



Thomas M. Aragon  
Director

## MINUTES

**Planning and Zoning Administrative  
Public Hearing  
April 30, 2019 11:00 a.m.  
Tierra Amarilla County Complex**

- I. Meeting Call to Order:** Meeting was called to order at 11:04 a.m. by Hearing Officer Thomas Aragon.
- II. Open Public Hearing.**  
Mr. Aragon opened the public hearing and informed the public of the rules of the hearing. He asked Mr. Garcia to begin the staff report presentation.
- III. Staff Report by Michael Garcia, Planner.** Mr. Garcia presented the staff report, he began with the background and proceeded with findings of fact.

**Case No: CUP-2019-C019, Conditional Use Permit, Class II Small Scale Mixed Use.**

### **BACKGROUND**

This application has been made pursuant to the requirements of the Rio Arriba County Design and Development Regulation System, Ordinance 2012-001 Article IX. Section 9.01 Conditional Use Permit (CUP). Applicant Lawrence Family, LLC. DBA Log River Ranch is seeking approval for the establishment and operation of a Wedding and Event Venue to be used for ceremonies and receptions. The outdoor space will consist of 40 acres with a 5,000 square foot Log House, a 2,200 square foot Barn and 3,000 square foot Metal Shop. The property is located at 16510 US Highway 84 Canones South Chama, New Mexico. A Conditional Use Permit for land use category Small Scale Mixed Use is required to establish the proper zoning for the proposed land use.

### **FINDINGS OF FACT**

1. A Legal notice for an Administrative Public Hearing has been made pursuant to Ordinance 2012-001 by posting a meeting notice placard at the subject property, by sending public hearing notice letters via USPS to adjacent property owners within the 500-foot notice radius and by posting notice on the Rio Arriba County website. The

public notice posting and notices have met the 15 days public notice period prior to the public hearing date.

2. The subject property is identified by Assessor's UPC# 1-018-179-031-190 consisting of 40 +/- acre and is zoned County Rural Agricultural District (CRAD). The property is owned by Lawrence Family, LLC. The entire parcel is within the Irrigated Agricultural Overlay Zoning District (IAOZD). Portions of the property is identified in a FEMA, designated Special Flood Hazard Area Zone-A. There will be no new development proposed, all existing structure will be utilized for the proposed business. The log cabin was built before zoning and floodplain regulations within the county were established, therefore allowing the log cabin to be built within 30 feet of the Rio Chama River.
3. The 5,000 square foot log cabin will offer lodging for special event guests as well as vacation rental activity, which will require County lodger's tax registration. The 2,200 square foot vintage reception barn with 1,200 square foot extension will host the wedding events receptions. A gravel road is provided with sufficient turning radius for emergency vehicles and a main parking area for up to 65 vehicles with an overflow area for additional parking. An existing 3,000 square foot metal work shop and all utilities and infrastructure are on the property to support the proposed business.
4. Food will not be prepared on the property, all food will be outside catering service. All alcohol beverages will be catered by a licensed liquor establishments with proper licensing for offsite sales of alcohol, permit issued by the NM Alcohol and Gaming Division. The New Mexico Environmental Department requires no additional permitting for the facility.
5. The applicant will provide portable restroom facilities for each event. Security will be hired for each event to maintain a safe environment. Entertainment may be offered at wedding receptions with live bands held inside the barn reception area.
6. The property is served by a permitted on-site drilled water well.
7. The proposed Log River Ranch event venue site is consistent with the following goals and strategies of the County's Comprehensive Plan:

**Economic Development - Goal 5:** Promote the use and purchase of local goods and services that support local businesses.

**Strategy 26:** Create a "Rio Arriba First" Business Directory of licensed local business and services within the County and or communities to link these business directories with all relevant websites within the County.

**Land Use – Goal 1:** Encourage small commercial, mixed use and light commercial uses in communities and nodes.

**Strategy 10:** Encourage the use of existing facilities and infrastructure such as roads and existing buildings before developing new buildings.

#### **IV. Applicant Presentation:**

Ms. Karlee Phippen began her presentation by introducing herself and explained her business plan to provide a venue for wedding event receptions and ceremonies between the months of May–October with approximately 100-120 invited guest. The cabin will be available for rent for the wedding parties but not all parties will rent the facility for their event. Ms. Phippen has agreed to contact the County to set up Lodgers Tax proceeding for the use of the cabin for short term rental by wedding event guests only. She noted that they will not advertise the cabin for vacation rentals or Air B&B websites for the general public. Mr. Aragon reminded the applicant of the County Night Sky Ordinance and to follow the requirements set by the county. Mr. Duane Mulkey and Michelle Mulkey the parents of Karlee Phippen spoke on behalf of the property use and sections of the property that will be used for the events.

#### **V. General Public Testimony:**

Mr. Michael Martinez was sworn in as well as all that were to speak. Mr. Martinez is the ranch foreman for Mr. Kevin Yearout the adjacent property owner on the north side of the Lawrence property. Mr. Martinez was speaking on the behalf of Mr. Yearout, he mentioned that an email was sent to Mr. Garcia with concerns, and to state that he was opposed to the proposed CUP for the following reasons; Traffic, dust, noise and wildfires generated by the events. Mr. Yearout was very concerned of the possibility of wildfire and prevention of fire spreading if a guest were to start a fire by cigarettes, fireworks or a hot vehicle on the dry grasses in the area. Other concerns were that there was no fencing between his property line and the Lawrence property along the north side of the driveway to the event facilities and guest may wonder onto his property. Mr. Martinez elaborated on each concern and asked the Lawrence Family how they were going to mitigate and address the concerns brought forth by Mr. Yearout.

#### **VI. Applicant Rebuttal, Staff Recommendation.**

Mr. Duane Mulkey father of the applicant began to address the valid concerns of Mr. Yearout. He informed Mr. Martinez that a 6 inch fire hydrant was installed near the cabin to assist in preventing fire from spreading, the water source is coming from the river. He also mentioned that staff will be directing traffic and securing the area to prevent guest from wondering onto adjacent property. Staff will also provide security to maintain that guest allowed activity keep to certain areas of the property. Fireworks will not be allowed on the premises at any time and the parking area will be mowed down to prevent possibility of fire caused by the vehicles. Mr. Mulkey agreed to erect a fence along the north side of the driveway to divide the two parcels of land to prevent trespassing. Mr. Mulkey is very concerned of wildfire and will do all they can to protect his property as well as others.

#### **STAFF RECOMMENDATION - Conditional Use Permit #2019-C005.**

Based on the Findings of Fact, together with the proposed Conditions of Approval; the Planning & Zoning Department has concluded that Conditional Use Permit #2019-C019 is a compatible land use at this location within the CRAD and recommends Approval with the following Conditions.

1. The proposed Log River Ranch business shall be operated in substantial accordance with plans, specifications and representations made and submitted with this Conditional Use

Permit application. Any changes in use, volume of production or change of ownership shall be reported to the Planning & Zoning Department for review.

2. Provide to the Planning and Zoning Department proof of Lodgers Tax Registration for the short term rental of the log cabin.
  3. Log River Ranch, shall obtain and maintain a County Business License and keep current the Rio Arriba County Lodgers Tax requirement.
  4. Loud music and entertainment shall be kept inside the barn reception area to keep outside noise to a minimum.
  5. The facility must meet ADA standards for handicap parking and lavatory accessibility.
  6. The New Mexico Construction Industries Division (NMCID) must be contacted for classification of occupancy for commercial facilities. Contact Julian Gonzales by phone at 505-490-2989 for scheduling.
  7. All structures must be inspected and approved by State Fire Marshal for proposed special events use. State Fire Marshal Office phone number is 505-476-0080.
  8. Any use of fireworks or open fire pits must follow State and County fire restriction guidelines.
  9. Install fencing between the property of Mr. Yearout and the Lawrence Family along north side of driveway to prevent trespassing by guest of the events.
- All conditions of approval must be met before a County business license is issued or any business is conducted on property.**

**VII. Hearing Officer Decision on Case No. CUP 2019-C005.**

Hearing Officer, Thomas Aragon, Closes Public Hearing. Mr. Aragon informs all that he will approve the Conditional Use Permit #2019-C019 with staff recommendations. He elaborated that this type of business is great for the area, they are not a deterrent to the County and are welcoming new business.

**VIII. Adjournment:** Mr. Aragon adjourns at 11:55 a.m.

\_\_\_\_\_  
P&Z Hearing Officer

Date: \_\_\_\_\_

\_\_\_\_\_  
Planning and Zoning Department Signature

Date: \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BY \_\_\_\_\_

State of New Mexico }  
County of Rio Arriba }

Notary Public: \_\_\_\_\_ Date: \_\_\_\_\_  
Notary Public Commission Expires on \_\_\_\_\_