



APPROVED 02/23/2016

Unanimously 4-0

VALENCIA COUNTY PLANNING & ZONING COMMISSION

M-I-N-U-T-E-S

January 26, 2016

4:00 PM

Valencia County Courthouse Commission Chambers

444 Luna Ave, Los Lunas, NM 87031

Present

Vice-Chairman Robert Q. Louie

Commissioner Michael McCartney

Commissioner Sue Moran

Frank A. Gurule (Not voting)

Jacobo Martinez, Community Development Director

Absent

Chairman LeRoy Baca

- 1) The meeting was called to order by Vice-Chairman Louie at 4:00 P.M.
- 2) Moment of Silence in honor of Planning & Zoning Commissioner Carlos Montoya was called for by Vice-Chairman Louie
- 3) Commissioner McCartney led the Pledge of Allegiance.
- 4) Approval of Agenda

Mr. Martinez read the Agenda. Mr. Martinez requested the re-organization of the Commission be tabled until the February meeting as Mr. Frank Gurule would not be officially appointed by Commissioner Cole to the Planning & Zoning Commission until the following evening at the BOCC Hearing, and because Chairman Baca was unable to be in attendance just to ensure a proper quorum so all Commissioners can vote on the reorganization scheduling and everything of that matter as well. Also, item **7-D** which is "Request for Preliminary Plat Review Recommendations". We put this item on as an action item but this item can be moved to a discussion item. We do not have to make an action on this item tonight. What we are doing for this item is reviewing a major lot split, a major land division which is a type 3 land division and anytime there is a major subdivision it has to go through a whole number of processes. One of those processes is found in 151.042 which is the review by the Planning & Zoning Commission so within ten days of submission we provided the Planning & Zoning Board the packets for the subdivision but it is really a discussionary review by the Planning & Zoning Board if they want to provide any type of recommendations to the County Commission itself. That recommendation does not really have to come until three days before the County Commission Public Hearing and this will not be going to a Public Hearing until the second week of March for the County Commission which means that we do have February to provide any recommendations by the Planning & Zoning Board. At that time if you want to make recommendations, then at that time we can discuss those recommendations as a Board and agree to those recommendations and provide those to the County Commission.

Commissioner McCartney: Scheduling the recommendation to the County Commission for March, you are basically allowing time to get all your responses from the state agencies, is that correct?

Mr. Martinez: That is correct. The state agencies have thirty days to provide us any additional information they might have and once we receive that additional information then we automatically provide the Planning & Zoning Commission that information so the Board has all the information available to them to make any type of recommendation they might want to make.



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Commissioner McCartney: And if I might ask you also Jacobo this is the first subdivision request in quite some time correct?

Mr. Martinez: Since I have been here in 2009 this is the first major subdivision request we have received.

Commissioner McCartney: This one has a lot of history correct.

Mr. Martinez: That is true. From what I know, this one originally started out as an agricultural preservation zone and was requested to be change to an RR-2 zone. That was done in 2008, and now according to Commissioner McCartney I think they tried that even before then. The Commission in 2008 approved that zone request, however it was taken to court by the community at which time it stayed in district court for a number of years and was finally taken through a legal arbitrator who heard the case and he did come up with Findings of Facts and Conclusions of Law and in that decision the decision was to provide for the zone change from AP to an RR-2 with certain conditions. Those conditions had to be met by the subdivisions and those conditions included a certain percentage needed to be maintained agriculture, you couldn't go less than two and a half or two acres of land at the most, proper streets and septic have to be provided. There is a list of thing the arbitrator provided that this sub-divider has provided for this application. So as of right now it has been approved by the Commission for a zone change, it was appealed at District Court and the District Court had another arbitration considering the zone change, District Court approved the zone change with conditions that be met with the subdivisions so now the sub-divider-the developer-is going through the subdivision process and will meet those criteria as set forth by the judge at District Court.

Commissioner McCartney: Thank you Jacobo I asked that so the other Commissioners who were not aware of it could hear what has been going on for about fifteen years.

Mr. Martinez: It is quite of process this piece of land that has happened. Back when it was first heard a number of residents came out against it and I am sure the meetings lasted forever and as you can see now I don't think anyone has come out against it because it has gone through so much arbitration and because there has been many conditions met on both sides.

Commissioner Moran: Will we have an opportunity to discuss though because I do have some questions.

Mr. Martinez: My recommendation is move it to the discussion item and not an action item so that we can make the recommendations at the next meeting.

Commissioner McCartney moved to approve the agenda with the proposed changes. Commissioner Moran seconded the motion. Motion passed unanimously.

5) Approval of Minutes: December 17, 2015

Commissioner McCartney motioned for approval of minutes. Seconded by Vice-Chairman Louie. Motion passed unanimously.

6) Vice-Chairman Louie swore in participants.



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7) Action Item (s):

A) Re-organization of Planning & Zoning Commission

- Elect Chair and Vice-Chair
- Adopt Open Meetings Act for 2016
- Adopt Robert's Rules of Order
- Adopt Conference Call Resolution
- Adopt 2016 Planning & Zoning Commission Schedule

ITEM TABLED FOR DISCUSSION

B) Request for Conditional Use-2nd Dwelling

Application: CU #2015407

Applicant: Martha Farias

Purpose: To allow for a second mobile home on property to allow for her care by a family member.

Legal Description: T5N, R2E, Section 5, Map 95, N.M.P.M.; Land of Baca Classic Homes; Tract 2; Zoned RR-2; Filed in Plat Book I, Plat Number 1277, in the office of the Valencia County Clerk; also known as 15 Solo Road, Belen, NM 87002.

This property is east of Gabaldon Rd. off of Padilla and Acequia Rd.

This property falls within District IV

County Commissioner Charles Eaton ♦ P&Z Commissioner LeRoy Baca

Mr. Martinez: Exhibit F provides a letter from NM Environmental Department indication the current septic system would be inadequate for the request and would need to be updated. Also, Code Enforcement has found some issues concerning the lot. There are some nuisance issues and as of today we have not seen any major changes in any of those issues, there has not been any major clean up yet. This is a process by which an applicant may request for a temporary second mobile home to care for a sick infirmed family member on at least .75 acres of land so this application should be read through under the conditional use requirements which means it should meet all state, federal and local regulations as well. We do have the applicant here for further information and I will stand for any questions.

Commissioner Moran: On the analysis the parcel is 1.39 acres so the NMED said 475 gallons of what per day? Is it waste, is it water?

Mr. Martinez: Liquid waste is what it would be. This is for septic system.

Commissioner Moran: Ok and I want to clarify who this request is for. Is it to take care of the daughter or the mother?

Mr. Martinez: I had read in the letter and assumed it was the daughter but upon further review it is for the mother in law.

Commissioner Moran: Let's say circumstances change over the years and there is no need to have a caregiver. What happens to that second home that is now on this lot?



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Mr. Martinez: If the Commission chooses to accept the second dwelling it is a temporary use for up to two years. We would then re-evaluate and ensure there hasn't been any change. If the person's medical condition has changed or the person has passed or moved then we would revoke the conditional use.

Commissioner McCartney: In regards to the violations on the property nothing has changed?

Mr. Martinez: We did call Code Enforcement Officer Johnny Mirabal earlier today to make a request to go out and see the site and all indications by Mr. Mirabal is that nothing has significantly changed. They might have moved a couple of things out but there has been no significant change.

Commissioner McCartney: I propose Mr. Chairman that until they comply with the Code Enforcement Ordinances that we table this application. Because of the fact they have been notified and have done nothing to come into compliance I don't think this application should even be heard. The fact that they don't comply with NMED I think that negates even being allowed to make an application before this board.

Commissioner Moran: I will second.

Vice-Chairman Louie: Any discussion?

Mr. Martinez: There has been a motion made by the Board to table this item until they come into compliance with Code Enforcement and NMED.

Roll Call Vote:

Vice-Chairman Louie-Yes.

Commissioner Moran: Yes

Commissioner McCartney: Yes

Mr. Martinez: The item has been tabled which means we will move the item to another date and that will provide you time to do any type of clean up and come into compliance with NMED if necessary.

C) Request for Variance on Set-Backs

Application: V#2015419

Applicant: Hector J. Hernandez

Purpose: To allow set back of 9 feet and 12feet from rear and 12 feet from West side property line for existing horse stalls.

