

COUNTY DEVELOPMENT REVIEW COMMITTEE

08-5250

**CONNIE HATLEY ACCESSORY STRUCTURE
CONNIE HATLEY, APPLICANT**

ORDER

THIS MATTER having come before the Santa Fe County Development Review Committee ("CDRC") for hearing on October 16, 2008 on the application ("Application") of Connie Hatley ("Applicant") for a development permit for an accessory structure in excess of 2,000 square feet, the CDRC having considered the Application, the recommendation of the Santa Fe County Land Use Code Administrator ("Administrator"), documents and testimony of the Applicant, and public comment hereby makes the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. On September 4, 2008, the Applicant filed an Application for a development permit for a 4,000 square feet accessory structure, submitting with the Application 08-5250.
2. On October 16, 2008, the Administrator submitted his report ("Report") to the CDRC describing the proposed structure, summarizing his review relative to the applicable criteria, and recommending approval, subject to the following conditions:
 - a. The structure shall not be utilized for commercial use.
 - b. The Applicant must submit a complete Development Permit Application to Building and Development Services. The structure must comply with the Santa Fe County Land Development Code.

- c. The Applicant must submit a building permit application to the New Mexico Construction Industries Division.

3. A hearing was held on October 16, 2008, at which the Report was accepted into evidence. No one spoke in opposition to the Application.

4. From the Report, the following factual assertions are hereby adopted as findings of fact:

- a. The Applicant requested an accessory structure on 9.97 acres. The Applicant currently has an existing residence on the property.

- b. The Accessory structure would be 4000, square feet, 17'-8" in height.

- c. The property contains one driveway for the existing dwelling and Accessory structure.

APPLICABLE LAW

5. An accessory structure is a structure "incidental and subordinate to the principal use or structure" that (i) is not "used as a dwelling or designed such that it could be converted into a dwelling," (ii) is "non-commercial" (except for approved home occupations), (iii) is "served by utilities from the principal dwelling" (unless otherwise approved by the Administrator), (iv) uses "a shared driveway with the principal dwelling" (unless otherwise approved by the Administrator), and (v) is used "for the benefit or convenience of the occupants of the principal dwelling." An accessory structure "includes, but is not limited to an office/art studio/workshop, garage or carport for storage of personal vehicles, utility or storage sheds, a stable or barn, or a greenhouse." Article X, § 1.

6. "An accessory structure greater than 2000 square feet in size. . . ." may not be approved administratively but "shall be submitted with a site plan to the CDRC for approval." Article II, § 2.3.1.a.xix. The CDRC "has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions. . . ." Article II, § 2.3.2.e.

7. Prior to submitting an application to the CDRC, "the Code Administrator shall

review the application for compliance with the requirements of the Code. . . ." Article II, § 2.3.2.a.xix.

8. In so doing, the Administrator reviews the information contained in the submittals required under Article III, § 2.4.1.a.1 ("Submittals") for compliance with the review criteria set forth in Article III, § 2.4.1.a.2 ("Reviews"), in so far as either submittals or criteria are applicable to accessory structures. Review criteria categories include (i) siting, pursuant to § 2.3 of Article III; (ii) construction codes, pursuant to Article IV; (iii) special review district, pursuant to Article VI; (iv) environmental requirements, pursuant to Article VII; (v) lot size; and (vi) access.

9. Following his review, "the Code Administrator . . . shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions. . . ." Article II, § 2.3.2.a.xix.

CONCLUSIONS OF LAW

10. The Applicant filed all submittals required by Article III, § 2.4.1.a.1 applicable to accessory structures.

11. The Application, subject to the conditions of the Administrator listed in ¶ 2, above, complies with all review criteria of Article III, § 2.4.1.a.2 applicable to accessory structures.

12. For the foregoing reasons, the Application should be approved subject to the indicated conditions.

IT IS THEREFORE ORDERED that the Application shall be and hereby is **APPROVED** subject to the indicated conditions.

COUNTY DEVELOPMENT REVIEW COMMITTEE

By: _____
CDRC, Chairperson

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney