and any on-site or adjacent wetlands;
- f. Description of all soils, including general soil characteristics and areas of solid rock;
- g. Percolation test results for all areas with retention ponds or other facilities designed for infiltration and a description of techniques to be used to prevent the clogging of soil pores by fine sediment;
- h. A description of the approximate area and drainage characteristics of the watershed above the site, including the vegetative coverage and impervious surfaces;
- i. The total peak flow rate of storm water that would be discharged from the site for pre-development and post development runoff conditions in the two (2), ten (10), fifty (50), and one hundred (100)-year, 24-hour storm events and type of calculation method used;
- j. Sizing, volume, and peak flow rate calculations in cubic feet per second for storm water management facilities;
- k. Structural and construction details for all components of the proposed drainage system;
- l. Data for total site area, disturbed area, new impervious area, and total impervious area; and,
- m. A plant schedule of materials to be used as landscape treatment for storm water management measures.

(4) Site restoration plan which includes the location of all permanent erosion control methods, including location, type and amount of plant and seed material to be used, proposed irrigation, any soil stabilization needed prior to plant establishment, time schedule for installation, and maintenance schedule for one year beyond the planting date.

(5) Demonstrated compliance with requirements of all applicable ordinances.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09; Ord. No. 16-11, adopted 10-11-16.

Section 18-167. - Preliminary and final subdivision plats.

- (a) Minimum standards. Preliminary and Final subdivision plats shall meet the minimum standards described in Section 18-166.
- (b) Projects shall meet the minimum standards of Section 18-166.
- (c) Submittals. Submittals for preliminary and final subdivision plats shall include, in addition to all materials required by any other applicable ordinance, statute, regulation or provision:

- (1) All submittals required in Subsection 18-166(d);
- (2) A topography plan as outlined in Subsection 18-166(d);
- (3) A brief description of the watershed directly upstream and downstream of the parcel, including the size, terrain, type and extent of vegetation cover, and degree of development for all areas draining to the project site;
- (4) A water availability and conservation plan shall be submitted for all new subdivisions which are sited, in whole or in part, on natural sloped areas greater than fifteen percent (15%); and
- (5) A long-term maintenance schedule for the life of the storm water management measures including the time frame for completion and the responsible party who shall perform the maintenance.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-168. - Inspections during construction process.

(a) Inspections.

- (1) For all non-residential projects and all residential projects that do not qualify as minor development, an applicant shall notify the Village to set up a Village inspection at each of the following times:
 - a. When the temporary best management practices are completed;
 - b. When final storm water management measures are completed; and
 - c. When the final site restoration measures are completed, however, if final site restoration measures are being delayed due to the season, the applicant shall notify the Village when temporary erosion control measures, for use until site restoration is complete, are in place and ready for inspection.
- (2) Further construction or issuance of any permits shall not occur until written approval has been granted by the inspector after each inspection that the best management practices and storm water management control methods have been completed in accordance with approved plans.
- (3) Upon completion of all construction, the applicant shall submit to the Village two (2) complete sets of "as built" construction drawings, showing all water management structures, and a final grading survey showing actual site topography and water flow pathways upon completion of construction, prepared and certified by a professional engineer, professional surveyor, professional architect, or professional landscape architect.

(b)

The Code Enforcement Officer or Village Building Inspector may enter upon any property subject to this section at reasonable times to conduct inspections of grading, erosion and storm water management measures to determine compliance with Village policies and procedures and to carry out duties in the enforcement of this section.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-169. - Long term maintenance responsibilities and inspections.

(a) *Responsibilities.*

- (1) All storm water management measures and facilities shall be maintained by the owner of the property or a homeowners association, unless a dedication of the storm water management system has been required or accepted by the Village, in which case, the Village shall be responsible for maintenance.
 - (2) For new subdivisions, a performance bond shall be posted by the developer or subdivider, and shall remain in effect for at least five (5) years following a letter of infrastructure construction completion from the Village Engineer.
 - a. The bond must be in an amount sufficient to defray all anticipated maintenance and repair costs during the five (5)-year period, as determined by the Village Engineer.
 - b. In the event that any responsible developer, subdivider, homeowner, homeowners association, or other property owner does not perform necessary maintenance and repair in a timely manner as determined by the Village, the Village may perform all necessary work to place the facility in proper working condition. The responsible party shall be assessed the associated costs of the work. The Village may utilize all or a portion of the performance bond for the purpose of defraying such assessed costs.
 - (3) The storm water management system shall be maintained in good condition and promptly repaired by the developer or other responsible party or parties.
 - (4) Maintenance shall include the repair and restoration as needed of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation, and any other storm water measure constructed on site.
 - (5) Such maintenance shall be in accordance with approved storm water management plans.
- (b) *Village inspections.* The Village or its authorized agent may enter upon any property which is subject to this section, at reasonable times to access the storm water management system to ensure that the system is maintained in proper working condition to meet the approved storm water management plans and the objectives and minimum standards of this section.