Legal Description: T6N, R2E, Section 30, Map 90, N.M.P.M.; Land of Merritt J & Elna Rucker; Tract B; Zoned RR-2; Filed in Plat Book L, Plat Number 965, in the office of the Valencia County Clerk; also known as 32 Don Ramon Rd., Belen, NM 87002.

This property is located south of Square Deal Rd. off Cuatro Vientos

This property falls within District IV

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Mr. Martinez: The applicant was cited by Code Enforcement for building a horse barn within the allowable setbacks in an RR-2 zone. Because of the configuration of the applicants parcel, its width to its length, it is such a Variance is such that it would be an appropriate use for the applicant in order to meet any set back that cannot be met. I will stand for questions and the applicant is available as well for any additional information.



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200 Commissioner Moran: On the property record it states that the home is a mobile home. Can you
201 clarify that for me?

202
203 Mr. Martinez: I cannot speak for the Assessor's office and how they evaluated this or how they
204 did assess this. We can discuss this with the Assessor's office to make sure that it is assessed
205 correctly as a stick built home.

206
207 Vice-Chairman Louie: So currently a 30 foot set back is required from the front property line
208 and 15 feet is required from the side and rear?

209
210 Mr. Martinez: Yes.

211
212 Mr. Hernandez: My name is Hector Hernandez.

213
214 Vice-Chairman Louie: You are asking for the variance and the horse stalls are already there?

215
216 Mr. Hernandez: Yes sir.

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218 Vice-Chairman Louie: Would you like to explain?

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220 Mr. Hernandez: Yes sir. I was not aware that I needed to have a permit for the horse stalls until
221 I got the letter and now I am going to an engineer to do that. But my property is angled very
222 weirdly and as you can see on the photo it is angled like this. I was trying to configure my horse
223 stalls to look good from the street. I also do not have a neighbor in the back or on the side.

224
225 Mr. Gurule: How many horse stalls are you proposing?

226
227 Mr. Hernandez: It is actually four open stalls.

228
229 Commissioner McCartney: Mr. Hernandez how many horses do you have there?

230
231 Mr. Hernandez: I actually don't have any. I just had one die in December.

232
233 Vice-Chairman Louie: Is there anybody in favor of this application? (There were none)

234
235 Vice-Chairman Louie: Is there anybody against this application? (There were none)

236
237 Commissioner McCartney: I make a motion to approve the variance on the set backs of twelve
238 and nine feet.

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240 Commissioner Moran: I will second.

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242 Mr. Martinez: There has been a motion made and a second on that motion. I will call for a roll
243 call vote for that motion to accept the set back of twelve and nine feet.

244
245 Commissioner Moran: Yes

246 Commissioner McCartney: Yes

247 Vice-Chairman Louie: Yes

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Mr. Martinez: Mr. Hernandez your Variance request has been approved. There is an appeal process of fifteen days, please realize that. We will send out a letter and note the date of that letter will be the date of the approval and the appeal process to start.

D) Request for Preliminary Plat Review Recommendation

Application: #2015223

Applicant: John Whisenant & Elias Barela

Purpose: Request for a recommendation by the Planning & Zoning Commission to the Board of County Commissioners regarding the Type 3 Subdivision Preliminary Plat Review for Rancho De Los Chavez Subdivision.

Legal Description: T6N, R2E, Section 30, Map 90, N.M.P.M.; Land Division of Franklin & Whisenant: Tracts A & B; Consisting of 17.98 acres & 11.36 acres respectively; Zoned AP; Land of Dale Jones, Tract C-2; MRGCD Map 90; Consisting of 10.31 acres: Zoned AP; Valencia County, NM.

This property is located in Los Chavez off of John Road

This property falls within District IV

County Commissioner Charles Eaton ♦ P&Z Commissioner LeRoy Baca

ITEM MOVED TO DISCUSSION

7. DISCUSSION

8. NEXT MEETING

Tuesday February 23, 2016 @ 4:00 PM

9. ADJOURNMENT

Motioned by Commissioner McCartney

Seconded by Commissioner Moran.

Unanimously approved.