



# VILLAGE OF RUIDOSO

Village Hall  
313 Cree Meadows Drive



## PLANNING COMMISSION REGULAR MEETING AGENDA Tuesday, March 1, 2016 at 2:00 p.m.

1. **CALL TO ORDER & ROLL CALL**
2. **CERTIFICATION OF COMPLIANCE WITH RESOLUTION #2016-01**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
  - A. February 2, 2016 Regular Meeting
  - B. February 16, 2016 Special Meeting
5. **PUBLIC HEARINGS**
  - A. **Case #PCU-2016-0041** – Conditional Use Approval – Establishing a Direct Disposition Service (direct offsite burial with no funeral, no memorial services and no onsite cremation services). 101 Reese Drive | Block 1A, East 92.5' of Lot 58, Palmer Gateway Subdivision  
Zoning District: C-1 “Neighborhood Commercial”  
Owner: Ms. Janet LaRosa     Applicants/Prospective Purchasers: Professional Crematory Services, LLC. owned by Mr. Kent & Mrs. Lisa House
  - B. **Case #PSD-2016-0053** – Commercial Site Development Plan Approval – Cabin rental site plan 701 Mechem Drive | Maudie West Tract 2, being a tract located in the NE ¼ contiguous 0.456 ac. +/-  
Zoning District: C-2 “Community Commercial”  
Owner: Twin Pines, LLC.     Applicant: Mr. John Pacheco     Agent: D.T. Collins & Associates
6. **PUBLIC INPUT**
7. **NEW BUSINESS**
  - A. Draft Commission Rules & Procedure – *Discussion*
  - B. Draft Commission Schedule & Submission Deadlines – *Discussion*
8. **CONTINUING BUSINESS** – *None*
9. **STAFF REPORTS**
  - A. Planning Administrator’s Report
  - B. February 2016 Building Permits Report
  - C. Preview of Upcoming Agenda Items
10. **COMMISSIONER COMMENTS**
11. **ADJOURNMENT** – *Special Meeting Scheduled March 15<sup>th</sup> at 2:00 p.m.*

Posted: February 25, 2016  
Time: 1:30 p.m.

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Planning Administrator or Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the draft agenda and minutes, can be provided in various accessible formats. Please contact the Planning Administrator or Village Clerk if a summary or other accessible format is needed.*

**VILLAGE OF RUIDOSO  
PLANNING COMMISSION, REGULAR MEETING  
313 CREE MEADOWS DRIVE  
RUIDOSO, NM 88345  
FEBRUARY 2, 2016**

**CALL TO ORDER AND ROLL CALL:**

The regular meeting was called to order by Chairman Larry Wimbrow at 2:00 p.m. Commissioners Mohr, Cowan, Garrison, Flack, and Byars were recorded present by roll call. Commissioner Tondino was recorded absent. Village staff present was Bradford R. R. Dyjak, Planning Administrator; Bertha De Los Santos, Deputy Clerk; Christopher (Chris) Eisenberg, Code Enforcement Officer; and Rodney Griego, Parks and Recreation Director. There was no Village legal counsel present. There were no visitors present.

**CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2015-01:**

Bradford R. R. Dyjak stated the notice of the meeting was in compliance with Resolution 2015-01 and properly advertised and posted.

**APPROVAL OF AGENDA:**

Commissioner Garrison moved to approve the agenda as presented. Commissioner Cowan seconded and the motion carried with all ayes.

**APPROVAL OF THE MINUTES:**

Commissioner Flack moved to approve the January 5, 2016 regular meeting minutes. Commissioner Mohr seconded and the motion carried with all ayes.

Commissioner Garrison moved to approve January 19, 2016 special meeting minutes. Commissioner Flack seconded and the motion carried with all ayes.

**PUBLIC HEARINGS:**

**Official Zoning Map – Possible Recommendation to Governing Body**  
**To adopt an Updated Official Zoning Map of the Village of Ruidoso Reflecting Zone Changes and Annexations Already Adopted Since the Last Update in 2013.** Bradford R. R. Dyjak stated the following: recommended the Planning Commission formally adopted the Updated Official Zoning Map in order to keep the consistency; no new changes were proposed in the updated map;

there were eight cases that had been approved since January 2013, which consisted of one annexation and seven zone changes; the map did not reflect all zone changes since that time; would be working further to ensure that the map reflected all replatted areas.

Chair Wimbrow opened discussion to the public. There was no public discussion. Chair Wimbrow closed discussion to the public.

Chair Wimbrow moved to Adopt an Updated Official Zoning Map of the Village of Ruidoso Reflecting Zone Changes and Annexations Already Adopted Since the Last Update in 2013. Commissioner Mohr seconded and the motion carried with a roll call vote of all ayes.

#### **PUBLIC INPUT:**

There was no Public Input.

#### **NEW BUSINESS:**

**Discussion and Possible Action on Adoption of Resolution #2016-01, a Resolution Declaring Notice of Public Meetings for the Planning Commission.** Bradford R. R. Dyjak stated the Resolution allowed the Planning Commission meetings to be held the first and third Tuesdays of each month. The Planning Commission members agreed that the dates and times worked for them.

Commissioner Garrison moved to Adopt Resolution #2016-01, a Resolution Declaring Notice of Public Meetings for the Planning Commission. Commissioner Cowan seconded and the motion carried with a roll call vote of all ayes.

#### **CONTINUING BUSINESS:**

**Discussion on Chapter 54, Division V: Signage Code Revisions.** Bradford R. R. Dyjak stated the following: the recommended changes made in 2011 were added to the current proposed revisions; the definition section was expanded to provide further clarification; a separate section was added to include Midtown provisions; abandoned, obsolete, and non-conforming signs were included; the violation section remained at the very end to assist Code Enforcement Officers; Special Event signage was addressed; graphics and a sign table would be added; the Special Event Permit Application would be tied into the signage allowed for each event; recommended the Planning Commission reviewed the draft, submitted comments, concerns, etc. by e-mail and then another updated version would be presented for final review prior to seeking Governing Body approval.

Commissioner Garrison inquired if special event signs should be allowed to be placed at the Ruidoso Valley Chamber of Commerce, as stated in the draft. Rodney Griego recommended removing that, due to miscommunication and allowing special event signs at Schoolhouse Park and the banner at the "Y". Mr. Dyjak stated he would add that a sign would be allowed at the location of the Special Event.

Chris Eisenberg stated there were many concerns regarding blade signs. Mr. Dyjak recommended defining a blade vs. a blade sign and a temporary sign vs. a permanent sign. Commissioner Mohr recommended a proportionate measure be considered regarding blades and blade signs. Mr.

Eisenberg suggested 4-6 blade signs be allowed per business, whether they had something on them or not and require that they be put up at night to keep them from becoming tattered. Mr. Dyjak stated the size of the blades or blade signs should be defined. Chair Wimbrow stated all blades or blade signs should be deemed temporary and those businesses in a strip mall should be allowed two (2) blades per business. Mr. Dyjak stated an option could be provided to make a blade or blade sign permanent. Commissioner Cowan stated an allowed footage from the main arterial streets could also be considered when determining the requirements for blades or blade signs. Commissioner Mohr recommended the blade signs be discussed further.

**STAFF REPORTS:**

**Planning Administrator’s Report:** Mr. Dyjak stated the Planning and Zoning Department was working on the following: 1) an asset management system, which would assist with grants; 2) correcting parcel data and E-911 addressing; 3) developing maps for the Comprehensive Plan; 4) tracking of the new water meters being replaced; 5) a proposed timetable regarding the Comprehensive Plan; 6) distribution of surveys to Department Directors and other Committees to gather input regarding the Comprehensive Plan, prior to any public meetings being scheduled; and 7) working on presenting reappointments of Planning Commission members to the Mayor for reappointments in March 2016.

**January 2016 Building Permits Report:** Mr. Dyjak stated building permits decreased this month primarily due to the bad weather conditions.

**Preview of Upcoming Agenda Items.** Mr. Dyjak stated a special meeting would be scheduled for Tuesday February 16, 2016.

**COMMISSIONER COMMENTS:**

There were no Commissioner Comments.

**ADJOURNMENT:**

There being no further business to come before the Planning Commission, Chair Wimbrow adjourned the regular meeting at 2:54 p.m.

**MINUTES ARE DRAFT UNTIL APPROVED ON:**

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED:** \_\_\_\_\_  
Larry Wimbrow, Chairman

**ATTEST:** \_\_\_\_\_  
Bertha De Los Santos, CMC  
Deputy Clerk

**VILLAGE OF RUIDOSO  
PLANNING COMMISSION, SPECIAL MEETING  
313 CREE MEADOWS DRIVE  
RUIDOSO, NM 88345  
FEBRUARY 16, 2016**

**CALL TO ORDER AND ROLL CALL:**

The special meeting was called to order by Chairman Larry Wimbrow at 2:00 p.m. Commissioners Mohr, Cowan, Garrison, Flack, Tondino, and Byars were recorded present by roll call. Village staff present was Bradford R. R. Dyjak, Planning Administrator; Rodney Griego, Parks and Rec; and Robbie Davis, Planning and Zoning Office Manager. There was no Village legal counsel present. There were approximately 6 visitors present.

**CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2015-01:**

Bradford R. R. Dyjak stated the notice of the meeting was in compliance with Resolution 2016-01 and properly advertised and posted.

**APPROVAL OF AGENDA:**

Commissioner Flack moved to approve the agenda as presented. Commissioner Cowan seconded and the motion carried with all ayes.

**PUBLIC HEARING:**

**Case #PV-2016-0025 – Variance Request – 121 Westminster Drive, Block 12, Lot 1A, Black Forest Subdivision; Applicant; Mr. Darrell Kitten.** Bradford R. R. Dyjak stated the following: the request was for a variance of 12 foot from the minimum required 20 foot front-yard setback to erect a 24 foot x 24 foot garage; the applicable sections of the Village Code were as followed: Section 54-61 – Planning Commission – Duties & Responsibilities, Section 54-66 - Variances, and Section 54-92(e)(1) – R-1 Single-family Residential Zoning District – Development requirements: Setbacks; approval of the variance required a 2/3 majority vote of those members of the Planning Commission present; the Planning Commission voted to approve the application and staff recommended the following conditions of approval be imposed as followed: 1) applicant must complete and return necessary Variance agreement prior to any construction, 2) applicant must obtain necessary permits to begin construction and construction must comply with the Village Code and applicable State standards, and be completed within one (1) year of the issuance of the building permit, 3) Applicant should make no substantial changes in plans without Planning Commission approval, and 4) by accepting approval of the Variance, applicant

agreed to comply in a timely manner with standards and conditions set; as a result of staff findings and recommendations, there was sufficient evidence to determine that the application would meet both standards for granting relief and therefore staff recommended granting approval as requested.

Commissioner Flack moved to approve Case #PV-2016-0025 – Variance Request – 121 Westminster Drive, Block 12, Lot 1A, Black Forest Subdivision; Applicant; Mr. Darrell Kitten. Commissioner Garrison seconded and the motion carried with a roll call vote of all ayes.

## **REGULAR ITEMS:**

**Sketch Plan Presentation – Remington Hollow Subdivision – Green Meadows Addition, Tract B, Applicant: Mr. Glen Remington; Agents: Mr. Mark Younger & Mr. Wyatt Sparks; Data: - 6.47 +/- acres | R-1 Single-family Residential District | 18 lots proposed; Location: Situated between Grant Drive, Woodland Drive and Keyes Drive.** Bradford R. R. Dyjak stated the following: Mr. Remington requested an opportunity to present an updated conceptual Sketch Plan to the Planning Commission; the purpose of the presentation would be for him to provide a revised, informal Sketch Plan based upon comments received at the December 1, 2015 Planning Commission meeting in preparation for an anticipated formal preliminary plat application in the near future; the plans were not engineered and any formal preliminary plat submission would require design calculations to meet development standards; while Mr. Remington prepared those plans, staff continued to independently evaluate site conditions; the research indicated that a previous proposed subdivision of the same tract was ultimately disapproved by the Planning Commission and Village Council in 2008; the intent of the presentation today was to elicit comments from the Planning Commission on any further issues to address prior to a preliminary plat being submitted; although no guarantees were to be implied by the Planning Commission. There was discussion between the Commission members and Mr. Remington. After all questions were answered the Commission advised Mr. Remington to detail additional drainage information on the proposed project prior to formal submission for Public Hearing.

**Discussion of Chapter 54, Division V: Signage Code.** Bradford R. R. Dyjak stated that he wanted to highlight the following: Blade and flag signs have been defined. The ones that don't meet sign criteria don't need a permit. There is a limit on how many can be put up. Page 9 clarifies obsolete or abandoned signs. The Commissioners agreed with all changes to be adopted in the Signage Code.

## **STAFF REPORTS:**

Mr. Dyjak stated the next regular scheduled meeting would be March 1, 2016 at 2:00 p.m. Draft Rules of Procedure were given to each commissioner by Mr. Dyjak in response to Commission request. This outlines procedures and is the first draft. Additional discussion and input will be sought at the March meeting.

**Comprehensive Plan Update Status.** Mr. Dyjak stated the following: He will bring the preliminary Plan to the March meeting for review. He stated that he is anticipating a mid to late

Spring kick off. There are two public hearings anticipated – one for preliminary review and another for final review and approval. Meetings will be open to the public and will have public hearings to make sure they are apprised of what is going on. Surveys are going out and he is working internally with Village Department Directors and collecting data. He will bring the gathered information back to Commission in March.

Commissioner Mohr announced she is retiring from Ruidoso News at end of March but will remain on the Commission.

**ADJOURNMENT:**

There being no further business to come before the Planning Commission, Chair Wimbrow adjourned the special meeting at 2:45 p.m.

**MINUTES ARE DRAFT UNTIL APPROVED ON:**

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED:** \_\_\_\_\_  
Larry Wimbrow, Chairman

**ATTEST:** \_\_\_\_\_  
Bertha Randolph, CMC  
Deputy Clerk



Village of Ruidoso  
Planning Commission

Village Hall - 313 Cree Meadows Drive, Ruidoso, NM

**DRAFT Commission Rules of Procedure – February 2016**

**Article 1 - General Policies**

**1.1 Meetings**

- A. Meetings of the Planning Commission shall be held in compliance with the Open Meetings Act, 10-15-1 et seq. NMSA 1978 in addition to §54-61 of the Village Code.
- B. Notice of all meetings shall be in accordance with the Village Open Meetings Resolution.
- C. Meetings shall be held according to the Commission's adopted annual Meetings & Submission Schedule, to be adopted annually in December.
- D. All binding actions of the Commission shall be taken at regular meetings, special meetings or emergency meetings. Workshops may be held for the purpose of examining issues, but no official action may be taken. Workshops may further be scheduled to precede or follow any regular or special meeting, providing that workshop and meeting are discrete and conducted as such.
- E. The Commission may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the Chair specifies the date, time, and place for continuation. Notice for the reconvened meeting shall be immediately posted in Village Hall. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

**1.2 Attendance**

- A. Members of the Planning Commission are expected to attend all scheduled meetings and shall make every effort to attend all special meetings.
- B. Failure of a member to attend meetings in accordance with §54-61(c) of the Village Code shall be addressed as proscribed therein.

**1.3 Duties of Officers**

- A. The officers shall be a Chairperson and Vice-Chairperson as established by §54-61(d) of the Village Code as follows:

*Officers; meetings and rules of procedure. The planning commission shall elect a chairman from the members of the commission and shall create and fill such other of its offices as it may determine. The chairman shall be eligible for reelection. The commission shall hold at least one regular meeting each month at such time and place as may be fixed by the commission. Special meetings of the commission may be fixed by the commission.*

*Special meetings of the commission may be called by the chairman, or by any five members of the commission. A majority of four members of the commission shall constitute a quorum for the transaction of business. The commission may adopt such other rules and regulations governing its organization and procedures as it may deem necessary so long as they are not inconsistent with this article and the laws of the state. The commission shall keep a record of its resolutions, transactions, findings, policies and determinations, and this record shall be a public record.*

- B. The Chairman shall possess the powers and perform the following duties:
1. Preserve the order and decorum and have general direction of the meeting room.
  2. Identify, for the minutes, the voting members for the meeting.
  3. Announce the business before the body in order in which it is to be acted upon.
  4. Recognize the speakers entitled to the floor.
  5. Call for public input on agenda items setting a time limit to each speaker.
  6. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Planning Commission.
  7. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.
    - a. The Chair shall be a voting member at the meeting.
    - b. When the Chair asks for a motion three times with no response, the Chair shall offer the motion.
  8. Approve the meetings and/or workshop Agenda prepared by Village staff.
  9. As specifically provided within the Subdivision Code in Chapter 54, Article III and the Zoning Code in Chapter 54, Article II, the Chairperson shall be the authorized signatory on required plans, plats, permits and/or correspondence serving on behalf of the Commission as a whole. The Chairman and/or Village staff liaison to the Commission may prepare and sign official correspondence and recommendations as directed by the majority of the Commission.
- C. In the absence of the Chairman, or upon the request of the Chairman, the Vice-Chairman shall preside and shall all the powers and authority of the Chairman. In the absence of the Chairman and the Vice-Chairman, the member with the greatest seniority on the Planning Commission on the Planning Commission shall preside.

#### **1.4 Duties of Commission Members –**

A. A voting member of the commission has the power to put forth motions, discuss Planning business and vote on said motions. Each panel member will vote “Yes” or “No” on any given issue. In the event that a conflict of interest should arise and the member needs to abstain from voting, the member shall state the reason for the record.

### **1.5 Adopted Rules**

- A. Any matter not covered by these rules shall be governed by the decision of the Chair, applying Robert’s Rules of Procedure, Newly Revised Edition.
- B. Violation of Rules: Violation of these rules does not invalidate action of the Planning Commission.
- C. Amendments to Adopted Rules. The process for amending rules shall require an introduction of the proposed amendment by any permanent member of the Commission or by the Village staff liaison. An amendment shall be discussed by the Commission at a whole during a workshop and/or meeting and then may be adopted at a subsequent regular meeting by the affirmative roll call vote of 5 of 7 voting members. Amendments shall then become effective immediately.

## **Article 2 – Procedures**

### **2.1 Minutes**

- A. Minutes shall include at a minimum the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions.
- B. Unless a reading of the minutes is requested by a member, the minutes of the previous meetings may be corrected and approved without reading.
- C. Previously approved minutes may be corrected when a typographical, grammatical, spelling or factual error is noticed. Such corrections may only be initiated and voted upon by the majority of members present at that meeting within six (6) months from the adoption date of the minutes in question.
- D. Only members attending a specific meeting can vote to approve the minutes of that meeting.

### **2.2 Order of Business**

The order of business of the Planning Commission shall generally be conducted in the following order; provided, however that the Chair may, during a meeting, rearrange items on the agenda to conduct the business more efficiently:

- a. Call to order
- b. Roll Call/Identification of Voting Members
- c. Statement of Open Meetings Act
- d. Approval of Agenda
- e. Public Input
- f. Approval of Minutes
- g. Public Hearing Action Items
- h. New Business
- i. Old Business
- j. Planning Administrator's (or staff liaison) Report
- k. Commissioners' Comments
- l. Adjournment

### **2.3 Cancellation of a meeting.**

- A. If, by the agenda deadline, no items are received for the agenda, the staff liaison to the Commission will notify the members and post a notice of cancellation for the meeting.

### **2.3 Hearing Procedures**

- A. Hearings shall be conducted in the manner described herein.
- B. Once a determination has been made in a hearing, the issue shall not be brought to Planning Commission again for action for a period of one calendar year, unless remanded to the Commission by the Village Council.
- C. Ex parte Communication.
  1. Commissioners shall not engage in ex-parte communication about any filed or prospective application requiring quasi-judicial proceedings with any person or organization interested in such application. For purposes of these rules, an ex parte communication shall be defined as a substantive communication, outside the public hearing process, between a Commissioner and any member of the public.
  2. Communications with the staff of the Planning Department or the Village Attorney shall not be considered ex-parte communications. Communication with staff outside of an open meeting regarding the substance of a case shall be by email. This communication shall be made part of the public record. Any material received by a Commissioner from any person or organization shall be forwarded to the staff of the Planning Department for distribution to the Commission. Copies of all such materials shall be submitted to the Planning Department.
  3. Attendance at meetings, seminars, open houses or other similar functions in which a pending or prospective application is discussed incidentally or

in general terms for information purposes only, without any communications being directed to or by the Commissioner, shall not constitute an ex parte communication. However, such an incident shall be disclosed by the Commissioner at the public hearing on said application.

4. A Commissioner who has engaged in ex parte communication shall recuse himself or herself from hearing the application. Commissioners shall disclose any instance of an attempted ex parte communication; however, any such attempt should not, in and of itself, be grounds for recusal.
5. Commissioners shall not conduct independent fact-finding investigations of any property that is the subject of a quasi-judicial proceeding before the Planning Commission. However, a cursory site visit by an individual Commissioner to generally familiarize that Commissioner with the location and environs of such a property, that does not include an independent fact finding investigation, is permitted. Furthermore, a publicized and organized visit involving the entire Commission, the public, and any other parties shall be permitted if scheduled in advance of the hearing date with notice provided in accordance with the Village's adopted Open Meetings Act Resolution.

#### D. Types of Hearings and General Provisions

1. The Commission conducts two types of hearings: quasi-judicial proceedings and non-quasi-judicial proceedings. Only complete and officially-submitted applications shall be considered and the Commission shall not give advice on how it might rule in future cases or might have ruled in past cases. After a staff report is distributed to the Planning Commission, withdrawal of an application requires Commission approval.

a. Quasi-judicial proceedings are those in which the Commission must provide particularized procedural due process rights to both the applicant and those members of the public with standing. Commission hearings on applications initiated by the owner of a particular property, or by such owner's agent (including, but not limited to, zone changes, site development plans for subdivision, site development plans for building permits or amendments to sector development plans) are most often conducted as quasi-judicial proceedings. Other types of applications may also require quasi-judicial proceedings, as determined on a case-by-case basis.

b. Non-quasi-judicial proceedings do not require the same procedural protections as are provided during a quasi-judicial proceeding. Hearings on applications for a recommendation from the Commission to the Village Council regarding proposed amendments to Village-wide Codes and Ordinances are most often conducted as non-quasi-judicial proceedings. Other types of applications may also not require quasi-judicial proceedings, as determined on a case-by-case basis.

2. Any party may appear on their own behalf or may be represented by an agent. In the absence of any personal appearance on behalf of an applicant, the Commission may proceed with such matter.

3. Any changes to the meeting agenda, barring emergencies or unusual circumstances, shall be announced at the beginning of each meeting and should be posted for the public.

a. The agenda, as amended, shall be approved at the beginning of each meeting and shall be a part of the record of the meeting. There shall be no consent agenda.

b. Applications shall be considered in the order in which they appear on the approved agenda. An approved agenda may be changed at any time by the Commission, for good cause shown, upon motion passed by majority vote.

4. The Chair shall require that all people wishing to address the Commission be sworn in giving their names and the community in which they live prior to the discussion of any new item on the agenda. The Chair may ask whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to be sworn in shall not be permitted to speak until sworn in.

a. The Chair may set the order of speakers so that testimony is heard in the most logical grouping, e.g. proponents, opponents, adjacent owners, vested interests, etc.

b. The Chair has authority, subject to a Commissioner's right to appeal to the Commission as a whole, to limit repetitive, irrelevant or inappropriate testimony, evidence and cross examination presented at a public hearing, as well as limit a Commissioner's comments, questions, or arguments that are repetitive, irrelevant, or otherwise inappropriate. Commissioners and speakers shall confine their remarks to the question under discussion or debate.

c. The Chair will introduce the item, open the public hearing, request the pertinent staff member to present the application and call upon the applicant to describe the matter under consideration.

8. The order of considering an application shall be as follows unless the Commission approves a motion to alter the order of presentation:

a. Planning staff presentation

b. Applicant's presentation

c. Testimony by other concerned parties

d. Applicant's response and cross-examination, if any

e. Other concerned parties' cross-examination, if any

f. Staff response

g. Floor is closed

h. Chair's summary of the issues (when appropriate)

- i. Comments by Commissioners
- j. Motions including findings, and any conditions that may be required

9. Planning Commissioners may ask clarifying questions of any speakers at a public hearing at any time prior to closing of the floor. Persons with standing may cross-examine any person speaking at a hearing, as permitted by these rules. The Chair has the discretion to allow additional comment and response while the floor is open.

10. The Chair is responsible for the management and administration of Commission hearings. Five hours shall be the maximum time allotted for public hearings. It shall be the responsibility of the Chair to monitor the time of a public hearing and seek a motion to continue the hearing to a date and time specified by the Commission. At hearings, time limits on presentations and testimony are generally as follows:

- a. 20 minutes for staff presentation
- b. 25 minutes for the applicant's presentation
- c. 2 minutes for each public speaker
- d. Up to 10 minutes for a recognized organization with standing
- e. 5 minutes applicant's response/rebuttal
- f. 5 minutes staff response

11. Recognized organizations with standing shall appoint one or more spokespersons to express common viewpoints. The Chair shall determine appropriate time limits under such circumstances and may grant additional time to any speaker as is appropriate. Individual speakers may not cede their speaking time to others.

12. Cross examination shall be afforded to anyone with standing who requests the opportunity to question an opposing speaker regarding matters relevant to the application.

- a. Persons with standing are:
  - 1) The applicant; or
  - 2) any person who owns a property interest within 500 feet of the subject-site (excluding the public right-of-way) and recognized organizations whom have provided a copy of their adopted bylaws and a statement demonstrating their pecuniary, health or safety interest in the application which right or interest must be more than merely nominal or remote; or
  - 3) any person who demonstrates a personal or pecuniary interest or property right that may be adversely affected by the Commission's decision, which right or interest must be more than merely nominal or remote.
- b. Notice of the right of cross-examination shall be prominently placed in the agenda for each Commission hearing.

c. Persons with standing desiring to question any other person who has testified during the hearing shall sign a list maintained by Commission staff. The Chair may restate the person's questions and may require that questions be addressed to the Chair. The Chair shall rule as out of order any improper, irrelevant or unnecessarily long questions or answers.

#### E. Motions and Voting

1. The Commission will vote on motions to approve, defer, continue or deny any matter brought before it. If any such motion fails for lack of a second, such motion dies.
2. A majority vote by the members present and voting of the Commission is required to approve any motion, unless otherwise specified in these Rules.
3. When approving a motion to approve, deny, continue or defer an application, the Commission will adopt findings of fact, based on the record, upon which it has based its decision. The Commission may impose conditions on the approval of an application as may be appropriate under the circumstances.
4. The Commission may continue or defer a matter to another hearing at the request of staff, an applicant or other interested party or when the Commission determines that additional information is necessary or beneficial to render a decision. When the applicant or his agent or a member of the public is present and objects to continuation or deferral to another day, the affirmative vote of a simple majority of the Commissioners present and voting is required to continue or defer the hearing.
5. In the event of a tie vote on any motion, only that motion fails. However, if there are motions to approve, deny, continue or defer an application, and all four types of motions end in a tie vote and/or fail, then the application is denied and no findings shall be adopted.
6. The Chair may vote on any motion, second any motion, and may make any motions, providing that a motion is sought from another member at least twice before initiating.
7. The Commission may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the Chair specifies the date, time and place for continuation. Notice for the reconvened meeting shall be immediately posted in Village Hall and published as a legal advertisement in a newspaper of general circulation. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
8. The Commission may continue or defer an application to a later date.
  - a. A continuance is usually approved because the Commission needs more time to consider the case before them. The subsequent hearing picks

up where it left off. If public testimony has been taken, taking additional testimony is optional, provided that, if the Applicant modifies the application at all, the Commission must give an opportunity for public testimony on the changed portion(s) of the application only. In order to vote at a subsequent hearing, Commissioners who were not present at the original hearing(s) must review the entire oral and written record of previous hearing(s).

b. A deferral is usually approved to allow for additional information to be presented to the Commission, i.e. revisions to site plans, additional justification from the applicant, additional meetings with the public, etc. In order to vote at a subsequent hearing, Commissioners who were not present at the original hearing(s) must review the entire oral and written record of previous hearing(s).

**Amended Rules of Procedure Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2015.**

**By:**

\_\_\_\_\_  
**Commission Chair**

\_\_\_\_\_  
**Commission Vice-Chair or Member**

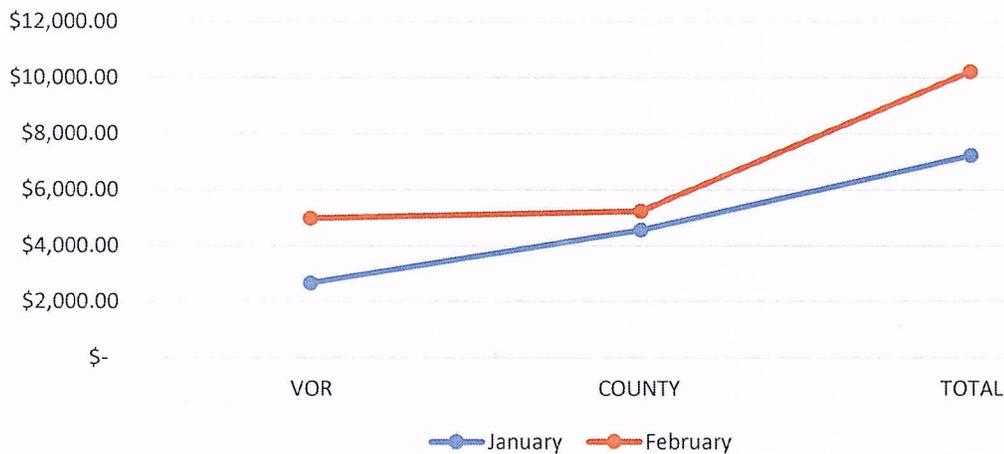
**Attest:**

\_\_\_\_\_  
**Planning Administrator**

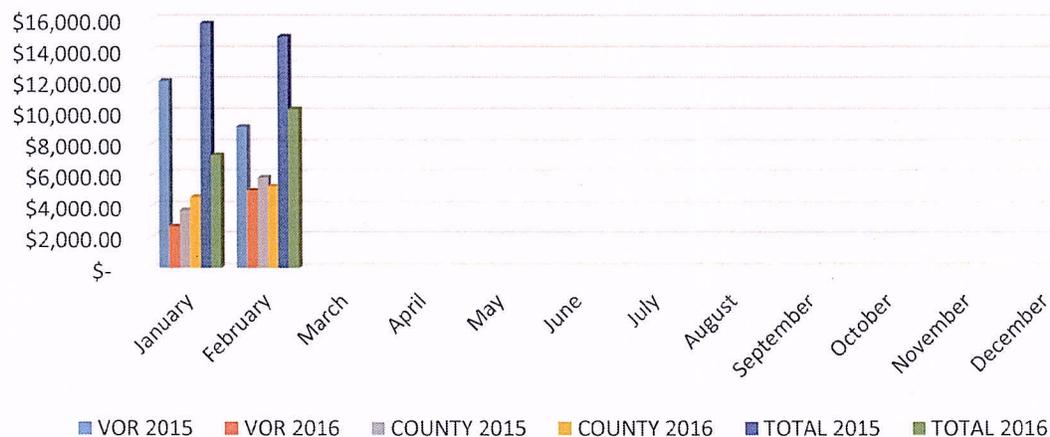
## VILLAGE OF RUIDOSO BUILDING PERMITS FOR 2016

MONTH	VOR	COUNTY	TOTAL
January	\$ 2,661.49	\$ 4,553.81	\$ 7,215.30
February	\$ 4,985.32	\$ 5,245.22	\$ 10,230.54
March			\$ -
April			\$ -
May*			\$ -
June			\$ -
July			\$ -
August			\$ -
September			\$ -
October			\$ -
November			\$ -
December			\$ -
<b>TOTAL PERMITS</b>	\$ 7,646.81	\$ 9,799.03	\$ 17,445.84

### 2016



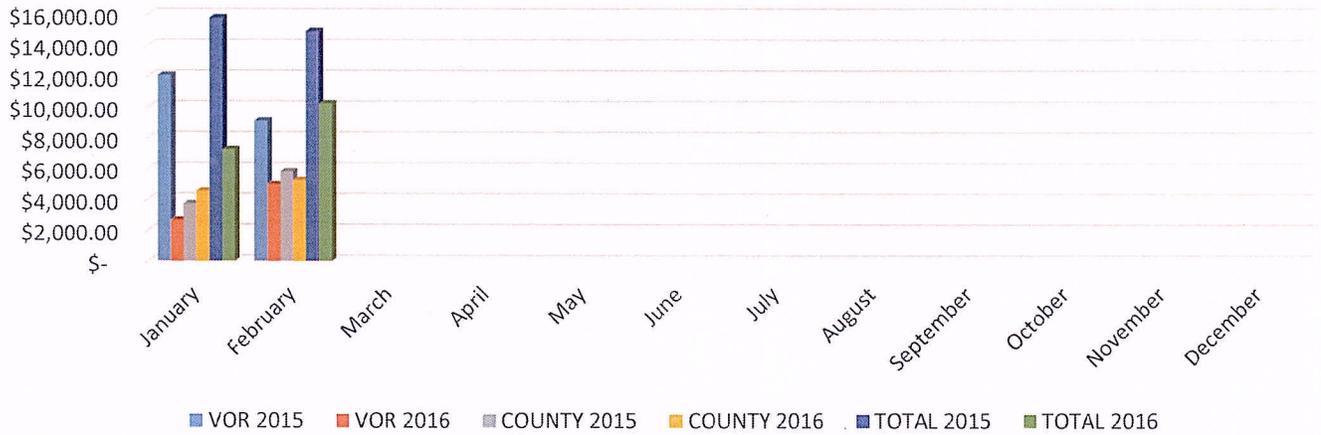
### 2015 vs 2016



## VILLAGE OF RUIDOSO BUILDING PERMITS FOR COMPARISON - 2015 AND 2016

MONTH	VOR 2015	VOR 2016	COUNTY 2015	COUNTY 2016	TOTAL 2015	TOTAL 2016
January	\$ 12,064.34	\$ 2,661.49	\$ 3,712.64	\$ 4,553.81	\$ 15,776.98	\$ 7,251.30
February	\$ 9,107.72	\$ 4,985.32	\$ 5,822.46	\$ 5,245.22	\$ 14,930.18	\$ 10,230.54
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
<b>TOTAL PERMITS</b>	<b>\$ 21,172.06</b>	<b>\$ 7,646.81</b>	<b>\$ 9,535.10</b>	<b>\$ 9,799.03</b>	<b>\$ 30,707.16</b>	<b>\$ 17,481.84</b>

2015 vs 2016



PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20150025	1/21/2015	MARIPOSA BUILDERS	108 VISION DR	MARIBUIL	NEW COMMERCIAL BUILDING	20-COMNEW
21-COMADD	2/16/2016	COMMERCIAL ADDITION	21 - COMERCIAL ADD/ALTERATI	PROTECT1	11,750.00	50.00
LIMIT - INSIDE						
20150563	9/04/2015	SUN VALLEY BUILDERS INC	191 LINCOLN HILLS DR	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM
17-RESMECH	2/24/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	ADVAPLUMAN	0.00	80.50
18-RESPLBG	2/24/2016	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ADVAPLUMAN	0.00	204.00
LIMIT - OUTSIDE						
					TOTAL VALUE	0.00
					TOTAL FEE	284.50
20150565	9/04/2015	SUN VALLEY BUILDERS INC	193 LINCOLN HILLS DR	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM
17-RESMECH	2/24/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	ADVAPLUMAN	0.00	80.50
18-RESPLBG	2/24/2016	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ADVAPLUMAN	0.00	204.00
LIMIT - OUTSIDE						
					TOTAL VALUE	0.00
					TOTAL FEE	284.50
20150612	9/29/2015	RATLIFF CUSTOM HOMES	108 DONKEY CT	OWNER	NEW RESIDENTIAL BUILDING	01-RESNEW
17-RESMECH	2/11/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	ADVAPLUMAN	0.00	70.50
18-RESPLBG	2/11/2016	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ADVAPLUMAN	0.00	145.00
LIMIT - OUTSIDE						
					TOTAL VALUE	0.00
					TOTAL FEE	215.50
20150651	10/14/2015	ASPEN CONSTRUCTION	128 SINGING PINES DR	OWNER	RESIDENTIAL ADDITION	02-RESADD
17-RESMECH	2/24/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	KENNHEATAN	0.00	64.00
LIMIT - INSIDE						
20150833	12/18/2015	APEX RESIDENTIAL CONSTRUCTI	300 HULL RD	OWNER	NEW RESIDENTIAL BUILDING	01-RESNEW
17-RESMECH	2/18/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	ADVAPLUMAN	0.00	70.50
18-RESPLBG	2/18/2016	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ADVAPLUMAN	0.00	145.00
LIMIT - INSIDE						
					TOTAL VALUE	0.00
					TOTAL FEE	215.50
20160008	1/14/2016	PREWITT CONSTRUCTION	401 CENTER ST	OWNER	RESIDENTIAL REMODEL	03-RESREM
17-RESMECH	2/08/2016	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	J&BPLUM	0.00	101.00
18-RESPLBG	2/08/2016	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	J&BPLUM	0.00	60.00
LIMIT - INSIDE						
					TOTAL VALUE	0.00
					TOTAL FEE	161.00
20160019	1/21/2016	LEIF YOUNGER	806 GAVILAN CANYON	YOUNCONS&M	COMMERCIAL ROOF REPAIR	40-COMROOF
40-COMROOF	2/04/2016	COMMERCIAL ROOF REPAIR	40 - COMMERCIAL ROOF REPAIR	YOUNCONS&M	18,340.00	248.97
LIMIT - OUTSIDE						
20160028	1/25/2016	ALDRICH BUILDERS OF NM LLC	300 E REDWOOD DR	OWNER	RESIDENTIAL ADDITION	02-RESADD
02-RESADD	2/03/2016	RESIDENTIAL ADDITION	02 - RES ADD/ALTERATIONS	OWNER	55,358.94	630.20
LIMIT - INSIDE						
20160034	1/28/2016	CHANDLER BUILDERS, INC.	107 COUGAR LANE	OWNER	RESIDENTIAL ADDITION	02-RESADD
02-RESADD	2/02/2016	RESIDENTIAL ADDITION	02 - RES ADD/ALTERATIONS	OWNER	24,130.82	302.06
LIMIT - OUTSIDE						

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20160036 01-RESNEW LIMIT - INSIDE	1/29/2016 2/05/2016	CARLSON, JOSEPH NEW RESIDENTIAL BUILDING	424 FIFTH STREET 01 - SINGLE FAMILY DWELLING	OWNER OWNER	NEW RESIDENTIAL BUILDING 28,389.20	01-RESNEW 335.19
20160038 03-RESREM 18-RESPLBG LIMIT - OUTSIDE	2/01/2016 2/01/2016 2/10/2016	JOHN CORNELIUS BUILDERS, IN RESIDENTIAL REMODEL RESIDENTIAL PLUMBING	1411 HIGH MESA DR 02 - RES ADD/ALTERATIONS RES - RESIDENTIAL PLUMBING	OWNER OWNER HIGHCOUNME	RESIDENTIAL REMODEL 70,000.00 0.00	03-RESREM 618.95 95.00
				TOTAL VALUE	70,000.00	TOTAL FEE 713.95
20160039 11-RESDECK LIMIT - INSIDE	2/01/2016 2/16/2016	CHRISTIAN CONSTRUCTION RESIDENTIAL DECK	107 FORREST LN 11 - RES DECK	OWNER OWNER	RESIDENTIAL DECK 10,900.00	11-RESDECK 168.60
20160040 SG LIMIT - INSIDE	2/01/2016 2/01/2016	EBY, JOSEPH SIGN	1 POLITICAL SIGNS SG - SIGN	OWNER OWNER	SIGN 0.00	SG 250.00
20160041 PZ-CU LIMIT - INSIDE	2/02/2016 2/02/2016	HOUSE, KENT & LISA CONDITIONAL USE	101 REESE PZ-CU - CONDITIONAL USE	OWNER OWNER	CONDITIONAL USE 0.00	PZ-CU 400.00
20160042 17-RESMECH LIMIT - OUTSIDE	2/04/2016 2/04/2016	BONITO RIVER SERVICES, INC. RESIDENTIAL MECHANICAL	124 HOLDEN RD RES - RESIDENTIAL MECHANICA	OWNER OWNER	RESIDENTIAL MECHANICAL 0.00	17-RESMEC 65.00
20160044 37-COMMEC LIMIT - INSIDE	2/08/2016 2/08/2016	ALL RIGHT PLUMBING AND COMMERCIAL MECHANICAL	101 ROBIN ROAD COM - COMMERCIAL MECHANICAL	OWNER OWNER	COMMERCIAL MECHANICAL 0.00	37-COMMEC 25.00
20160045 08-RESROOF LIMIT - OUTSIDE	2/08/2016 2/08/2016	ZOOK ENTERPRISES, LLC RESIDENTIAL REROOF	110 EL SENDERO TRL 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 10,142.35	08-RESROOF 168.60
20160046 SG LIMIT - INSIDE	2/08/2016 2/08/2016	CRAWFORD, LYNN SIGN	1 HOME OCCUPATION SG - SIGN	OWNER OWNER	BANNER 0.00	SG-B 50.00
20160047 BL-FIRE LIMIT - INSIDE	2/09/2016 2/09/2016	THE FRUIT STAND NEW BUSINESS FIRE INSPECT	2500 SUDDERTH DR , 9 BL-FIRE - BUSINESS LICENSE	OWNER OWNER	NEW BUSINESS FIRE INSPECTIO 0.00	BL-FIRE 25.00
20160048 02-RESADD LIMIT - OUTSIDE	2/09/2016 2/09/2016	ROCKY MOUNTAIN CONSTRUCTION RESIDENTIAL ADDITION	194 DEER PARK DR 02 - RES ADD/ALTERATIONS	OWNER OWNER	RESIDENTIAL ADDITION 50,000.00	02-RESADD 490.07
20160049 15-RESDEMO LIMIT - INSIDE	2/09/2016 2/09/2016	FISHER, DEMARIS RESIDENTIAL DEMOLITION	211 WINGFIELD DR 60 - DEMOLITIONS	OWNER OWNER	RESIDENTIAL DEMOLITION 0.00	15-RESDEMO 35.00

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20160050 37-COMMEC LIMIT - INSIDE	2/11/2016 2/11/2016	DELTONS HEATING AND AC LLC COMMERCIAL MECHANICAL	108 VISION DR COM - COMMERCIAL MECHANICAL	OWNER OWNER	COMMERCIAL MECHANICAL 0.00	37-COMMEC 65.00
20160051 SG LIMIT - INSIDE	2/11/2016 2/11/2016	BARNETT CARPETS SIGN	1019 MECHEM DR SG - SIGN	OWNER OWNER	BANNER 0.00	SG-B 20.00
20160052 01-RESNEW LIMIT - OUTSIDE	2/12/2016 2/15/2016	CAMPBELL CONSTRUCTION & GRAN NEW RESIDENTIAL BUILDING	190 VISTA RIO BONITO 01 - SINGLE FAMILY DWELLING	OWNER OWNER	NEW RESIDENTIAL BUILDING 400,000.00	01-RESNEW 2,169.07
20160054 08-RESROOF LIMIT - INSIDE	2/16/2016 2/16/2016	CHRISTIAN CONSTRUCTION RESIDENTIAL REROOF	124 WHITE PINE RD 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 4,900.00	08-RESROOF 94.02
20160055 37-COMMEC LIMIT - INSIDE	2/17/2016 2/17/2016	BONITO RIVER SERVICES, INC. COMMERCIAL MECHANICAL	406 MECHEM DR COM - COMMERCIAL MECHANICAL	OWNER OWNER	COMMERCIAL MECHANICAL 0.00	37-COMMEC 85.00
20160056 PZ-SP LIMIT - OUTSIDE	2/17/2016 2/17/2016	MIDDLETON, RICHARD SHORT PLAT	104 EL SENDERO TRAIL PZ-SP - SHORT PLAT	OWNER OWNER	SHORT PLAT 0.00	PZ-SP 150.00
20160058 SG LIMIT - INSIDE	2/18/2016 2/18/2016	ROCKY MOUNTAIN ELK FOUNDATI SIGN	1 TENNIS COURT SG - SIGN	OWNER OWNER	BANNER 0.00	SG-B 0.00
20160062 11-RESDECK LIMIT - INSIDE	2/19/2016 2/19/2016	GASPAR DE ALBA , MARIO & ET RESIDENTIAL DECK	104 RIVERSIDE DR 11 - RES DECK	OWNER OWNER	RESIDENTIAL DECK 6,192.00	11-RESDECK 121.17
20160064 SG LIMIT - INSIDE	2/19/2016 2/19/2016	MORRIS, TIMOTHY SIGN	117 HILLTOP DR SG - SIGN	OWNER OWNER	SIGN 0.00	SG 250.00
20160065 PZ-SP LIMIT - INSIDE	2/22/2016 2/22/2016	RUIDOSO LAND SURVEYING SHORT PLAT	618 FIRST ST PZ-SP - SHORT PLAT	OWNER OWNER	SHORT PLAT 0.00	PZ-SP 150.00
20160066 STR-3 LIMIT - INSIDE	2/22/2016 2/22/2016	HUMMINGBIRD CABINS SHORT TERM RENTAL-THREE	221 COCONINO LN STR - SHORT TERM RENTAL	OWNER OWNER	SHORT TERM RENTAL-THREE 0.00	STR-3 95.00
20160067 STR-3 LIMIT - INSIDE	2/22/2016 2/22/2016	HUMMINGBIRD CABINS SHORT TERM RENTAL-THREE	206 JACK LITTLE DR STR - SHORT TERM RENTAL	OWNER OWNER	SHORT TERM RENTAL-THREE 0.00	STR-3 95.00

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20160068 STR-3 LIMIT - INSIDE	2/22/2016 2/22/2016	HUMMINGBIRD CABINS SHORT TERM RENTAL-THREE	201 COCONINO LN STR - SHORT TERM RENTAL	OWNER OWNER	SHORT TERM RENTAL-THREE 0.00	STR-3 95.00
20160069 STR-3 LIMIT - INSIDE	2/22/2016 2/22/2016	HUMMINGBIRD CABINS SHORT TERM RENTAL-THREE	100 WESTMINSTER RD STR - SHORT TERM RENTAL	OWNER OWNER	SHORT TERM RENTAL-THREE 0.00	STR-3 0.00
20160070 17-RESMECH LIMIT - OUTSIDE	2/22/2016 2/22/2016	AVA PLUMBING RESIDENTIAL MECHANICAL	1345 HIGH MESA RES - RESIDENTIAL MECHANICA	OWNER OWNER	RESIDENTIAL MECHANICAL 0.00	17-RESMEC 88.00
20160071 40-COMROOF LIMIT - INSIDE	2/23/2016 2/23/2016	BAC ENTERPRISES COMMERCIAL ROOF REPAIR	2316 SUDDERTH DR 40 - COMMERCIAL ROOF REPAIR	OWNER OWNER	COMMERCIAL ROOF REPAIR 13,961.25	40-COMROOF 200.44
20160072 15-RESDEMO LIMIT - INSIDE	2/23/2016 2/23/2016	DRN EQUIPMENT SERVICE RESIDENTIAL DEMOLITION	238 COUNTRY CLUB DR 60 - DEMOLITIONS	OWNER OWNER	RESIDENTIAL DEMOLITION 0.00	15-RESDEMO 35.00
20160075 22-COMREM LIMIT - INSIDE	2/23/2016 2/24/2016	JOHN CORNELIUS BUILDERS, IN COMMERCIAL REMODEL	2330 SUDDERTH DR 21 - COMERCIAL ADD/ALTERATI	OWNER OWNER	COMMERCIAL REMODEL 130,000.00	22-COMREM 929.40
20160077 11-RESDECK LIMIT - INSIDE	2/24/2016 2/24/2016	SOUTHWEST BUILDING COMPANY RESIDENTIAL DECK	201 UNIVERSITY DR 11 - RES DECK	OWNER OWNER	RESIDENTIAL DECK 10,260.00	11-RESDECK 168.60
20160079 15-RESDEMO LIMIT - INSIDE	2/25/2016 2/25/2016	PETE'S BACKHOE SERVICE, LLC RESIDENTIAL DEMOLITION	115 OVERLOOK DR 60 - DEMOLITIONS	OWNER OWNER	RESIDENTIAL DEMOLITION 0.00	15-RESDEMO 35.00
20160080 BL-FIRE LIMIT - INSIDE	2/25/2016 2/25/2016	MCM ELEGANTE LODGE & SUITES NEW BUSINESS FIRE INSPECT	107 SIERRA BLANCA DR BL-FIRE - BUSINESS LICENSE	OWNER OWNER	NEW BUSINESS FIRE INSPECTIO 0.00	BL-FIRE 75.00
20160081 18-RESPLBG LIMIT - OUTSIDE	2/25/2016 2/25/2016	BONITO RIVER SERVICES, INC. RESIDENTIAL PLUMBING	408 HIGH MESA RD RES - RESIDENTIAL PLUMBING	OWNER OWNER	RESIDENTIAL PLUMBING 0.00	18-RESPLBG 65.00
20160082 Z-DEMO LIMIT - INSIDE	2/25/2016 2/25/2016	RE COM CONSTRUCTION, INC. DEMOLITION	26128 US HIGHWAY 70 Z-DEMO - DEMOLITION	OWNER OWNER	DEMOLITION 0.00	Z-DEMO 62.20

\*\*\* TOTALS \*\*\*      NUMBER OF PROJECTS:      45      VALUATION:      844,324.56      FEES:      10,230.54

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

## \*\*\* SEGMENT RECAP \*\*\*

PROJECT SEGMENT - DESCRIPTION	# OF SEGMENTS	VALUATION	FEE
01-RESNEW - NEW RESIDENTIAL BUILD	2	428,389.20	2,504.26
02-RESADD - RESIDENTIAL ADDITION	3	129,489.76	1,422.33
03-RESREM - RESIDENTIAL REMODEL	1	70,000.00	618.95
08-RESROOF - RESIDENTIAL REROOF	2	15,042.35	262.62
11-RESDECK - RESIDENTIAL DECK	3	27,352.00	458.37
15-RESDEMO - RESIDENTIAL DEMOLITI	3	0.00	105.00
17-RESMECH - RESIDENTIAL MECHANIC	8	0.00	620.00
18-RESPLBG - RESIDENTIAL PLUMBING	7	0.00	918.00
21-COMADD - COMMERCIAL ADDITION	1	11,750.00	50.00
22-COMREM - COMMERCIAL REMODEL	1	130,000.00	929.40
37-COMMEC - COMMERCIAL MECHANICAL	3	0.00	175.00
40-COMROOF - COMMERCIAL ROOF REPA	2	32,301.25	449.41
BL-FIRE - NEW BUSINESS FIRE INSPE	2	0.00	100.00
PZ-CU - CONDITIONAL USE	1	0.00	400.00
PZ-SP - SHORT PLAT	2	0.00	300.00
SG - SIGN	5	0.00	570.00
STR-3 - SHORT TERM RENTAL-THREE	4	0.00	285.00
Z-DEMO - DEMOLITION	1	0.00	62.20
*** TOTALS ***	51	844,324.56	10,230.54

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 2/01/2016 THRU 2/25/2016 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

## \*\*\* BUILDING CODE RECAP \*\*\*

BUILDING CODE - DESCRIPTION	# OF PROJECTS	# OF SEGMENTS	VALUATION	FEEES
01 - SINGLE FAMILY DWELLING	2	2	428,389.20	2,504.26
02 - RES ADD/ALTERATIONS	4	4	199,489.76	2,041.28
08 - RES RE-ROOF	2	2	15,042.35	262.62
11 - RES DECK	3	3	27,352.00	458.37
21 - COMERCIAL ADD/ALTERATIONS	2	2	141,750.00	979.40
40 - COMMERCIAL ROOF REPAIR	2	2	32,301.25	449.41
60 - DEMOLITIONS	3	3	0.00	105.00
BL-FIRE - BUSINESS LICENSE FIRE INSPECTION	2	2	0.00	100.00
COM - COMMERCIAL MECHANICAL	3	3	0.00	175.00
PZ-CU - CONDITIONAL USE	1	1	0.00	400.00
PZ-SP - SHORT PLAT	2	2	0.00	300.00
RES - RESIDENTIAL MECHANICAL	8	8	0.00	620.00
RES - RESIDENTIAL PLUMBING	1	7	0.00	918.00
SG - SIGN	5	5	0.00	570.00
STR - SHORT TERM RENTAL	4	4	0.00	285.00
Z-DEMO - DEMOLITION	1	1	0.00	62.20
*** TOTALS ***	45	51	844,324.56	10,230.54

SELECTION CRITERIA

---

REPORT SELECTION

PROJECT RANGE FROM: THROUGH ZZZZZZZZZZ  
PROJECT STATUS: All  
CONTRACTOR: All  
PROJECT TYPE: All  
SEGMENT: All  
VALUATION RANGE FROM: 0.00 THROUGH 999,999,999.99

---

PROJECT DATES

APPLIED RANGE FROM: 00/00/0000 THROUGH 99/99/9999  
ISSUED RANGE FROM: 02/01/2016 THROUGH 02/25/2016  
USE SEGMENT DATES: YES  
EXPIRE RANGE FROM: 00/00/0000 THROUGH 99/99/9999  
USE SEGMENT DATES: NO

---

PRINT OPTIONS

TOTALS ONLY: NO  
INCLUDE SEGMENTS: YES  
COMMENT CODES: LIMIT,

---

\*\*\* END OF REPORT \*\*\*



# VILLAGE OF RUIDOSO

Village Hall  
313 Cree Meadows Drive

## Case Report – Conditional Use Request #PCU-2016-0041

Case #PCU-2016-0041 – Conditional Use Request

**Subject Property:** 101 Reese Drive

**Zoning:** C-1 – Neighborhood Commercial

**Subdivision:** Palmer Gateway

**Legal Description:** Block 1A, East 92.5' of Lot 58

**Applicants/Prospective Purchasers:** Professional Crematory Services, LLC. owned by Kent & Lisa House

**Current Property Owner:** Ms. Janet LaRosa

**Planning Commission Hearing Date:** March 1, 2016 at 2:00 p.m.

### Applicable Sections of Village Code:

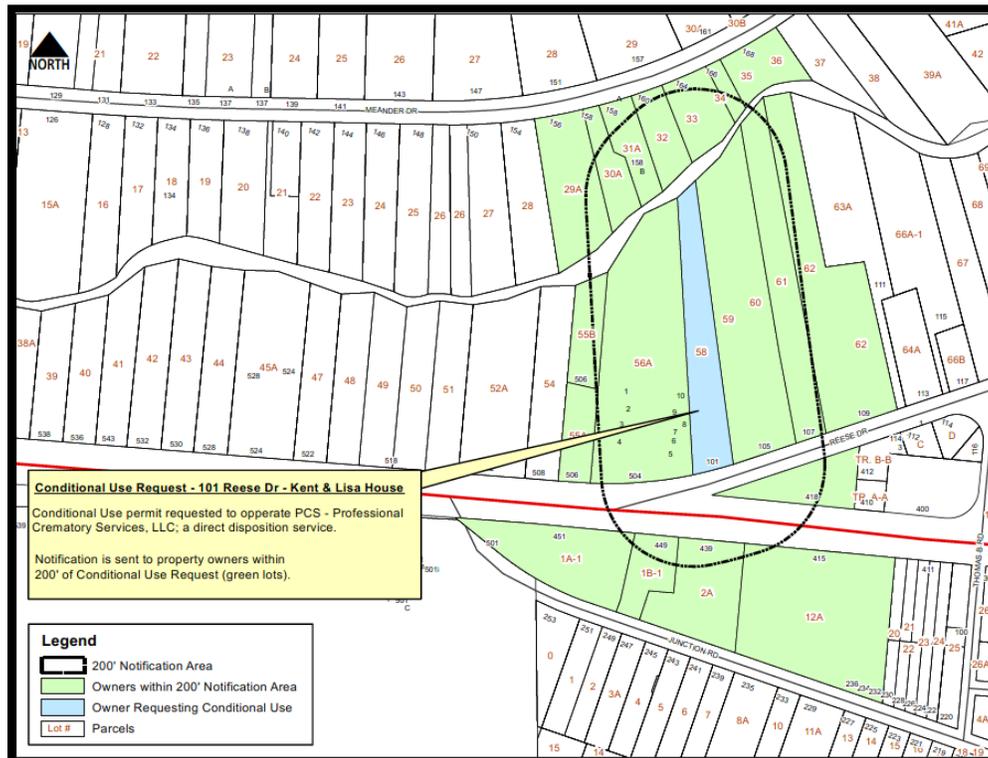
- §54-68 – Conditional Use Permit Approval
- §54-91 – General districts defined; permitted and conditional uses
- §54-99 – C-1 Neighborhood Commercial Zoning District
- §54, Div. 4 – Development Standards

### I. SITE DATA

**Previous use:** Doctor/Medical/Therapy office

**Lot Size:** 40,598 ft<sup>2</sup> (~0.932 acre)

Direction	Zoning	Existing Land Use
North	R-1	Rio Ruidoso; Single-family Residential
East	R-3	Multi-family residential
South	C-2	Commercial– Office/Retail, Service station, Park
West	C-1	Light Commercial- Office/Retail



## II. REQUEST

The applicant is seeking conditional use approval **to establish Direct Disposition Service (direct offsite burial with no funeral, no memorial services and no onsite cremation services)** within the existing building in accordance with Sections 54-68 and 54-99 of the Village Code.

## III. ANALYSIS

The requirements for granting a conditional use are as follows:

### Sec. 54-91. – General districts defined; permitted and conditional uses.

*c) A conditional use is a use which is of an unusual or unique character and which may be offensive or incompatible in some cases within a zoning district. A conditional use requires review and approval by the planning commission to determine impacts of the use on the surrounding area. See section 54-68 for procedures governing a conditional use permit.*

### Sec. 54-68. – Conditional use permit approval.

*(a) **Generally.** Certain uses, (as defined in section 54-91(c)), may, under certain circumstances, be acceptable. When such circumstances exist, a conditional use permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.*

*(b) **Application.** The person applying for a conditional use permit shall fill out and submit to the planning administrator the appropriate form, together with the required fee. The request for a conditional use permit shall follow the procedures and applicable requirements of section 54-67 which pertain to site plan review.*

*(c) **Notice of hearing.** Notice of any public meeting at which the conditional use will be reviewed shall be accomplished as set forth in section 54-40.*

### *(d) **Review and decision by planning commission.***

*(1) No conditional use permit shall be given for a use which is not listed in this article as a conditional use in the particular district in which it is proposed to be located. The planning commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets and land, the impact upon the natural environment, and the effect of the proposed use upon the comprehensive plan. The planning commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application. In reviewing conditional uses in residential areas, the planning commission shall consider particularly the response of adjoining property owners.*

*(2) Approval of conditional use permits shall require a two-thirds vote of the members of the planning commission present. If approved, the commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.*

### Sec. 54-99(c). – C-1 neighborhood commercial district. Conditional uses.

*(32) **Day care centers.** A minimum of 35 square feet per child shall be provided within the day care facility for indoor activity and at least 50 square feet of fenced-in outdoor play space per child shall be provided on site. Fenced-in outdoor play space shall not include driveways,*

*parking areas or land unsuited for children's play space by virtue of the usage or natural features. A state license shall be obtained prior to commencement of operation of a day care facility.*

**Sec. 54-99. – C-1 neighborhood commercial district. Development requirements.**

**§54-99(c) “Conditional Uses”:**

*(3) Resident health care facilities, including nursing homes and group homes.*

*(8) Day care centers.*

*(10) Churches.*

*(11) Schools.*

***(f)Setbacks and height.*** *Setback and height requirements for the C-2 district are as follows:*

***(1)Minimum setback from property lines.*** *The minimum building setbacks from property lines shall be as follows:*

*a. Building setbacks:*

*1. Front: 25 feet.*

*2. Interior side and rear: Ten feet.*

*3. Corner side: Ten feet.*

*4. Residential district boundary: Same as the adjoining residential district.*

*b. Parking lots:*

*1. Front: Four feet.*

*2. Interior side and rear: Three feet.*

*3. Corner side: Four feet.*

*4. Residential district boundary: Three feet*

***(2)Maximum height.*** *Maximum height of structures shall be 35 feet.*

***(h)Screening.*** *All principal and accessory uses shall be screened from adjacent residential districts as described in section 54-134.*

***(i) Landscaping.*** *All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.*

**Sec. 54-135. - Landscaping**

***(d)(4) Peripheral landscaping for parking lots.*** *Peripheral landscaping shall be required along any side of all parking lots. A landscaping strip consistent with the provisions of the property's zoning district shall be provided between the parking area and adjoining property. Where a commercial parking area adjoins a residential district, a wall, or other permanent landscaping barrier shall be installed. The height of such landscaping barrier shall be not less than six feet.*

**Sec. 54-141(e)(22) – Off-site parking.:**

*Funeral homes: One space for each four seats in funeral service and state room areas, in addition to one space for each hearse or other commercial vehicle.*

**The Planning Commission has the following options:**

1. **Approval** of #PCU-2016-0041, with reasons stated in the motion, granting the requested conditional use.
2. **Require modifications** to #PCU-2016-0041, and have it returned for Planning Commission review at the next meeting.

3. **Deny** the request of #PCU-2016-0041 with reasons and conditions.

Approval of a conditional use requires a **2/3 majority vote** of those members of the Planning Commission present. The reasons for either approval or rejection must be stated in the findings of fact and motion.

**If the Planning Commission votes to approve this application, staff recommends that the following conditions of approval be imposed:**

1. Applicant must complete and return necessary Conditional Use Development Agreement prior to any construction. Failure to complete and record conditional use agreement within six (6) months will void the approval of Case #PCU-2016-0041.
2. No cremation services or similar use shall be conducted onsite.
3. Applicant shall submit revised Site and Floorplan to Planning Administrator for approval prior to occupancy that clearly depicts designated use areas.
4. Applicant must obtain any necessary permits Village building and fire safety inspection – including approval by the appropriate state licensing authority – prior to occupancy.
5. Applicant shall make no substantial changes in plans without Planning Commission approval.
6. By accepting approval of this Conditional Use, Applicant agrees to comply in a timely manner with standards and conditions set. Failure to comply may lead to Court enforcement.

**V. STAFF FINDINGS & RECOMMENDATION**

Staff notes that all public notice requirements have been met in advance of the public hearing and one formal comment related to the application has been included. The determination of appropriateness for granting or denying a conditional use application rests only with the consistency with applicable statutes, codes and policies and with the Commission’s analysis of the impacts to the surrounding properties and the community at-large.

The C-1 zoning district does not specify the use “funeral home” or “direct disposition service” nor is this listed in any other zoning district, despite being specified in the Village Code Parking Requirements in §54-141(e)(22). The Municipal Code clearly contemplates that such a use (“funeral home”) would be accommodated elsewhere within the Code and presumably within at least one of the commercial zoning districts. Please reference the applicable state Administrative Code definition and requirements for “direct disposition services” provided by the Applicant within the attached application. In the absence of a specific reference within Chapter 54, Division 3 “Land Use: District Regulations”, inference would interpret that a “funeral home” use would be comparable to the referenced conditional uses in §54-99(c)(3), (8), (10) & (11). Therefore, the Planning Administrator issued an official determination on February 8, 2016 (see attached) that the proposed use would be considered a “special use” to be processed as a typical conditional use as provided in §54-68 and §54-32 of the Municipal Code.

Upon further review of the application and existing conditions, staff finds that the proposed use appears to be generally consistent with the Village Code and Comprehensive Plan. Furthermore, staff finds that certain conditions in the above referenced code sections have been met including:

1. That there is adequate existing parking,
2. The lot is adequately served by existing infrastructure.
3. The existing building footprint will not be expanded nor pose any adverse impacts to adjacent properties.

4. The existing tree cover and landscaping provide sufficient natural screening that would comply with the screening requirements from the adjacent residential zoning district to the east of the property in accordance with Section 54-99.
5. The use is consistent with the character of the zoning district and would not intensify the health and safety impacts of the property any more so than the existing uses of the property.

**Suggested Motion:**

“Based upon the foregoing findings of fact per §54-68 and in accordance with §54-99 of the Village Code, I move to APPROVE the requested **conditional use in Case #PCU-2016-0041** to establish a direct disposition service with no cremation services on the property with the conditions contained within the case report.”

Prepared & Submitted by:

---

Bradford R.R. Dyjak,  
Planning Administrator

# # #

# Village of Ruidoso Planning & Zoning Application

Check all that apply

<input type="checkbox"/> 54-62 Appeal to Council	<input type="checkbox"/> 54-63 (f) Zoning Permit	<input type="checkbox"/> 54-63 (g) Certificate of Zoning Compliance
<input type="checkbox"/> 54-64 Amendment	<input type="checkbox"/> 54-65 Rezoning	<input type="checkbox"/> 54-66 Variance
<input type="checkbox"/> 54-67 Site Plan	<input checked="" type="checkbox"/> 54-68 Conditional Use	<input type="checkbox"/> 54-69 Planned Unit Development
<input type="checkbox"/> 54-70 Annexation	<input type="checkbox"/> 54-283 (a) Sketch Plat	<input type="checkbox"/> 54-283 (b) Preliminary Plat
<input type="checkbox"/> 54-283 (c) Final Plat	<input type="checkbox"/> 54-283 (f) Corrected Plat or Resubdivision	<input type="checkbox"/> 54-284 (b) Minor Subdivisions
<input type="checkbox"/> 54-335 Floodplain Development Permit	<input type="checkbox"/> 54-336 (a) Floodplain Variance	<input type="checkbox"/> 54-336 (b) or (c) Floodplain Appeal
<input type="checkbox"/> 54-377 (a) Airport Hazard Zone Permit	<input type="checkbox"/> 54-377 (d) Airport Hazard Zone Variance	<input type="checkbox"/> 54-379 Airport Hazard Zone Appeal
<input type="checkbox"/> other		

**Names & Contact Information**      Please check preferred method of contact

Applicant	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Kent & Lisa House	P.O. Box 760 Alamogordo, NM 88311	575-430-6075	Lisahouse@qwestoffice.net	Buyer
Agent	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Owner, if other than Applicant	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Janet LaRosa	P.O. Box 95 Ruidoso, NM 88355	575-921-6964		Seller
Surveyor	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Engineer	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Developer, if other than Applicant	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property
Builder/general contractor	[ ] Mailing Address	[ ] Phone	[ ] Email	Interest in Property

**Location of Request**

Street Address	Major Cross Streets	Subdivision	Lot(s)/Tract(s)	Block
101 Reese	Sudderth	Palmer Gateway	58	1-A

**Project Details (complete all that apply)**

Present Zoning	Existing Setbacks				Existing Lots	Exist. Dwelling Units	Area (sq. ft.)
	Front	Rear	Left	Right			
C-1	20'	20'	n/a	n/a	1	1	1760 on .932 ac
Proposed Zoning	Proposed Setbacks				Proposed Lots	Proposed DU	Area (Acres)
	Front	Rear	Left	Right			
Off Street Parking		Flood Plain 100 Yr. Elev.		1 <sup>st</sup> Floor Elev.	Water Source <input checked="" type="checkbox"/> public [ ] private		Sewer <input checked="" type="checkbox"/> public [ ] private
Garage		Outside flood hazard zone		6525	Permit No.		Permit No.
Indoor 1 Outdoor 6+ Total 7+							

**Request (use separate sheet if necessary)**

Description PCS - Professional Crematory Services, LLC (owned and operated by Kent and Lisa House, Buyers), is a direct disposition service (ie. direct burial/direct cremation with no funeral or memorial services) seeking a conditional use permit for 101 Reese, currently a business, "Rejuvenation", an alternative health clinic operated by Dr. Janet LaRosa (Seller).

**Justification**

\*See attached

Date 2/1/16

**Applicant Signature**

**Date**

\*

The location is an ideal place for a small, part-time business providing lower-cost alternatives to the community. While near a main artery and a number of businesses (it is behind the Brewer-Shell gas station on Sudderth) and therefore easily accessible as a business, because the residence is set substantially back into a long lot, with lots of trees, it provides an ideal discreet place for the transfer of a deceased from the place of death. PCS is a low-key and low-traffic operation, open 10 am – 2 pm with one employee on duty and a transfer team on-call. (Please note that PCS will be using its crematory in Alamogordo for cremations.) The front ½ of the building would meet the statutory requirements for a display area (caskets, urns) and preparation room. (See statutes/regulations attached hereto). The back ½ would provide a weekend residence for the owners. This type of business is consistent with and even less obtrusive than other businesses specified for conditional use in Sec. 54-99-C-1.(c), Ruidoso, NM, Code of Ordinances, such as multi-family dwellings and townhomes, convenience stores with gas pumps, resident health care facilities, nursing homes, hotels, motels, cabin rentals, day care centers, churches, schools, etc. The location is a lovely and serene setting, perfect for accommodating our clientele.

MLS #: C117602A (Active) List Price: \$250,000

101 REESE DR Ruidoso, NM 88345



**Style:** Ranch  
**Levels:** One  
**Type Business:** Beauty Shop, Offices  
**Apx Heated SqFt:** 0  
**Year Built:** 1950  
**1978 or Prior:** Yes

**Area:** Ruidoso  
**Zoning:** C1 Neighborhood Comm'l  
**Subdivision/Project:** PALMER GATEWAY  
**Neighborhood:**  
**County:** Lincoln

**Legal Description:** Lot E92.5of58, Block 1A, Palmer Gateway Sd

<b>Lot:</b> 58	<b>Block:</b> 1-A	<b>Unit:</b> -	<b>Tract:</b> -
<b>Section:</b> -	<b>Township:</b> -	<b>Range:</b> -	
<b>Lot Size:</b> See Uploaded Plat	<b>Apx Acreage:</b> 0.932	<b>Lot Size Range:</b> Between .5 and 1 acre	
<b>Business Name:</b> Rejuvenation		<b>View:</b> Water, Wooded	
<b>Lot Location/Lot Type:</b> Rio Ruidoso, Partially Wooded			
<b>Type/Nmbr Unit:</b> Other Number-See Remarks			
<b>Site/Topo:</b> Mostly Level, Southern Exposure			
<b>Septic Permit #:</b> -	<b>Well Permit #:</b> -	<b>Owner #:</b> 104125	
<b>Est Yearly Taxes:</b> 0.00		<b>Tax Year:</b> 0	

**Rooms:**

**Kitchen/Appliances:** Breakfast Bar  
**Furnished/Interior Features:** Appliances Only

**Fireplace:**

**How Built/Condition:** On Site  
**Finish/Construction:** Stucco  
**Roof/Flooring:** Metal Roof, Pitched Roof  
**Heating/Cooling:** Gas Forced Air-Natural  
**Wtr Heatr/Own/Lse:** Gas-Natural  
**Utl Conn/Utl Avl:** Sewer Connected, Community Water  
 Connected, Natural Gas Connected, Electric Available, Cable TV Available

**Exterior Features:** Uncovered Deck, Fenced Fully  
**Access/Entry:** Public Road, RV Access, First Floor, Level Entry, Master Bedroom  
**Incl/Will Sell:** Land/Building  
**Amenities/Fees Incl:**

**Car Strg/Parking:** Single Detached, Area, Lot

**Remarks:** Ruidoso River location for your business or residential use. Rare business location on .932 of an acre running down to the Ruidoso river. Owner comments "A warm office setting that feels like home. let your imagination run wild". One level, office space with "excellent" yr around access. C-1 Zoning Level, ample parking. RV space. Located at the corner of Sudderth and Reese. Currently alternative health business in operation appointment needed to show. Stucco building with metal roof. Many upgrades, electrical, lighting. Two open areas for waiting rooms, a reception area, kitchen, two ada compliant bathrooms & 5 additional work rooms..

**Directions:** East on Sudderth, left before Brewer Gas station. Sign on your left.

**Agent Remarks:** Owner operates her alternative health care business at this location. Appointment necessary with Ms. La Rosa. Single detached garage and the land runs to the river. This is a special location. At one time there was a small river community in the works. Operate your accounting office, real estate office, law office, spa, hair salon. Unlimited uses.

<b>Owner's Last Name:</b> La Rosa	<b>Occupant's Last Name:</b> La Rosa	<b>Occupant's Phone:</b> (575)9216964
<b>To Show:</b> Appointment	<b>Sign:</b> Yes	<b>RediSAFE #:</b> 2414966
<b>Financing/Trade:</b> Cash/New Loan	<b>Commission Selg Ofc:</b> 3	<b>Sub Agency:</b> No
<b>Buyer Agency:</b> Yes	<b>Licensee:</b> Yes	<b>Limited Service Agency:</b> Yes
<b>Rental History:</b>	<b>Contract Date:</b>	<b>Days on Market:</b> 64
<b>Display on Internet:</b> Yes	<b>Display Address:</b> Yes	<b>Allow AVM:</b> No
<b>Initial List Price:</b> \$250,000		<b>Allow Comments:</b> No
		<b>Previous List Price:</b> \$0

**Listing Office:** COLDWELL BANKER SDC (#:43)  
**Main:** (575) 257-5111  
**Fax:** (575) 257-4209

**Listing Agent:** Susan Frederickson (#:35)  
**Agent Email:** [susan.frederickson@gmail.com](mailto:susan.frederickson@gmail.com)  
**Contact #:** (575) 937-0752

Information Herein Deemed Reliable but Not Guaranteed  
 MLS #: C117602A



# SITE DEVELOPMENT PLAN

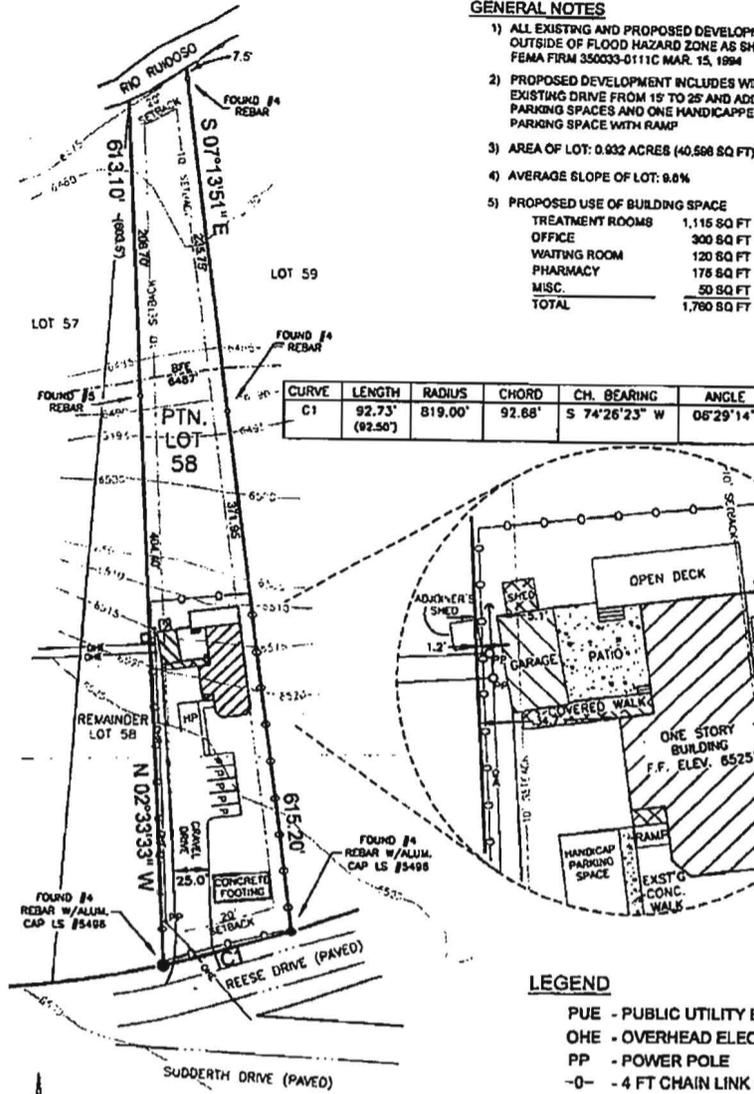
101 Reese Drive, Ruidoso  
Lincoln County, New Mexico

Janet LaRosa

## GENERAL NOTES

- 1) ALL EXISTING AND PROPOSED DEVELOPMENT IS OUTSIDE OF FLOOD HAZARD ZONE AS SHOWN ON FEMA FIRM 350033-0111C MAR. 15, 1994
- 2) PROPOSED DEVELOPMENT INCLUDES WIDENING EXISTING DRIVE FROM 15' TO 25' AND ADDING 5 PARKING SPACES AND ONE HANDICAPPED PARKING SPACE WITH RAMP
- 3) AREA OF LOT: 0.032 ACRES (40,598 SQ FT)
- 4) AVERAGE SLOPE OF LOT: 0.0%
- 5) PROPOSED USE OF BUILDING SPACE
 

TREATMENT ROOMS	1,115 SQ FT
OFFICE	300 SQ FT
WAITING ROOM	120 SQ FT
PHARMACY	175 SQ FT
MISC.	50 SQ FT
TOTAL	1,760 SQ FT

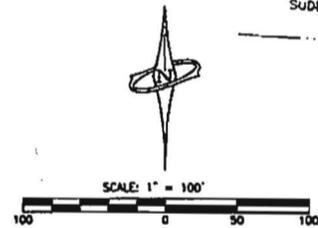


## LEGEND

- PUE - PUBLIC UTILITY EASEMENT
- OHE - OVERHEAD ELECTRIC
- PP - POWER POLE
- 0- - 4 FT CHAIN LINK FENCE

## SURVEY NOTES

- 1) NO BEARINGS ARE SHOWN ON PLAT OF RECORD. TRUE NORTH HAS BEEN DERIVED FROM OBSERVATIONS OF THE GLOBAL POSITIONING SATELLITE CONSTELLATION
- 2) WHERE COURSE DATA APPEAR IN PARENTHESIS, THEY ARE FROM PLAT OF RECORD WHEN FIELD MEASURED DATA TO FOUND POINTS DIFFER BY AN AMOUNT EXCEEDING THE ACCURACY STANDARDS PRESCRIBED BY THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO



I, Paul van Gulick, New Mexico Professional Surveyor No. 15074, do hereby certify that this Site Development Plan and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

**BENCHMARK**

ENGINEERING SURVEYING

PO Box 1281 Ruidoso Downs, NM 88346 (505) 378-4254

Legal Description: Part of Lot 58, Block 1-A, PALMER GATEWAY SUBDIVISION, Ruidoso, Lincoln County New Mexico, described as follows: BEGINNING at a point on the South line of said Lot 58, 75.0 feet East of the Southwest corner of said Lot 58; THENCE in a Northernly direction in a straight line 503.6 feet to the Northeast corner of Lot 57 of said Block 1-A; THENCE Easterly along the North line of said Lot 58 to the Northeast corner thereof; THENCE Southerly along the East line of said Lot 58 to the Southeast corner thereof; THENCE Westerly along the South line of said Lot 58, 92.5 feet to the Place of Beginning of PALMER GATEWAY SUBDIVISION, Ruidoso, Lincoln County, New Mexico, as shown by the amended plat thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico, on September 7, 1948 and as further shown by the Resurvey of Lot 58, Block 1-A, PALMER GATEWAY SUBDIVISION, Ruidoso, Lincoln County, New Mexico, June 7, 1949.

Date of Survey: 10/18/2003  
Project Number: 1033328



**16.64.9.8 DIRECT DISPOSITION PRACTICES:**

A. Every direct disposer in this State shall give or cause to be given to the person or persons arranging for a direct disposition, prior to the time of direct disposition, in addition to any other disclosure required by any statute or regulations, a written statement disclosing:

(1) That prior to interment, entombment, or final disposition of a dead human body or remains, the direct disposer cannot participate in any rites or ceremonies in connection with the final disposition of the remains;

(2) That prior to interment, entombment, or final disposition of a dead human body or remains, the direct disposer cannot provide facilities for rites or ceremonies in connection with the final disposition of the remains;

(3) That a body cannot be embalmed unless embalming is required by the place of disposition, and then only by a person licensed to embalm;

(4) That there can be no viewing of the body except for the purpose of identification;

(5) That the purchase of any funeral merchandise, and the price thereof, from the direct disposer, does not include any rites or ceremonies or other use of facilities not inherent to the direct disposition; and

(6) That a direct disposer may transport, or cause transportation of, a body to a place where services will be conducted with the body present, provided the direct disposer or his agent obtains a signed release from the person accepting the body, which person shall be the person having the right to control the disposition of the body, that person's agent, and the direct disposer or his agent cannot thereafter transport, or cause transportation of, the body to any place. Such signed release shall be kept on file at the direct disposition establishment for a period of not less than five (5) years.

B. A direct disposer or direct disposition establishment shall not be listed in any listing, advertisement or newspaper notice which may give the impression to the public that the direct disposer or direct disposition establishment is, in any way, engaged in the practice of funeral service.

C. No direct disposer shall allow or cause his or her name or the name of the direct disposition establishment to be used in any obituary or death notice in which a ceremony or rite for the deceased is announced, unless such obituary or death notice makes it specifically clear that the direct disposer and direct disposition establishment are not connected in any way to the ceremony or rite.

[11-21-86...6-15-96; 16.64.9.8 NMAC – Rn, 16 NMAC 64.9.8, 09-15-01]

**16.64.4.9 MINIMUM REQUIREMENTS OF ESTABLISHMENTS:**

A. To be licensed by the board, each funeral establishment shall have and maintain the following minimum requirements:

(1) a chapel in which funeral services may be conducted, which shall be at least six hundred (600) square feet (inside-wall-to-inside-wall) in size, and shall:

(a) have the capacity for seating not less than sixty (60) persons and for the proper display of a casket containing the deceased;

(b) have good ventilation;

(c) be entirely and completely separated from both the preparation room and the casket display room, except for entrances and exits having doors; and

- from C. (3) below > (2) a casket display room which shall be not less than four hundred fifty (450) square feet (inside-wall-to-inside-wall) in size and shall:

(a) contain burial caskets or a range of models and prices with not less than twelve different adult burial caskets or models normally displayed, and if models are displayed then the burial caskets shall be available and warehoused within 50 miles of the establishment; and

(b) be adequately illuminated; and

(c) any rental casket considered for internment or cremation services shall have written disclosure as previously used merchandise; consent form shall be provided and signed by the surviving spouse or next of kin; and

(3) a preparation room which shall be not less than one hundred fifty (150) square feet (inside-wall-to-inside-wall) in size and shall:

(a) be equipped with a sanitary flooring of tile or other suitable hard, impervious surface;

(b) be equipped with necessary drainage, lighting and ventilation;

(c) be equipped with the equipment and supplies necessary to embalm and otherwise prepare the human dead for final disposition and transportation; and

(d) be entirely enclosed by flooring, walls and ceiling, except for proper ventilation and entrances and exits having doors.

B. To be licensed by the board, each commercial establishment shall have and maintain the following minimum requirements:

(1) a preparation room as outlined in Paragraph (3) of Subsection A of 16.64.4.9 NMAC; and

(2) an office which is entirely enclosed by flooring, walls and ceiling, except for proper ventilation and entrances and exits having doors, and which is totally separate from the preparation room except for entrances and exits having doors; and

(3) commercial establishments shall be exempt from the requirements of Paragraphs (1) and (2) of Subsection A of 16.64.4.9 NMAC, provided the licensee in charge certifies to the board that the commercial establishment will not exceed the provisions allowed for commercial establishments in the Funeral Services Act.

C. To be licensed by the board, each direct disposition establishment shall have and maintain the following minimum requirements:

(1) a room for sheltering dead human bodies which shall:

(a) be equipped with a sanitary flooring of tile or other suitable hard, impervious surface;

(b) be equipped with necessary drainage, lighting and ventilation;

(c) have a refrigeration unit thermostatically controlled with a minimum storage area of twelve and one-half (12.5) cubic feet per body;

(d) be entirely enclosed by flooring, walls and ceiling, except for proper ventilation and entrances and exits having doors;

(2) an office which is entirely enclosed by flooring, walls and ceiling, except for proper ventilation and for entrances and exits having doors, and which is totally separate from the room where bodies are sheltered except for entrances and exits having doors; and

> (3) if the establishment contains burial caskets or a range of models the establishment shall comply with the requirements of Paragraph (2) of Subsection A of 16.64.4.9 NMAC.

D. To be licensed by the board, each funeral establishment shall:

(1) entirely complete a body tracking sheet as provided by regulation and licensing which shall be kept in the deceased file; and

(2) obtain and maintain body transport record log at the time of which the deceased is transported to the establishment which shall be kept in the deceased file; the log shall include:

(a) name of deceased;

(b) date of death;

(c) date and time placed in refrigeration;

(d) date and time removed from refrigeration;

(e) condition of body prior to transport;

(f) condition of body at the time of delivery;

(g) weather conditions during time of transport.

[2-7-76...9-26-93, 1-22-99; 16.64.4.9 NMAC - Rn & A, 16 NMAC 64.4.9, 09-15-01; A, 04-02-10; A, 08-08-12]

Prior versions: 09-15-2001, 04-02-2010

**61-32-11. Licensure of establishments; funeral establishments; commercial establishments; direct disposition establishments; crematories. (Repealed effective July 1, 2018.)**

A. Funeral establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to the practice of funeral service and shall comply with the following minimum requirements:

(a) a chapel shall be present in which funerals may be conducted;

(b) a display room shall be present for displaying caskets and other funeral merchandise; and

(c) a preparation room shall be present with necessary drainage and ventilation and necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or other disposition or transportation; and

(3) a license shall not be issued or renewed by the board unless the establishment is in compliance with the Funeral Services Act and board rules.

B. Commercial establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to the practice allowed for a commercial establishment and shall comply with the following minimum requirements:

(a) a preparation room shall be present with the necessary drainage and ventilation and necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or other disposition and transportation; and

(b) an office shall be present for conducting business; and

(3) a license shall not be issued or renewed by the board unless the establishment is in compliance with the Funeral Services Act and board rules.

C. Direct disposition establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to

the practice allowed for a direct disposer and shall comply with the following minimum requirements:

(a) a room shall be present with necessary drainage and ventilation for housing a refrigeration unit;

(b) a refrigeration unit, thermodynamically controlled with a minimum storage area of twelve and one-half cubic feet per body, shall be present for sheltering of dead human bodies prior to burial or other disposition or transportation;

(c) an office shall be present for conducting business;

(d) necessary supplies for safely handling unembalmed dead human bodies; and

(e) if funeral merchandise is made available, a display room shall be present for displaying caskets and other funeral merchandise; and

(3) no license shall be issued or renewed by the board unless the establishment is in compliance with the **Funeral Services Act and board rules**.

**61-32-17. Direct disposer; scope of practice; limitations. (Repealed effective July 1, 2018.)**

A. Except as otherwise provided in the Funeral Services Act, a direct disposer may transport and dispose of a dead human body and participate in any rites or ceremonies after final disposition of the body.

B. Prior to interment, entombment or other final disposition of the body, a direct disposer shall not:

- (1) participate in any rites or ceremonies in connection with the final disposition of the body;
- (2) provide facilities for any such rites or ceremonies; and
- (3) have the body embalmed unless embalming is required by the place of disposition.

History: 1978 Comp., § 61-32-17, enacted by Laws 1993, ch. 204, § 17; 1995, ch. 158, § 2; 1999, ch. 284, § 11; 2012, ch. 48, § 14.



# Village of Ruidoso

---

## Planning & Building Department

February 8, 2016

Lisa House  
P.O. Box 760  
Alamogordo, NM 88311

### DETERMINATION OF ZONING STATUS: 101 REESE DRIVE, RUIDOSO, NM

Dear Mrs. House,

Per your inquiry regarding the zoning status of your proposed use for the above-referenced property within the corporate boundaries of the Village of Ruidoso, please reference the following official zoning use determination.

**Physical Address:** 101 Reese Drive, Ruidoso, NM 88345    **Lot Size:** 40,598 ft<sup>2</sup> (~0.932 acre)

**Subdivision:** Palmer Gateway    **Legal Description:** Block 1-A, Lot 58

**Zoning Designation:** C-1 - Neighborhood Commercial Zoning District

**Proposed Use:** Direct Disposition Service (Direct burial/direct cremation with no funeral, no memorial services and no onsite cremation services). Utilizing ~1,780 ft<sup>2</sup> building area.

**Analysis of Applicable Codes:**

In accordance with §54-99 of the Municipal Code of the Village of Ruidoso, the above-referenced property is situated within the C-1 zoning district, which allows for the *"establishment of local centers for convenient retail outlets which deal directly with the consumer for whom the goods or services are intended. These centers are located in predominately residential areas and are limited to a type of use compatible with the surrounding residential character of the area"* with other similar uses and related accessories.

The zoning district of the above-referenced property does not specify the use "funeral home" nor is this listed in any other zoning district, despite being specified in the Village Code Parking Requirements in §54-141(e)(22):

*Funeral homes: One space for each four seats in funeral service and state room areas, in addition to one space for each hearse or other commercial vehicle.*

Additionally, the use "cemetery" includes several incidental and accessory uses comparable to a "funeral home" or "direct disposition service" and is defined as:

*Cemetery means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.*

Furthermore, the following are other potentially similar uses in scale and intensity specifically authorized as either permitted or conditional uses within the C-1 zoning district:

**§54-99(b) "Permitted Uses":**

(11) *Professional offices.*

*"Offices means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include banks, general and professional offices, governmental offices, insurance offices, real estate offices, taxicab offices (but not taxistands), travel agency or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting and similar uses."*

**§54-99(c) "Conditional Uses":**

(3) *Resident health care facilities, including nursing homes and group homes.*

(8) *Day care centers.*

(10) *Churches.*

(11) *Schools.*

When considering a potential use as a conditional use, a public hearing is required before the Planning Commission with notice given. The following sections outline the process and considerations for evaluating a conditional use application.

**§54-68. - Conditional use permit approval.**

(a) **Generally.** *Certain uses, (as defined in section 54-91(c)), may, under certain circumstances, be acceptable. When such circumstances exist, a conditional use permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.*

**(d) Review and decision by planning commission.**

(1) *No conditional use permit shall be given for a use which is not listed in this article as a conditional use in the particular district in which it is proposed to be located. The planning commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets and land, the impact upon the natural environment, and the effect of the proposed use upon the comprehensive plan. The planning commission may grant the application by motion,*

*imposing such conditions and safeguards as it deems necessary, or it may deny the application. In reviewing conditional uses in residential areas, the planning commission shall consider particularly the response of adjoining property owners.*

*(2) Approval of conditional use permits shall require a two-thirds vote of the members of the planning commission present. If approved, the commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.*

**§54-32. - Purpose of article.**

*(a) The purpose of this article is to encourage the most appropriate use of land and to promote the health, safety and general welfare of the community. The regulations within this article are deemed necessary to:*

- (1) Prevent congestion in the streets and other public rights-of-way;*
- (2) Secure safety from fire, panic and other dangers;*
- (3) Ensure adequate light and air for all properties;*
- (4) Prevent the overcrowding of land and undue concentration of population;*
- (5) Facilitate adequate provisions for transportation, water, sewer, schools, parks and other public facilities and reduce the effect of natural hazards;*
- (6) Control and abate the unlawful use of structures, buildings or land;*
- (7) Protect the public health and general welfare; and*
- (8) Encourage the conservation of energy in the use of structures, buildings and land in the village.*

*(b) Regulations within this article are established to provide for the administration of this article, to provide for amendments, to prescribe penalties for violation of such regulations, and to define powers and duties of the village staff, the planning commission and the council in relation to this article.*

**Zoning Determination:**

Upon reviewing the proposed use, subject property conditions and aforementioned applicable codes, staff would note the following. According to §54-35(e) *Conflicting provisions within article, "When two or more provisions of this article are in conflict, the most restrictive provision shall apply"*.

With this in mind, the Municipal Code clearly contemplates that such a use ("funeral home") would be accommodated elsewhere within the Code and presumably within at least one of the commercial zoning districts. In the absence of a specific reference within Chapter 54, Division 3 "Land Use: District Regulations", inference would interpret that a "funeral home" use would be comparable to the referenced conditional uses in §54-99(c)(3), (8), (10) & (11). Therefore, it is the Planning Administrator's determination that the proposed use would be considered a "special use" to be processed as a typical conditional use as provided in §54-68 and §54-32 of the Municipal Code. While there are no implied guarantees, development rights, or any form

of approval, the applicant shall be entitled to proceedings before the Village Planning Commission with public hearing as addressed within this determination. Should there be any disagreement with this interpretation, the Code provides remedy as follows:

**§54-35. - Interpretation of article; conflicting provisions.**

*(d) Interpretation of meaning. The planning administrator or his designee shall interpret the meaning of the provisions of this article. Disagreement with an interpretation may be appealed to the planning commission and then to the council.*

Please be advised that this should not be construed as a guarantee of future regulations, but a determination based upon the information and documents available at the time of this determination. Should you have any questions in the meantime, please feel free to contact me at 575-258-6999 x1062 or BradfordDyjak@Ruidoso-NM.gov.

**Official Determination by:**

**Date:**



*February 8, 2016*

Bradford RR Dyjak,  
Planning Administrator



# VILLAGE OF RUIDOSO

Village Hall  
313 Cree Meadows Drive

## Case Report – Commercial Site Development Plan #PSD-2016-0053

Case #PSD-2016-0053 – Site Plan Application

**Subject Property:** 701 Mechem Drive

**Zoning:** C-2 – Community Commercial

**Subdivision:** Maudie West Tracts 2

**Legal Description:** Being a tract located in the NE ¼ contiguous 0.456 acres more or less

**Applicants/Owners:** Twin Pines, LLC. - Mr. John Pacheco

**Agent:** Mr. Eric Collins

**Planning Commission Hearing Date:** March 1, 2016 at 2:00 p.m.

### Applicable Sections of Village Code:

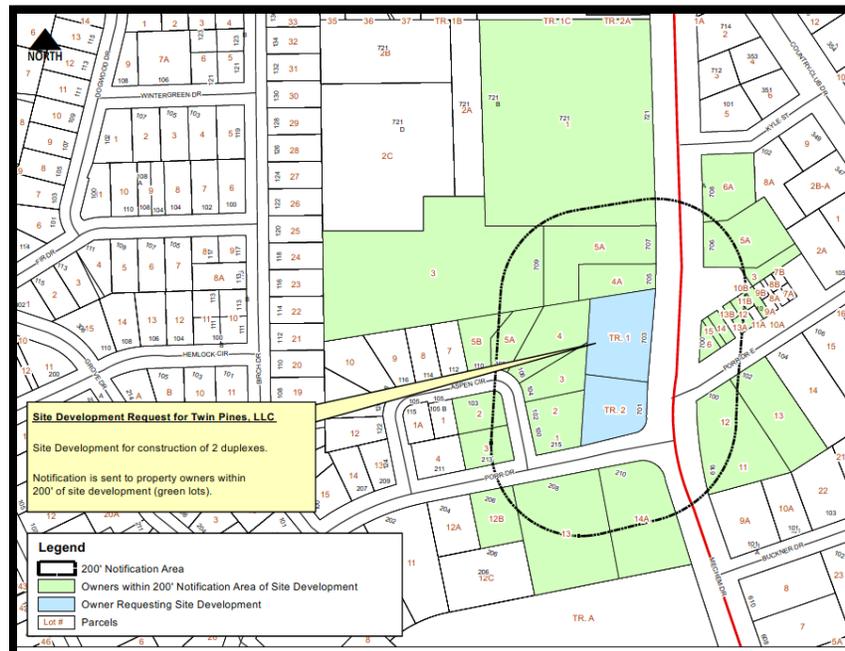
- §54-67 – Site plan and concept approval
- §54-91 – General districts defined; permitted and conditional uses
- §54-100 – C-2 Community Commercial Zoning District
- §54-97(g) – M-1 low-density mobile home district – Setbacks, yards and heights
- §54, Div. 4 – Development Standards

### I. SITE DATA

**Existing use:** Tract 2 - Vacant

**Lot Size:** ~0.456 acres

Direction	Zoning	Existing Land Use
North	C-2	Commercial – Office and Retail
East	C-2	Commercial – Office and Retail
South	C-1	Vacant and Retail
West	M-1 & R-3	Mobile and Manufactured Residential; Multi-family residential



**II. REQUEST**

The applicant is seeking commercial site development plan approval for development of **cabin rentals** complete with access and internal driving and parking aisles in accordance with Sections 54-67 and 54-100 of the Village Code.

**III. ANALYSIS**

The requirements for reviewing site development plans are as follows:

**Sec. 54-91. – General districts defined; permitted and conditional uses.**

*c) A conditional use is a use which is of an unusual or unique character and which may be offensive or incompatible in some cases within a zoning district. A conditional use requires review and approval by the planning commission to determine impacts of the use on the surrounding area. See section 54-68 for procedures governing a conditional use permit.*

**Sec. 54-67. – Site plan and concept approval.**

*(a) **Generally.** For purposes of this article, the site plan requirements in this section shall pertain to all development. The planning commission has the right to review and require revisions in all proposed site plans. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public investment in roads, drainage facilities, sewage facilities, etc.; to conserve the value of buildings; and to ensure that the regulations of this article are upheld.*

*(b) **Processing of applications.***

*(1) **Generally.** Application for site plan approval shall be on a form provided by the planning administrator. The application shall be accompanied by development plans showing sufficient information for the planning commission or village staff to determine whether the proposed development will meet the requirements of this article. Site plan applications shall be submitted at least 17 days prior to the next planning commission meeting.*

...

*(e) **Review criteria; action by planning commission.***

*(1) In considering applications for site plan review under this article, the planning commission shall consider the following:*

- a. Relationship of the site plan elements to conditions both on and off the property.*
- b. Conformance to this article.*
- c. The impact of the plan on the existing and anticipated traffic and parking conditions.*
- d. The adequacy of the plan with respect to land use.*
- e. Pedestrian and vehicular ingress and egress.*
- f. Building location and height.*
- g. Landscaping.*
- h. Provisions for utilities.*
- i. Site drainage.*
- j. Open space.*
- k. Loading and unloading areas.*
- l. Grading.*
- m. Signage.*
- n. Screening.*
- o. Setbacks.*
- p. Compatibility with the surrounding environment.*
- q. Any other related matters.*

*(2) The planning commission shall consider oral or written statements from the applicant, the public, village staff members or its own members. It may question the applicant and approve,*

deny or postpone the development proposal. The application may not be postponed for more than two regular meetings of the planning commission.

(3) If the planning commission determines by motion that the proposed site plan will not be detrimental to the health, safety or welfare of the community or cause traffic congestion or seriously depreciate surrounding property values, and at the same time is in harmony with the purposes and intent of this article, the plan for the area and the comprehensive plan, the planning commission may grant such site plan approval and impose such conditions and safeguards as it deems necessary.

(4) Site plan review applications may be denied by motion of the planning commission when such motion or consent shall constitute a finding and determination by the planning commission or staff that the conditions required for approval do not exist.

**Sec. 54-100. – C-2 Community Commercial district. Development requirements.**

(f) *Setbacks and height. Setback and height requirements for the C-2 district are as follows:*

(1) *Minimum setback from property lines. The minimum building setbacks from property lines shall be as follows:*

a. *Building setbacks:*

1. *Front: 20 feet.*

2. *Interior side and rear: Ten feet.*

3. *Corner side: 15 feet.*

4. *Residential district boundary: Same as the adjoining residential district.*

b. *Parking lots:*

1. *Front: Four feet.*

2. *Interior side and rear: Three feet.*

3. *Corner side: Four feet.*

4. *Residential district boundary: Three feet*

(2) *Maximum height. Maximum height of structures shall be 35 feet.*

(h) *Screening. All principal and accessory uses shall be screened from adjacent residential districts as described in section 54-134.*

(i) *Landscaping. All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.*

**Sec. 54-97(g) – M-1 low-density mobile home district – Setbacks, yards and heights**

(g) *Setbacks, yards and heights. Setback, yard and height requirements for the M-1 district are as follows:*

(1) *Minimum setbacks from property lines. Minimum setbacks from property lines are as follows:*

<i>Use</i>	<i>Front (feet)</i>	<i>Interior Side (feet)</i>	<i>Corner Side (feet)</i>	<i>Rear (feet)</i>
<i>Mobile home</i>	20	10	20	10
<i>Single-family dwelling</i>	20	10	20	10
<i>Schools and civic, cultural and religious institutions</i>	50	50	50	50
<i>Structures accessory to mobile homes and single-family dwellings</i>	20	10	20	10
<b><i>Structures for all other principal, conditional or other uses</i></b>	<b>20</b>	<b>10</b>	<b>20</b>	<b>20</b>

**Sec. 54-134. – Screening.**

(b) ***Business and industrial developments.*** All principal and accessory uses, except signs, which are situated on a parcel which abuts a residential district shall be screened from such district by an

*approved wall, fence or landscaping not less than six feet in height above the level of the residential property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the village if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.*

**Sec. 54-135. - Landscaping**

**(d) Minimum landscaping.**

**(2) Multifamily, commercial and industrial developments.** *All areas in front and corner side yards not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan based on the standards of subsections (3) and (4) below.*

**(3) Planting of trees.** (see attached letter from Village Forestry Director).

**(4) Peripheral landscaping for parking lots.** *Peripheral landscaping shall be required along any side of all parking lots. A landscaping strip consistent with the provisions of the property's zoning district shall be provided between the parking area and adjoining property. Where a commercial parking area adjoins a residential district, a wall, or other permanent landscaping barrier shall be installed. The height of such landscaping barrier shall be not less than six feet.*

**The Planning Commission has the following options:**

1. **Approval** of #PSD-2016-0053, as presented with reasons stated in the motion,
2. **Require modifications** to #PSD-2016-0053, and have it returned for Planning Commission review at the next meeting.
3. **Deny** the request of #PSD-2016-0053 with reasons and conditions.

**If the Planning Commission votes to approve this application, staff recommends that the following conditions of approval be imposed:**

1. Applicant must obtain necessary permits to begin construction and construction must comply with Village Code and applicable state standards, and be completed within one (1) year of the issuance of the building permit including the necessary permit for any proposed signage.
2. A maximum height for each cabin unit shall not exceed 35 feet.
3. Adequate trash enclosure for dumpster shall be provided within Tract 2 to serve the cabins as determined by the Solid Waste Department Director.
4. Applicant must minimize erosion during and after construction and keep eroded material on site.
5. Landscaping requirements:
  - a. Additional landscaping may be deemed necessary by the Commission to act as supplemental landscaping within the unpaved areas due to the property being situated on a corner lot.
  - b. Applicant shall comply with tree-planting requirements as outlined by February 19, 2016 letter from Village Forestry Director, which includes the provisions 5.c – 5.f.
  - c. Maintenance standards; prohibited uses. All landscaped areas shall be kept neat, clean, uncluttered, and consistent with the approved landscape plan in terms of landscape materials for

the life of the approved development order. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

- d. Protection of existing trees during construction. During the installation and site work, all activities shall remain consistent with the provisions of section 54-133.
  - e. Trees wells to be constructed to protect existing trees on site shall be built so that the outer edge of the well is no closer to the trunk than the drip line of the tree as determined by the village forester. A minimum size tree well of four feet in radius shall be required for all new tree plantings. The tree well shall constructed according to standards set by the village forestry department, and will also incorporate appropriately amended soils to encourage proper growth. Paving shall not be maintained closer than four feet to existing established or newly installed trees.
  - f. Trees to be installed pursuant to this chapter shall be a minimum size of two inches in diameter as measured at 4½ feet above ground.
6. Applicant shall make no substantial changes in plans without Planning Commission approval, although additional cabin units may be pursued in accordance with applicable building permit requirements and Planning Director approval at the time of submission.
  7. To ensure that the proposed shared driveway access from Mechem Drive with Tract 1 is maintained, the Applicant shall pursue one of the following three options prior to occupancy permits being issued:
    - a. Combination of Tracts 1 and 2 into single lot via the Village Administrative Summary Re-plat process as provided by Section 54-283, OR
    - b. Applicant shall record a perpetual access easement, OR
    - c. Applicant shall execute a shared access agreement with Tract 1 property owner that shall be binding on the property and survive transfers of ownership.
  8. By accepting approval of this Site Development Plan, Applicant agrees to comply in a timely manner with standards and conditions set. Failure to comply may lead to Court enforcement or revocation.

## **V. STAFF FINDINGS & RECOMMENDATION**

Staff notes that all public notice requirements have been met in advance of the public hearing and that staff not received any formal comments related to the application. The consideration of site plan approval shall not directly include consideration of the use of the property, as cabin rental units are a permitted use in accordance with §54-100(b):

*(6) Hotels and motels, and **cabin rental, detached or semidetached**, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.*

Upon review of the application and existing conditions, staff finds that the proposed site development plan appears to be generally consistent with the Village Code and Comprehensive Plan. Furthermore, staff finds that certain conditions in the above referenced code sections have been met including:

1. That there is adequate parking, (1 space: unit) = at least 4 required, 9 proposed.
2. Internal circulation is adequate and complements traffic flow from adjacent Tract 1.
3. Ingress and egress routes efficiently and safely accommodate traffic.
4. The lot is adequately served by existing infrastructure.
5. The proposed building footprints and associated setbacks meet Village Code standards.
6. Onsite drainage is adequately captured and an additional rain catchment (required by Section 54-135)

would treat the nominal amount of additional runoff produced by the cabin. The existing paved area would remain and existing drainage treatment is already sufficient to accommodate current conditions (reference attached February 25, 2016 Technical Memorandum from Paul van Gulick Surveying, LLC.).

7. The Applicant meets the required tree planting standards, maintaining existing trees and adding 4 new trees as stated within the February 19, 2016 letter from the Village Forestry Director.
8. With the existing fencing and screening requirements from the adjacent residential district in the rear yard being met, there does not appear to be substantial negative impacts to adjacent property owners other than potential visual impacts.

**Case Packet Contents:**

1. Application
2. Renderings
3. Site Plan – with grading, drainage, landscaping and parking plan
4. Letter – Landscaping approval from Dick Cooke, Forestry Director
5. Technical Memorandum – February 25, 2016 from Paul van Gulick Surveying, LLC.

**Suggested Motion:**

“Based upon the foregoing findings of fact per §54-67 and in accordance with §54-100 of the Village Code, I move to APPROVE the requested **commercial site development plan in Case #PSD-2016-0053** on the property with the conditions contained within the case report.”

Prepared & Submitted by:

---

Bradford R.R. Dyjak,  
Planning Administrator

# # #



# Village of Ruidoso

## Forestry Department

2/19/16

Eric Collins, NMPLS #18077  
D.T. Collins & Associates, PC  
1042 Mechem Drive  
Ruidoso, NM 88345

Dear Mr. Collins,

This letter is to document our agreement for your proposed landscaping plan as submitted. Your plan meets the intent of the landscaping ordinance for maintaining the forested aspect of your proposed development project.

The root zone of the trees that are on the property must be protected according to the following requirements during construction:

The protected root zone shall be defined as a horizontal radius distance from the trunk of the tree. The distance varies by tree size, subject to the following minimums:

Tree height in feet	Horizontal Radius in feet
Less than 10	4
10-20	6
21-30	8
31-40	<u>12</u>
41-50	16
51-60	20
Greater than 60	24

b.

No trenching, cut or fill activities, compaction or other ground disturbing activities may intrude closer than 50 percent of the horizontal radius.

c.

Paving and other non-pervious surfacing may not reduce the protected root zone more than 30 percent of the horizontal radius.

d.

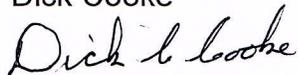
Temporary fencing or equivalent protective measures shall be installed around all trees to be considered for minimum basal area requirements within 30 feet of ground disturbance. The temporary fencing shall be installed at the outer limit of the protected root zone. This protection will remain in place until all construction and site development activities are complete or removal is approved by the director of forestry.

The following provisions from Chapter 54 of the code will apply to your project:

Trees wells to be constructed to protect existing trees on site shall be built so that the outer edge of the well is no closer to the trunk than the drip line of the tree as determined by the village forester. A minimum size tree well of four feet in radius shall be required for all new tree plantings. The tree well shall be constructed according to standards set by the village forestry department, and will also incorporate appropriately amended soils to encourage proper growth. Paving shall not be maintained closer than four feet to existing established or newly installed trees.

- e. Trees to be installed pursuant to this chapter shall be a minimum size of two inches in diameter as measured at 4½ feet above ground.

Dick Cooke



Director of Forestry

Village of Ruidoso

# Village of Ruidoso

## Planning & Zoning Application

Check all that apply

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 54-62 Appeal to Council<br><input type="checkbox"/> 54-64 Amendment<br><input checked="" type="checkbox"/> 54-67 Site Plan<br><input type="checkbox"/> 54-70 Annexation<br><input type="checkbox"/> 54-283 (c) Final Plat<br><input type="checkbox"/> 54-335 Floodplain Development Permit<br><input type="checkbox"/> 54-377 (a) Airport Hazard Zone Permit<br><input type="checkbox"/> Other -Replat | <input type="checkbox"/> 54-63 (f) Zoning Permit<br><input type="checkbox"/> 54-65 Rezoning<br><input type="checkbox"/> 54-68 Conditional Use<br><input type="checkbox"/> 54-283 (a) Sketch Plat<br><input type="checkbox"/> 54-283 (f) Corrected Plat or Re-subdivision<br><input type="checkbox"/> 54-336 (a) Floodplain Variance<br><input type="checkbox"/> 54-377 (d) Airport Hazard Zone Variance | <input type="checkbox"/> 54-63 (g) Certificate of Zoning Compliance<br><input type="checkbox"/> 54-66 Variance<br><input type="checkbox"/> 54-69 Planned Unit Development<br><input type="checkbox"/> 54-283 (b) Preliminary Plat<br><input type="checkbox"/> 54-284 (b) Minor Subdivision<br><input type="checkbox"/> 54-336 (b) or (c) Floodplain Appeal<br><input type="checkbox"/> 54-379 Airport Hazard Zone Appeal |
|---|---|--|

**Names & Contact Information** Check preferred method of contact

Applicant Twin Pines, LLC  John Pacheco/Jason Edmister	<input type="checkbox"/> Mailing Address 410 Barcus Road Ruidoso, NM 88345	<input type="checkbox"/> Phone 210-473-6884	<input type="checkbox"/> E-mail jcpacheco3528@gmail.com edmisterj@ruidososchools.org	Interest in Property Owners
Agent D.T. Collins & Associates, PC	<input type="checkbox"/> Mailing Address PO Box 2185 Ruidoso, NM 88355	<input type="checkbox"/> Phone (575) 258-5272	<input type="checkbox"/> E-mail eric@dtcollins.com	Interest in Property N/A
Owner, if other than Applicant	<input type="checkbox"/> Mailing Address	<input type="checkbox"/> Phone	<input type="checkbox"/> E-mail	Interest in Property
Surveyor D.T. Collins & Associates, PC	<input type="checkbox"/> Mailing Address PO Box 2185 Ruidoso, NM 88355	<input type="checkbox"/> Phone (575) 258-5272	<input type="checkbox"/> E-mail eric@dtcollins.com	Interest in Property Surveyor
Engineer	<input type="checkbox"/> Mailing Address	<input type="checkbox"/> Phone	<input type="checkbox"/> E-mail	Interest in Property
Developer, if other than Applicant	<input type="checkbox"/> Mailing Address	<input type="checkbox"/> Phone	<input type="checkbox"/> E-mail	Interest in Property
Builder/general contractor	<input type="checkbox"/> Mailing Address	<input type="checkbox"/> Phone	<input type="checkbox"/> E-mail	Interest in Property

**Location of Request**

Street Address 701 Mechem Drive	Major Cross Streets Mechem and Porr	Subdivision Maudie West	Lot(s)/Tract(s) 2	Block
------------------------------------	--	----------------------------	----------------------	-------

**Project Details (complete all that apply)**

Present Zoning C-2	Existing Setbacks				Existing Lots 1	Exist. Dwelling Units 0	Area (Acres) 0.456
	Front 15 (Corner)	Rear 20'	Left 10	Right 10			
Proposed Zoning	Proposed Setbacks				Proposed Lots 1	Proposed DU 4 (2 duplexes)	Area (Acres) 0.456
	Front	Rear	Left	Right			
Off Street Parking		Flood Plain 100 Yr. Elev. 1 <sup>st</sup> Floor Elev. N/A BFE Elev:		Water Source		Sewer	
Indoor	Outdoor	Comments:		<input checked="" type="checkbox"/> public <input type="checkbox"/> private		<input checked="" type="checkbox"/> public <input type="checkbox"/> private	
N/A	+	9	=	9	Permit No.	Permit No.	