(c)

Maintenance violations. If after notice by the Village to correct a violation requiring maintenance work under this section 18-169, satisfactory corrections are not made by the owner(s) or responsible party within thirty (30) days the Village may:

- (1) Perform or cause to be performed the maintenance and repairs and recover its costs from any bond provided;
- (2) Assess against the owner(s) or responsible party a penalty of up to \$500.00 per day for each day that the violation remains in effect; and
- (3) Pursue any other legal remedy available to, and in the sole discretion, of the Village.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-170. - Variance.

- (a) *Application for variance.* Anyone requesting a variance from any provision of this article shall submit a completed variance application. The application shall be returned to the Administrator accompanied by the appropriate application fee and the appropriate number of sets of required submittal materials.
- (b) *Meeting with Administrator.* Prior to submitting an application for a variance, the applicant shall first schedule a meeting with the Administrator. Review and comment can be obtained at this time concerning the relationship of the variance request to the Village Comprehensive Plan and the Land Use Ordinances. Copies of the pertinent sections of this article, the application, and submittal requirements shall be provided to the applicant upon request.
- (c) *Processing of application.* The Administrator shall schedule a hearing on the application before the Commission no later than sixty (60) days following the submittal of a completed application.
- (d) *Conditions for variance.* Where the Commission finds that the strict application of the requirements of this article would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building, the Commission may grant a variance provided that all of the following conditions are met:
 - (1) The variance will not be contrary to the public interest;
 - (2) The variance will not adversely affect adjacent property owners or residents;
 - (3) The variance is due to unique characteristics of the property that were in existence prior to the adoption of this article or that have come into existence since that time through no action of the owner.
- (e) *Factors to consider.* In evaluating the provisions of this Section 18-170, the Commission shall consider the following:
 - (1)

Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, all streets, roadways, and emergency access in case of fire, flood or catastrophe;

- (2) All locations on-site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations, and public health;
 - (3) On-site and off-site topography, drainage, and storm water runoff;
 - (4) General compatibility with adjacent properties;
 - (5) The overall health and safety of the community; and,
 - (6) The goals and objectives of the comprehensive plan.
- (f) *Imposing conditions.* In considering a request for approval of a variance, the Planning and Zoning Commission may impose any conditions that are deemed to be in the best interest of the Village or reasonably necessary for the protection of other properties.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-171. - Appeal.

- (a) *Right of appeal.* Any party aggrieved by a decision of the Administrator or Planning and Zoning Commission in carrying out the provisions of this article may appeal to the Governing Body. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.
- (b) *Application.* Any appeal following a decision of the Administrator or Planning and Zoning Commission shall be made in writing to the Governing Body, together with payment of the applicable filing fee. Any appeal not submitted within twenty (20) days after the decision which is the subject of the appeal shall not be considered by the Governing Body. The day of determination is not included in the twenty (20)-day period for filing of appeal, and if the twentieth (20th) day falls on a Saturday, Sunday, or national holiday, the next working day is considered the deadline for filing the appeal.
- (c) *Public hearing.* The decision of an appeal shall be made by the Governing Body following a public hearing. The hearing at which an appeal will be heard must receive legal notice.
- (d) *Stay of proceedings.* A proper appeal by an aggrieved party shall stay all proceedings in the action unless the Administrator or Planning and Zoning Commission determines that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of a court of competent jurisdiction.
- (e)

Decision. An appeal shall be decided within sixty (60) days of the date of application of the appeal. A majority vote of the members of the Governing Body is required to reverse, change or affirm a decision made by the Administrator or Planning and Zoning Commission.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Section 18-172. - Obstruction of water conveyance or storage structures prohibited.

- (a) *Water conveyance channels and water control structures to be kept clear of obstructions.* No person or entity shall erect or cause to be erected or place or cause to be placed any fence, wall, building, structure, stand or object, nor shall any person or entity deposit or cause to be deposited any trees, timber, gravel, rock, leaves, weeds, sod, brush, waste, rubbish, construction materials or other material within any water conveyance channel or water storage structure located on any public land within the Village, nor within any water conveyance or water storage structure on private land that is required to be constructed, installed, preserved or maintained pursuant to any ordinance, rule or regulation of the Village or any other governmental body. All such water conveyance channels and water storage structures shall at all times be kept free of mud, sediment, detritus, debris, vegetation or any other material of any sort that could interfere with the flow or storage of water in such structure during regular use or after any precipitation event. For purposes of this section, the term "water conveyance channel" shall include any natural or constructed water channel or arroyo that conveys flood waters during a 10-year flood.
- (b) *Landowner responsibility.* Where a water conveyance channel or water storage structure on private land is required to be installed, constructed or maintained pursuant to a Village ordinance, rule, regulation or permit, including but not limited to a development review permit, site development plan, special use permit, subdivision approval, or any other land use permit or approval of the Village, the landowner or other responsible party shall maintain the structure free of encroachments, mud, sediment, detritus, debris or vegetation, and shall remove or cause the removal of any mud, sediment, detritus or debris that may have accumulated in the structure within fifteen (15) calendar days following the accumulation thereof.
- (c) *Penalties and correction of violations.*
 - (1) *Penalty for violation.* Any person who violates any provision of this Section 18-172 shall be subject to punishment in accordance with Section 1-6. Each day that a violation continues after notification by the Village requiring correction thereof shall constitute a separate offense.
 - (2) *Village correction of violation; recovery of costs.* In the event that a landowner after notification by the Village fails to correct any violation under this Section 18-172, or if the immediate correction of any such violation is necessary to protect the public health, safety or

welfare or to avoid an imminent threat of injury or damage to persons or property, the Village in its sole discretion may undertake to correct or cause the correction of the violation on either public or private property, with or without the permission of the owner thereof. In any such case, the Village may require that the property owner or owners responsible for the violation reimburse and make the Village whole for the costs incurred by the Village to correct the violation.

- (3) *Option to seek injunctive or other relief.* In addition or as an alternative to any penalty or requirement of reimbursement imposed or required under Section 18-172(c)(1) or 18-172(c)(2), the Village may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to enjoin the violation of, any provision of this Section 18-172, and in such action may seek further to recover the Village's costs, including costs of litigation and attorney fees, incurred as a result of the need to maintain such action or proceeding.

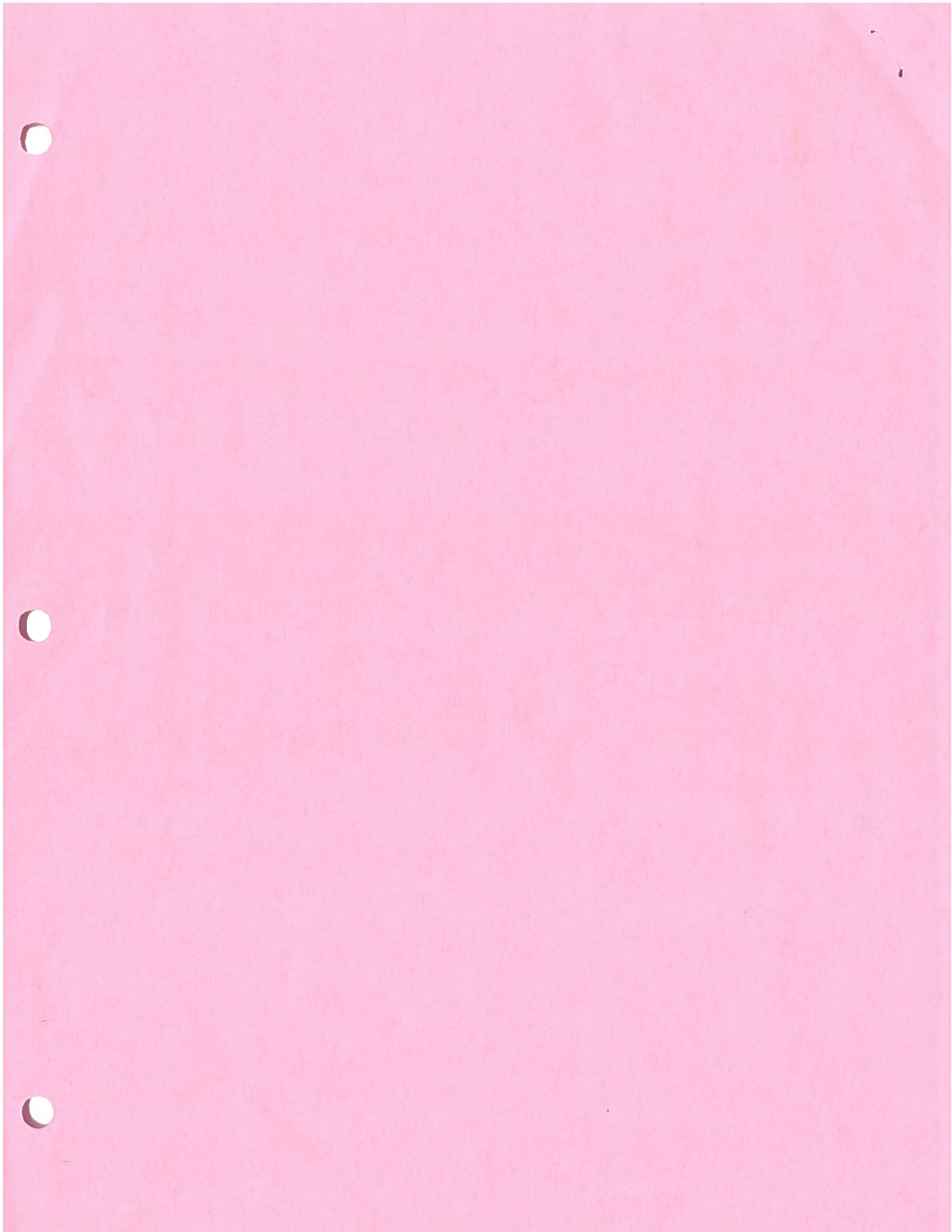
History: Ord. No. 15-06, adopted 2-24-15.