**Request (use separate sheet if necessary)**

Description: Site Development for the construction of 2 duplexes (4 dwelling units) on the existing Tract. Entrance would be from Mechem Drive and exit would be out through an exit only flow to Porr Drive.
Justification: Principal Use: Cabin Rentals in the C-2 Zone. Adequate Parking and Common Space.

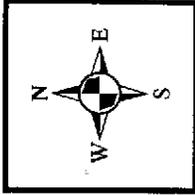
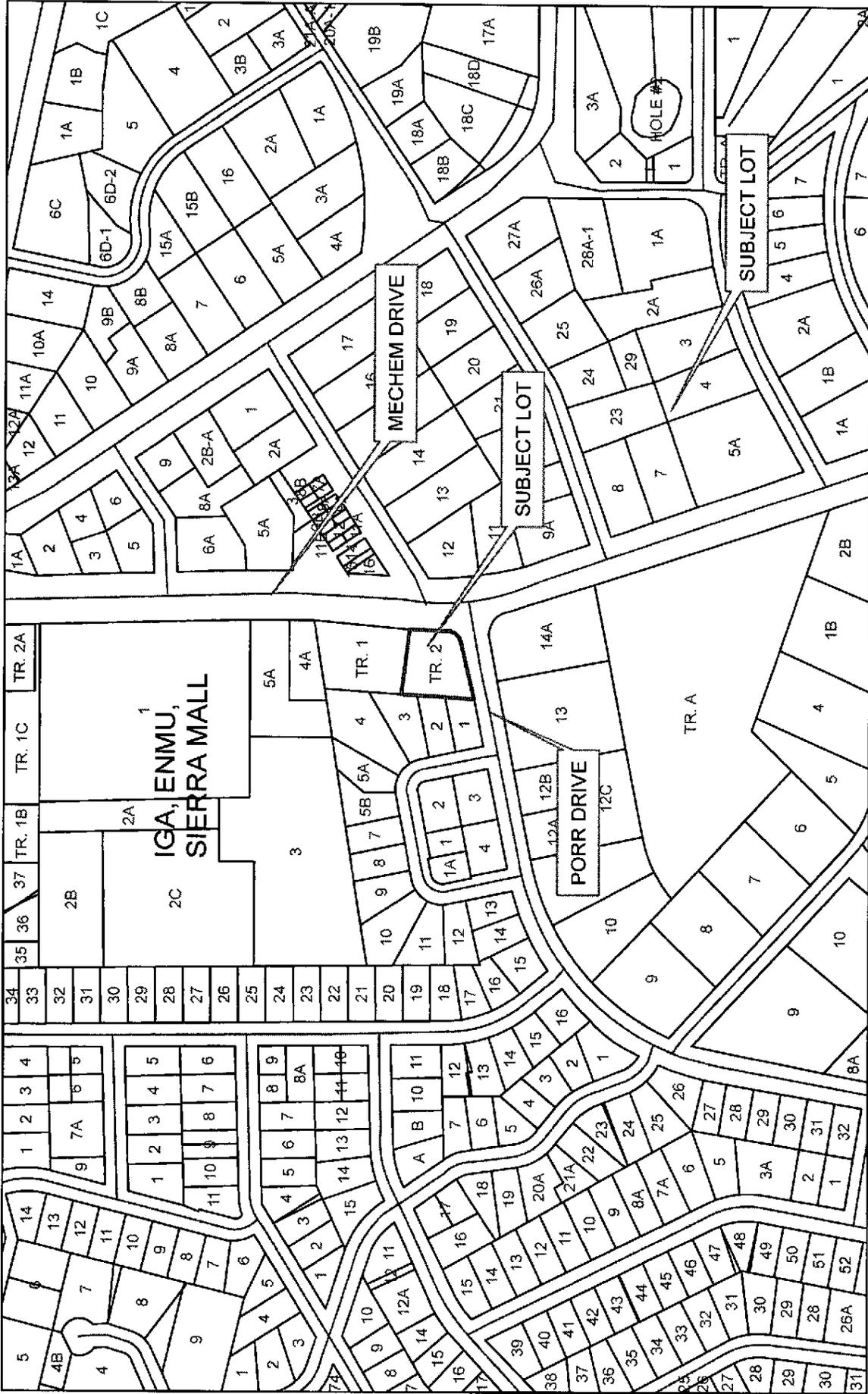
Applicant Signature

Date

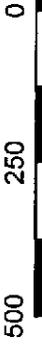
X

2/12/16

**MAUDIE WEST TRACT NO. 2  
VICINITY MAP**



500 Feet



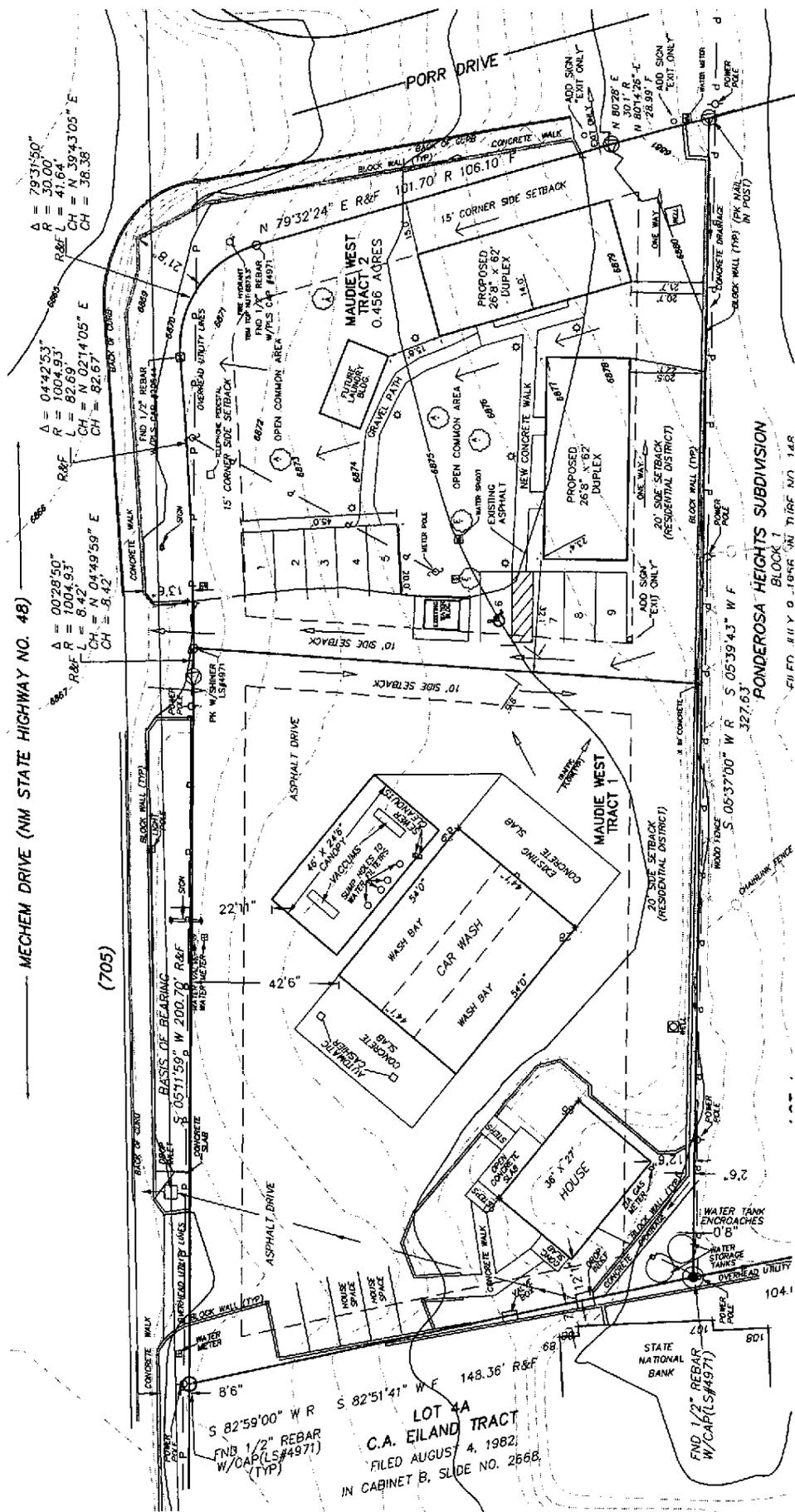
**D.T. COLLINS & ASSOCIATES, PC  
1042 MECHEM DRIVE, RUIDOSO, NM**

**PROPOSED SITE DEVELOPMENT**

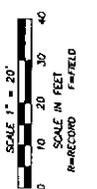
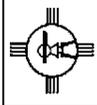
MAUDIE WEST TRACT 2, RUIDOSO, LINCOLN COUNTY, NEW MEXICO  
 AS SHOWN BY THE REPLAT THEREOF FILED IN THE OFFICE OF THE  
 COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY,  
 NEW MEXICO, SEPTEMBER 24, 2003, IN CABINET H, SLIDE NO. 681

MECHEM DRIVE (NM STATE HIGHWAY NO. 48)

(705)



SCALE: 1" = 20'  
 DATE: 11-12-16  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 488 N.W. 11-10882  
 SHEET 1 OF 1



- TRAFFIC FLOW
- EXISTING PONDEROSA PINE ON SITE
- ADD ACCEPTED TREE FROM FIREWISE PLANT LIST
- TRAFFIC LIGHTING
- SIDEWALK LIGHTING
- SURFACE DRAINAGE

FLOOD SEVERECALC: FALL IN A FLOOD ZONE AS SHOWN ON THE VILLAGE OF RUIDOSO FEMA FLOOD MAP DATED NOVEMBER 16, 2011.

D.T. COLLINS & ASSOCIATES P.C.  
 SURVEYING, MAPPING  
 1042 MECHEM DR. 575-258-5272  
 RUIDOSO, LINCOLN COUNTY, NEW MEXICO

1031 Monte Largo Drive, NE  
Albuquerque, NM 87123

**Paul van Gulick Surveying, LLC**

# Technical Memorandum

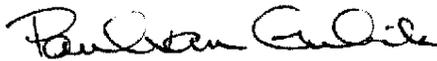
**To:** Eric Collins, PS, CFM  
**From:** Paul van Gulick, PE, PS  
**Date:** February 25, 2016  
**Re:** Maudie West Tract 2 at Mechem & Porr - Drainage

---

Greetings Eric,

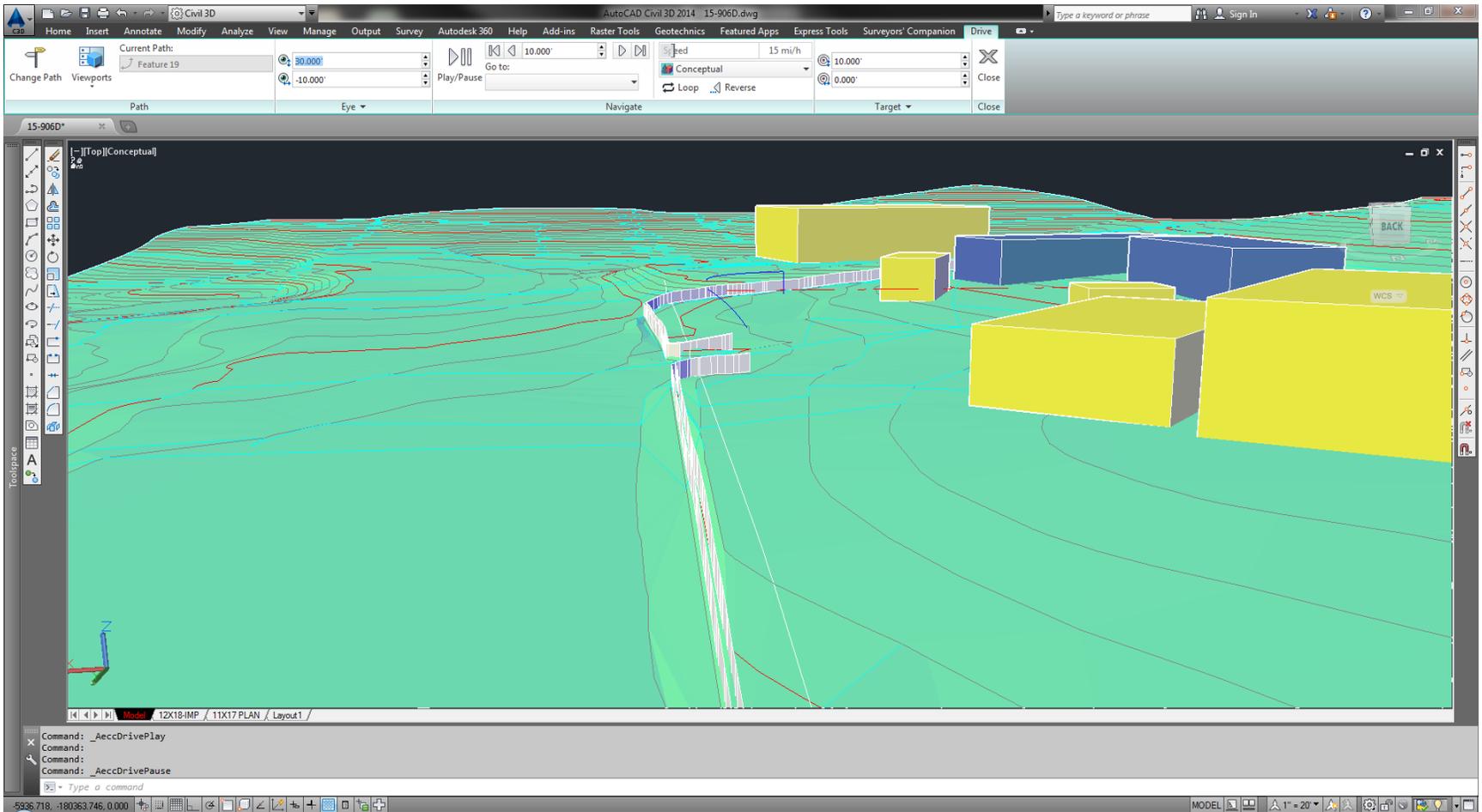
This is in reference to proposed placement of new modular buildings at the subject site and regards anticipated additional runoff due to the buildings. I have reviewed your drawings and I agree that the new impervious area is approximately 1,320 square feet. This represents the area of the buildings extending past what is now asphalt, and is therefore already impervious, into area that is now gravel. This is a small site and the amount of additional disturbance doesn't warrant a detailed analysis – rather, since the ordinance requires rain catchment for landscaping anyway, it is conservative to capture the volume of rain resulting from the new impervious area.

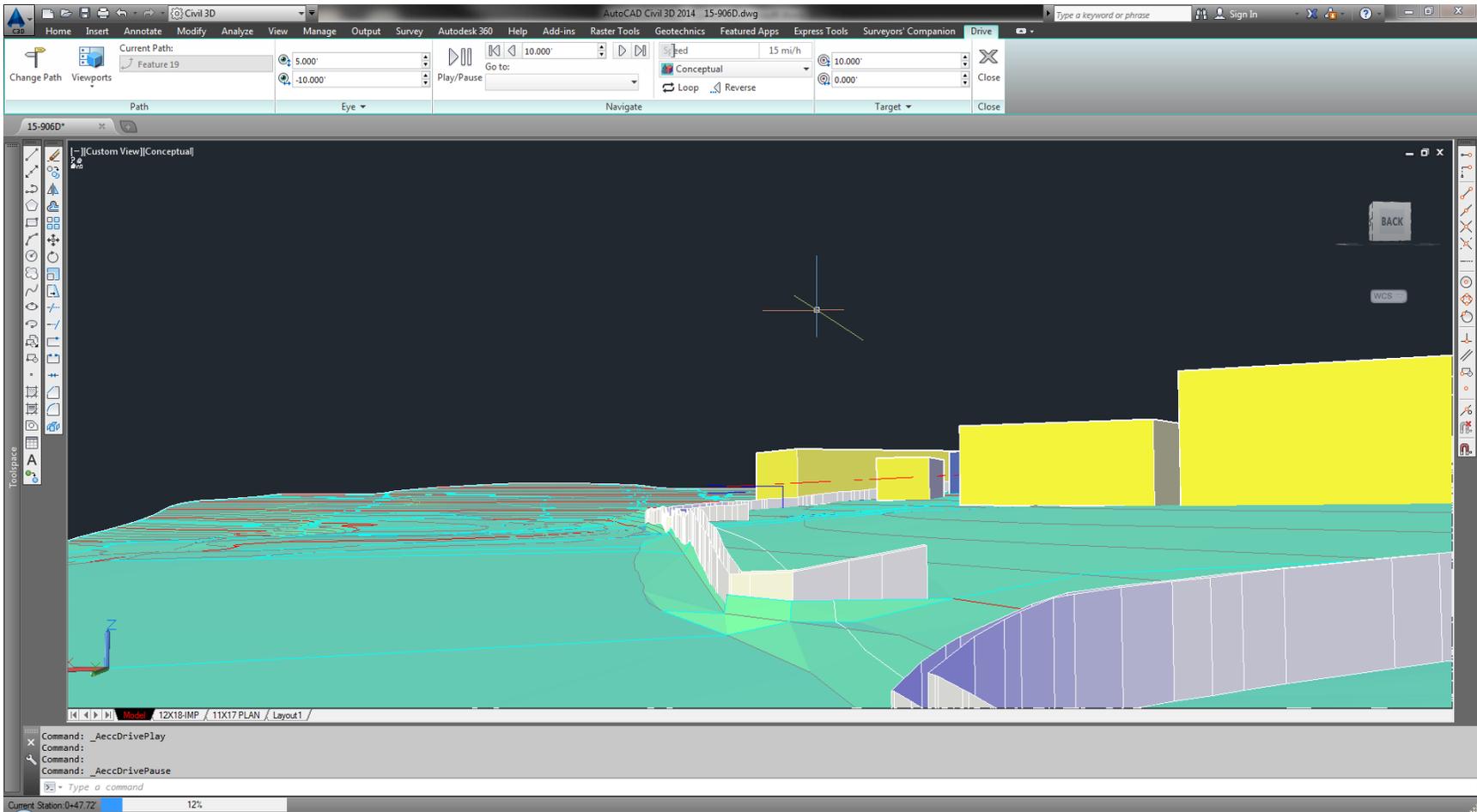
The 100-year recurrence interval rainfall at this site is 4.41 inches (0.3675 ft) according to the NOAA Atlas. Over 1,320 square feet this represents a volume of 485 cubic feet, or 3,600 gallons. It should be sufficient to show gutters and downspouts on the proposed modulars along with rain barrels totaling 3,600 gallons on your site plan.

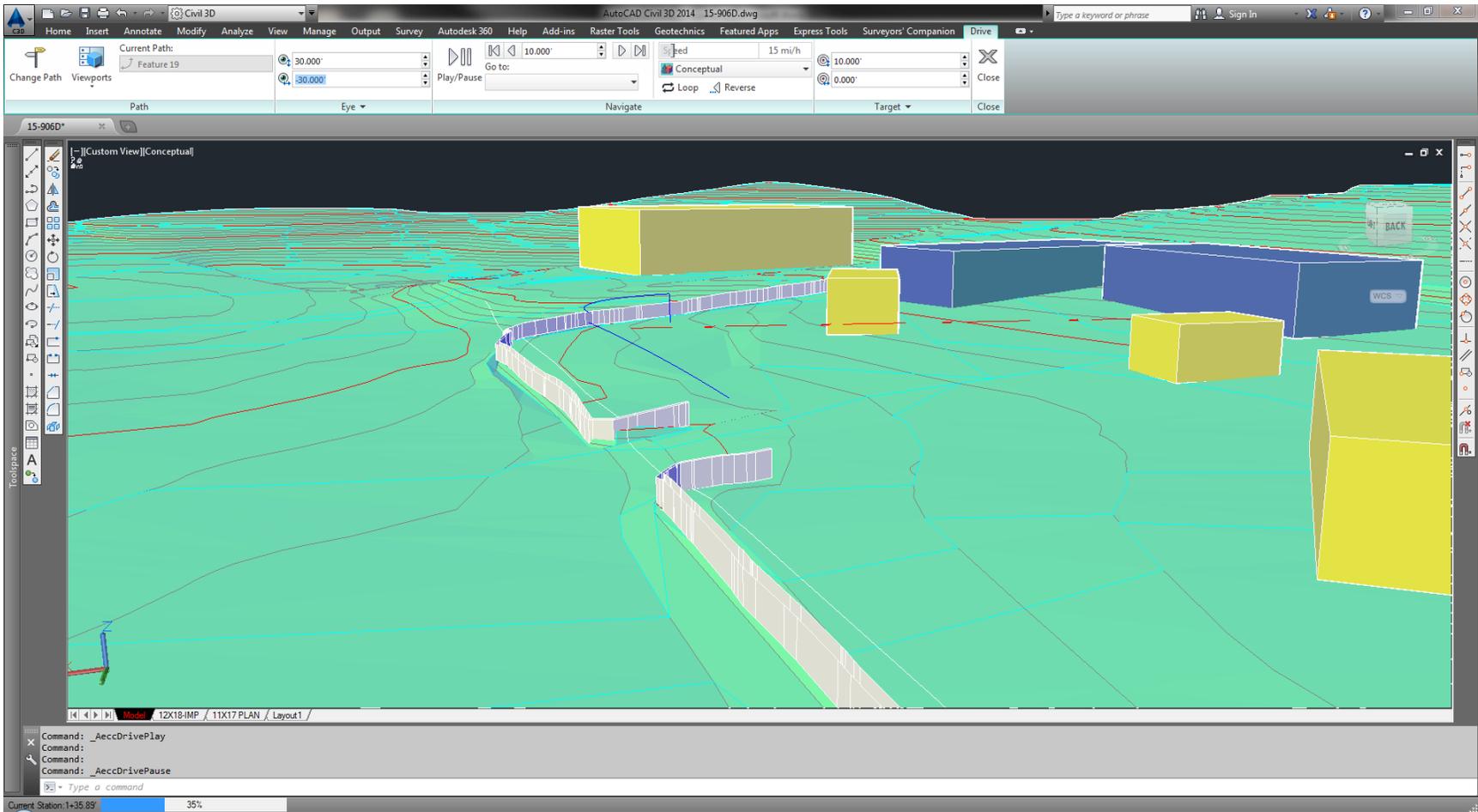


Paul van Gulick









# Village of Ruidoso

## Planning & Zoning Application

Check all that apply

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 54-62 Appeal to Council<br><input type="checkbox"/> 54-64 Amendment<br><input checked="" type="checkbox"/> 54-67 Site Plan<br><input type="checkbox"/> 54-70 Annexation<br><input type="checkbox"/> 54-283 (c) Final Plat<br><input type="checkbox"/> 54-335 Floodplain Development Permit<br><input type="checkbox"/> 54-377 (a) Airport Hazard Zone Permit<br><input type="checkbox"/> Other -Replat | <input type="checkbox"/> 54-63 (f) Zoning Permit<br><input type="checkbox"/> 54-65 Rezoning<br><input type="checkbox"/> 54-68 Conditional Use<br><input type="checkbox"/> 54-283 (a) Sketch Plat<br><input type="checkbox"/> 54-283 (f) Corrected Plat or Re-subdivision<br><input type="checkbox"/> 54-336 (a) Floodplain Variance<br><input type="checkbox"/> 54-377 (d) Airport Hazard Zone Variance | <input type="checkbox"/> 54-63 (g) Certificate of Zoning Compliance<br><input type="checkbox"/> 54-66 Variance<br><input type="checkbox"/> 54-69 Planned Unit Development<br><input type="checkbox"/> 54-283 (b) Preliminary Plat<br><input type="checkbox"/> 54-284 (b) Minor Subdivision<br><input type="checkbox"/> 54-336 (b) or (c) Floodplain Appeal<br><input type="checkbox"/> 54-379 Airport Hazard Zone Appeal |
|---|---|--|

**Names & Contact Information** Check preferred method of contact

Applicant Twin Pines, LLC	[ ] Mailing Address 410 Barcus Road Ruidoso, NM 88345	[ ] Phone 210-473-6884	[ ] E-mail jcpacheco3528@gmail.com edmisterj@ruidososchools.org	Interest in Property Owners
John Pacheco/Jason Edmister				
Agent D.T. Collins & Associates, PC	[ ] Mailing Address PO Box 2185 Ruidoso, NM 88355	[ ] Phone (575) 258-5272	[ ] E-mail eric@dtcollins.com	Interest in Property N/A
Owner, if other than Applicant	[ ] Mailing Address	[ ] Phone	[ ] E-mail	Interest in Property
Surveyor D.T. Collins & Associates, PC	[ ] Mailing Address PO Box 2185 Ruidoso, NM 88355	[ ] Phone (575) 258-5272	[ ] E-mail eric@dtcollins.com	Interest in Property Surveyor
Engineer	[ ] Mailing Address	[ ] Phone	[ ] E-mail	Interest in Property
Developer, if other than Applicant	[ ] Mailing Address	[ ] Phone	[ ] E-mail	Interest in Property
Builder/general contractor	[ ] Mailing Address	[ ] Phone	[ ] E-mail	Interest in Property

**Location of Request**

Street Address 701 Mechem Drive	Major Cross Streets Mechem and Porr	Subdivision Maudie West	Lot(s)/Tract(s) 2	Block
------------------------------------	--	----------------------------	----------------------	-------

**Project Details (complete all that apply)**

Present Zoning C-2	Existing Setbacks				Existing Lots 1	Exist. Dwelling Units 0	Area (Acres) 0.456
	Front 15 (Corner)	Rear 20'	Left 10	Right 10			
Proposed Zoning	Proposed Setbacks				Proposed Lots 1	Proposed DU 4 (2 duplexes)	Area (Acres) 0.456
	Front	Rear	Left	Right			
Off Street Parking		Flood Plain 100 Yr. Elev. 1 <sup>st</sup> Floor Elev. N/A BFE Elev:		Water Source <input checked="" type="checkbox"/> public <input type="checkbox"/> private		Sewer <input checked="" type="checkbox"/> public <input type="checkbox"/> private	
Indoor	Outdoor	Total		Permit No.		Permit No.	
N/A	+	9	=	9			

**Request (use separate sheet if necessary)**

Description: Site Development for the construction of 2 duplexes (4 dwelling units) on the existing Tract. Entrance would be from Mechem Drive and exit would be out through an exit only flow to Porr Drive.
Justification: Principal Use: Cabin Rentals in the C-2 Zone. Adequate Parking and Common Space.

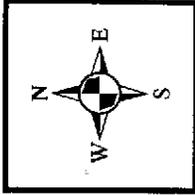
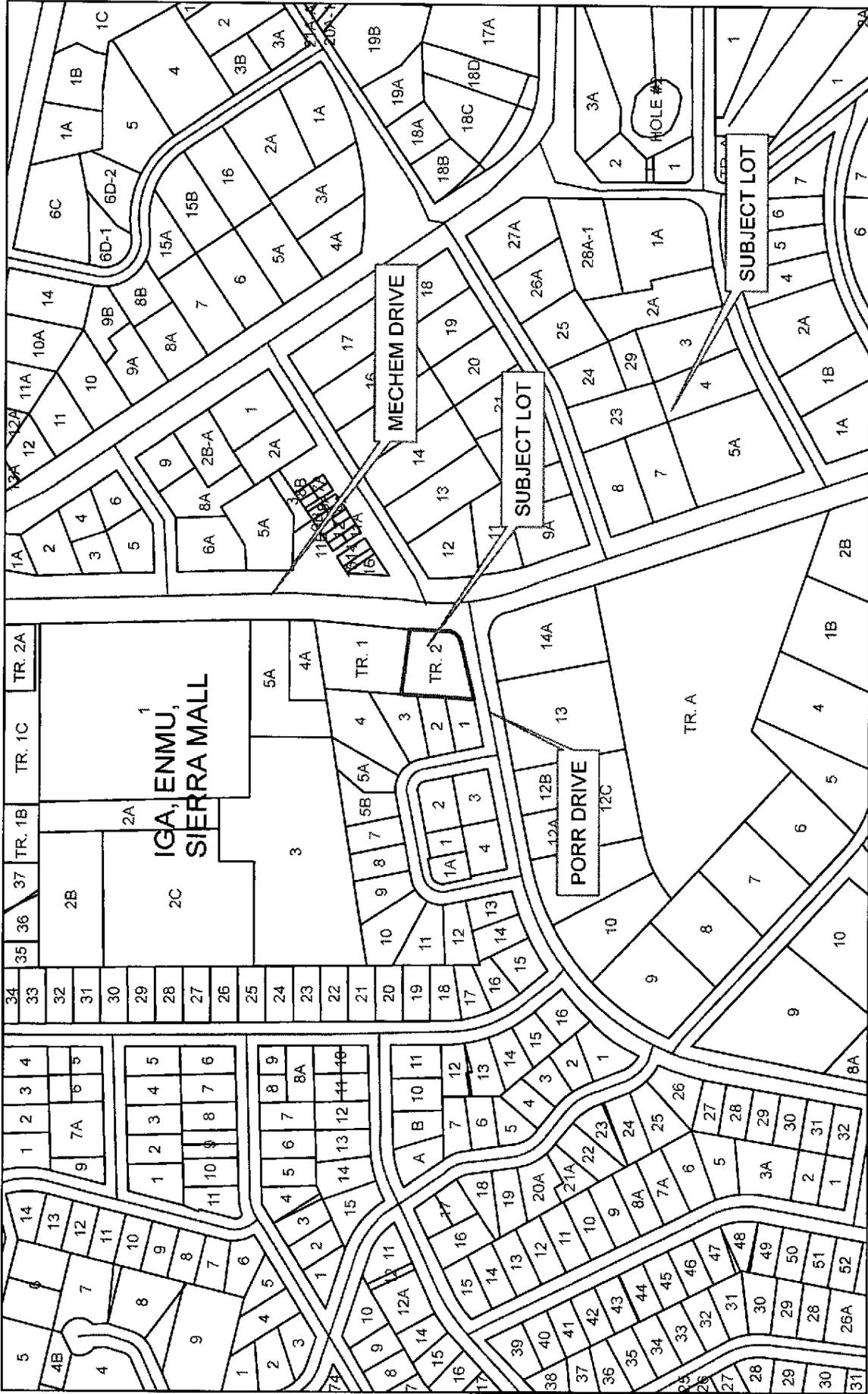
Applicant Signature

Date

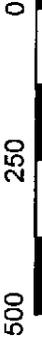
X

2/12/16

**MAUDIE WEST TRACT NO. 2  
VICINITY MAP**



500 Feet



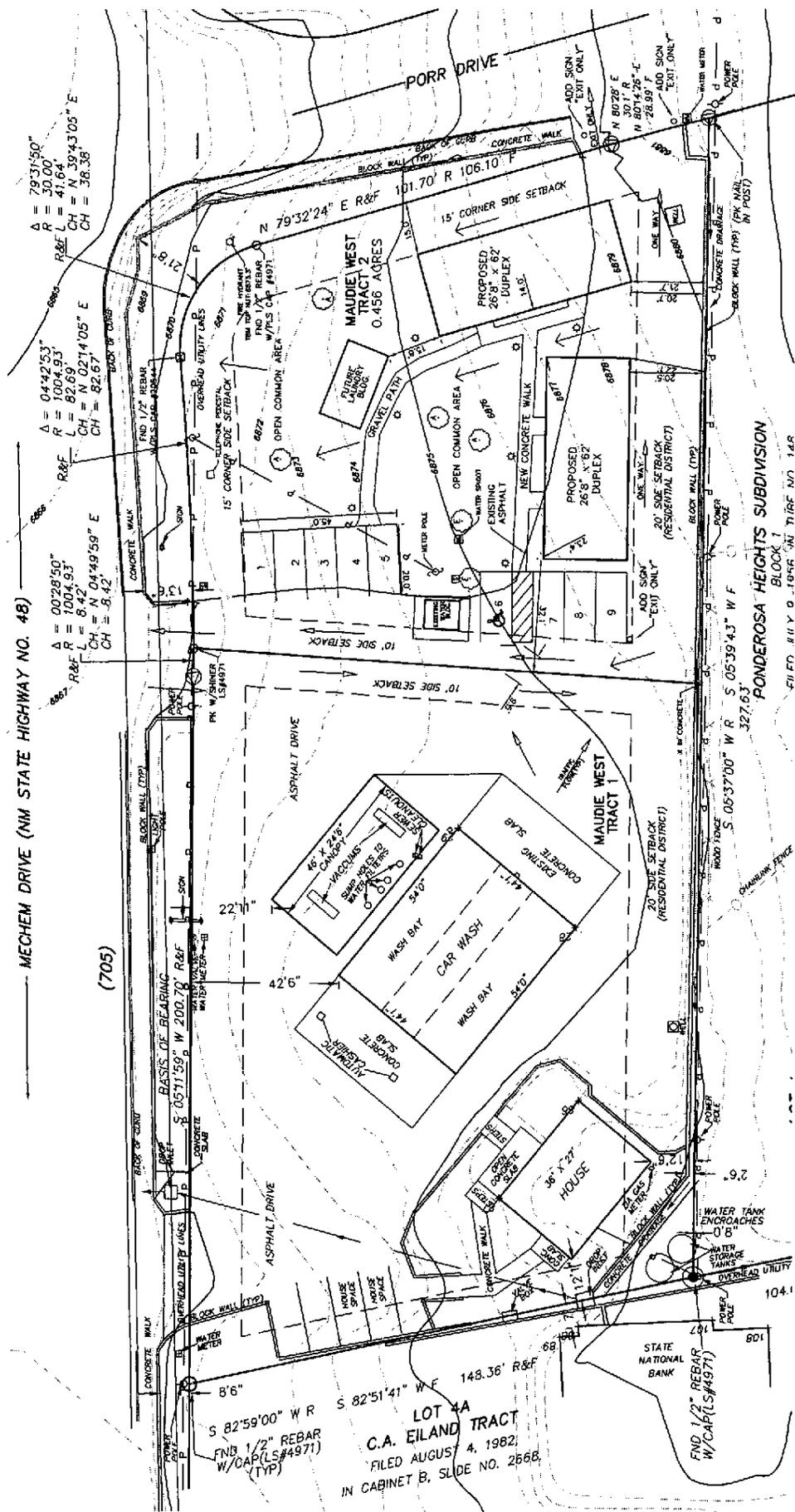
**D.T. COLLINS & ASSOCIATES, PC  
1042 MECHEM DRIVE, RUIDOSO, NM**

**PROPOSED SITE DEVELOPMENT**

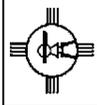
MAUDIE WEST TRACT 2, RUIDOSO, LINCOLN COUNTY, NEW MEXICO  
 AS SHOWN BY THE REPLAT THEREOF FILED IN THE OFFICE OF THE  
 COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY,  
 NEW MEXICO, SEPTEMBER 24, 2003, IN CABINET H, SLIDE NO. 681

MECHEM DRIVE (NM STATE HIGHWAY NO. 48)

(705)



SCALE: 1"=20'  
 DATE: 11-12-16  
 DRAWN BY: J.C.  
 CHECKED BY: J.C.  
 438 N.W. 11-10882  
 SHEET 1 OF 1



- TRAFFIC FLOW
- EXISTING PONDEROSA PINE ON SITE
- ADD ACCEPTED TREE FROM FIREWISE PLANT LIST
- TRAFFIC LIGHTING
- SIDEWALK LIGHTING
- SURFACE DRAINAGE

FLOOD SEVERE/CATASTROPHIC FALL IN A FLOOD ZONE AS SHOWN ON THE VILLAGE OF RUIDOSO FEMA FLOOD MAP DATED NOVEMBER 16, 2011.

D.T. COLLINS & ASSOCIATES P.C.  
 SURVEYING, MAPPING  
 1042 MECHEM DR. 575-258-5272  
 RUIDOSO, LINCOLN COUNTY, NEW MEXICO

# Technical Memorandum

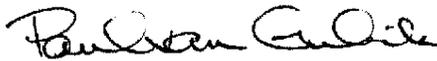
**To:** Eric Collins, PS, CFM  
**From:** Paul van Gulick, PE, PS  
**Date:** February 25, 2016  
**Re:** Maudie West Tract 2 at Mechem & Porr - Drainage

---

Greetings Eric,

This is in reference to proposed placement of new modular buildings at the subject site and regards anticipated additional runoff due to the buildings. I have reviewed your drawings and I agree that the new impervious area is approximately 1,320 square feet. This represents the area of the buildings extending past what is now asphalt, and is therefore already impervious, into area that is now gravel. This is a small site and the amount of additional disturbance doesn't warrant a detailed analysis – rather, since the ordinance requires rain catchment for landscaping anyway, it is conservative to capture the volume of rain resulting from the new impervious area.

The 100-year recurrence interval rainfall at this site is 4.41 inches (0.3675 ft) according to the NOAA Atlas. Over 1,320 square feet this represents a volume of 485 cubic feet, or 3,600 gallons. It should be sufficient to show gutters and downspouts on the proposed modulars along with rain barrels totaling 3,600 gallons on your site plan.



Paul van Gulick