Section 18-173. - Violations.

Any violation of this article shall be punishable in accordance with Section 1-6. Each day that a construction project remains in violation of this article, whether or not the owner, builder, or other responsible party has been notified of such violation, shall be deemed a separate offense subject to the penalties provided in Section 1-6.

History: Ord. No. 06-03 § 1, adopted 10-24-06; Ord. No. 09-004, adopted 5-19-09; Ord. No. 09-017, adopted 12-1-09.

Sections 18-174 to 18-200. - Reserved.



Planning and Zoning Department Report for February 21, 2024 Meeting

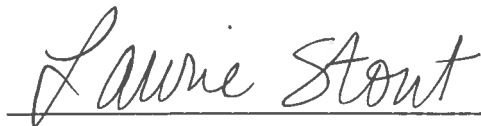
The following Home Occupation application was eligible to be administratively approved per Village Code Section 18-45 (c) (5) (a):

ZOC 23-27. Applicant **Edward Roy Brisky** will operate “**Weorthan Studio**” at **1603 Coronado Road**, utilizing a total of 264 square feet (144 for a studio and 120 for light woodworking) within a 1,968 square foot home. He is a computer artist and photographer who produces paintings on canvas. The woodworking aspect will be creating frames. There will be no client visits to his home. The property is zoned *A-1 Agricultural and Rural Residential*.

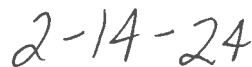
On Tuesday, January 23rd Village Council heard the appeal filed by Fawn Dolan on the Site Development Plan she’d submitted previously that was approved by the Commission with conditions. She was specifically appealing the condition of constructing a buffer fence or wall on the southeast and east sides of the parking lot, where those property boundaries abut residential lots. Council voted to overturn the buffer wall requirement; all other conditions stay in place.

Spent many hours and days at Sandoval County this month as their mappers are working on cleaning up Corrales lot and road boundaries.

There was discussion at the February 13th Governing Body meeting about appeals. It was generally agreed that anyone in the Village should have the right to appeal an application having to do with public (municipally owned/run) property. It sounds like there might be further discussion in the future about what constitutes an “aggrieved party” when private property is the subject of the application.



Laurie Stout, Planning & Zoning Administrator



Date

January 2024



Planning and Zoning Department

Brian Gresham, CBO
Village Building Official
Building and Safety Division Report

The Monthly report from the Planning and Zoning Department includes information regarding activity related to construction permits, interagency assistance, and various administrative duties on behalf of the citizens of the Village of Corrales.

Type of Construction	Number of Permits	Building Permit Fees	Improvement Valuation
New Single Family Dwelling	3	\$13,364.36	\$1,350,000.00
Residential Remodel, Additions	2	\$2,330.79	\$132,800.00
Residential Accessory Structures	1	\$636.87	\$25,000.00
Residential Solar	1	\$275.00	\$46,420.00
Residential Reroof	3	\$330.00	\$113,590.00
Residential Pools and Spas	2	\$2,040.24	\$103,750.00
Residential Fence/Wall	0	\$0.00	\$0.00
Demolitions	1	\$110.00	\$0.00
Commercial Remodel, Additions	1	\$5,709.06	\$50,500.00
Commercial Accessory Structure	0	\$0.00	\$0.00
Commercial Solar	0	\$0.00	\$0.00
Commercial Reroof	1	\$220.00	\$0.00
Total for the Month	15	\$25,016.32	\$1,822,060.00



Planning & Zoning Department

Village of Corrales

4324 Corrales Road, Corrales, New Mexico 87048
Phone: (505) 897-0502 Ext. 241 / cell (505) 273-0143
Email: srice@corrales-nm.org

February 1, 2024

Village of Corrales council members.

Continuing proactive patrols. Working on Short Term Rental identification and registration.

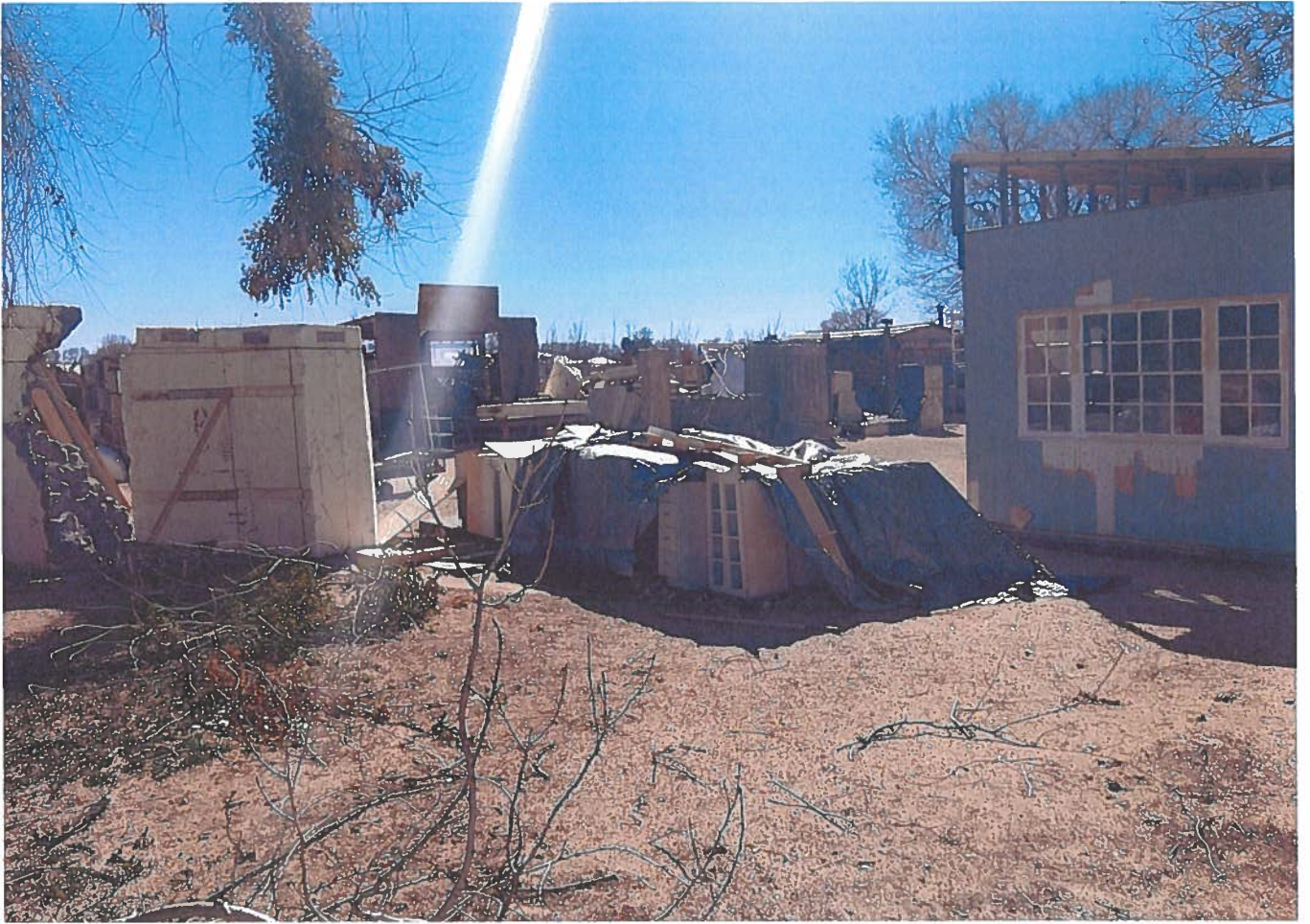
Numbers for the month of January 2024

47 First notice
8 2nd notice
44 Resolved
6 Citation

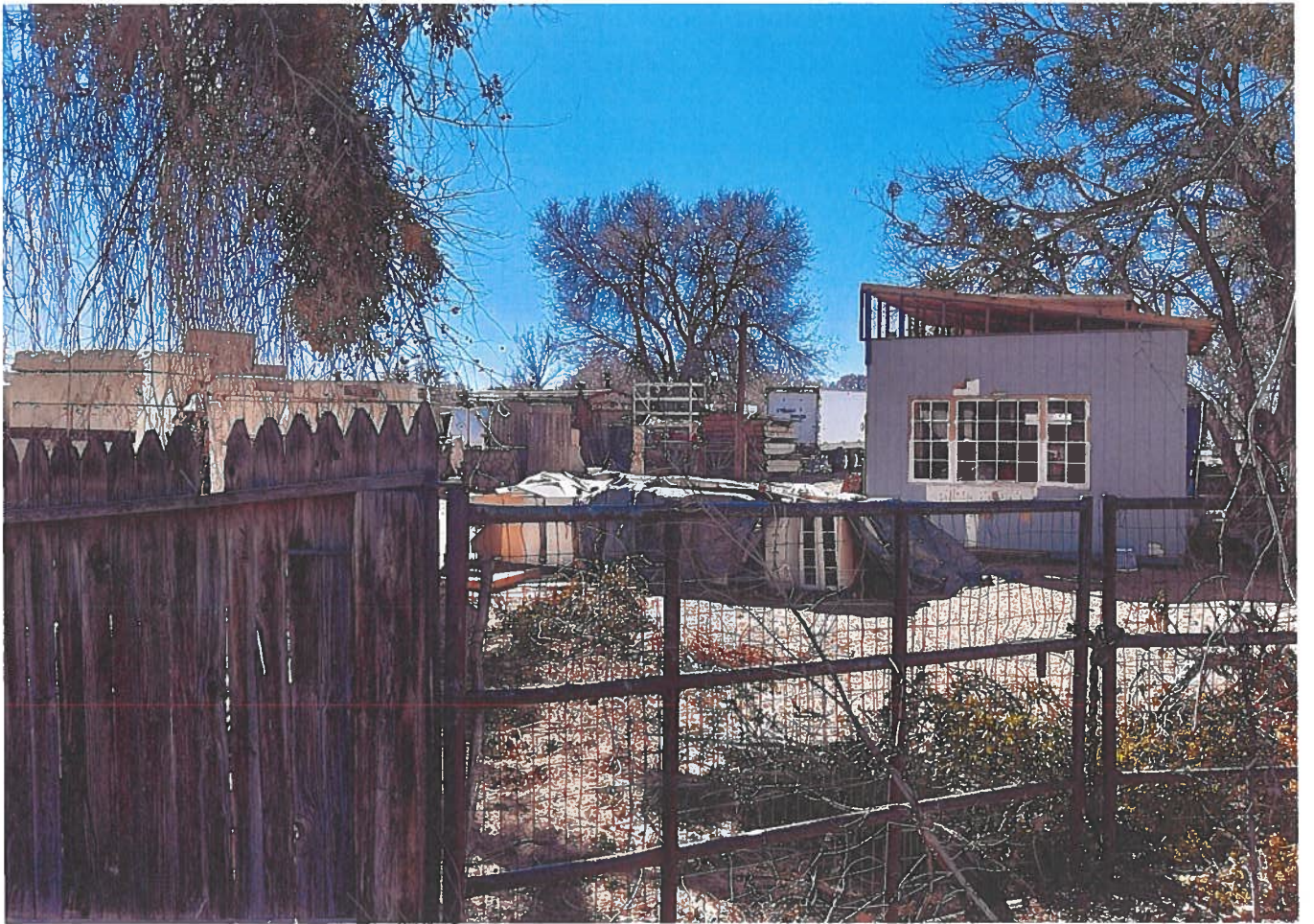
Respectfully,

Sherrie Rice
Code Enforcement

6950 Carrates



ReL...



Reber

