



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday January 28, 2025 @ 3:00 pm  
Valencia County Administration Building  
444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Philip Sublett, Chair	
Ralph Freeman, Vice Chair	
Sue Moran, Member	
Mark Aguilar, Member	
Ryan Baca, Land Use Planner	
Jerrie Romero, Land Use Planner Assistant	

Also present were: Frances Luna, Phillip Garcia, Patrick Kremer, Dwayne Scoville and Michael Everett

#### 1) CALL THE MEETING TO ORDER

A. At 3:02 PM Chair Sublett brought the meeting to order.

#### 2) PLEDGE OF ALLEGIANCE

B. Celia Dittmaier lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

#### 3) APPROVAL OF AGENDA

C. Planning & Zoning Commissioners reviewed the Agenda;

APPROVAL: Motion to approve agenda

MOVED: Commissioner Freeman

SECONDED: Commissioner Aguilar

CARRIED: Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar-YES; Commissioner Freeman-YES; Commissioner Sublett-YES).**

#### 4) APPROVAL OF MINUTES December 17, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Minutes as presented.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Freeman

CARRIED: Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar – YES; Commissioner Freeman-YES; Commissioner Sublett-YES).**



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**5) STAFF REPORT:** Ryan Baca reported the county attended the legislative sessions and conference last week and it was informational and beneficial to staff to see how the State Capital operates. On February 6<sup>th</sup> is Valencia County Day at the Capital, the staff will be working with municipalities in the county and assist with the Matanza, we serve the legislators and the general public. As for the Board of County Commission, there will be cases in February.

### **6) SWEARING IN OF PARTICIPANTS**

Chairman Sublett swore in participants who would be speaking during hearing.

### **7) ACTION ITEM(S)**

#### **A. Re-Organization of the County Planning & Zoning Commission**

- **County Planning & Zoning Commission Oath of Office – by Probate Judge Wendy Williams.**
- **Election of Chair and Vice Chair – (Chair - Commissioner Sublett; Vice Chair – Commissioner Freeman).**
  - APPROVAL:** Motion to reelect Chair Sublett & Vice Chair Freeman.
  - MOVED:** Commissioner Freeman
  - SECONDED:** Commissioner Aguilar
  - CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**  
**(Commissioner Moran – YES; Commissioner Aguilar – YES;**  
**Commissioner Freeman – YES; Commissioner Sublett - YES).**
- **Adopt Open Meetings Act for 2025**
  - APPROVAL:** Motion to Adopt Open Meetings Act
  - MOVED:** Commissioner Moran
  - SECONDED:** Commissioner Freeman
  - CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**  
**(Commissioner Moran – YES; Commissioner Aguilar – YES;**  
**Commissioner Freeman – YES; Commissioner Sublett - YES).**

*County Manager, Jhonathan Aragon opened the consideration of amending the 2025 Proclamation on the Robert's Rules of Order as presented with changes made to the P&Z meeting time schedule from 3:00 PM to 5:00 PM to accommodate the newly appointed Commissioner Golino for District V.*

#### **• Adopt Robert's Rules of Order for 2025**

- APPROVAL:** Motion to Adopt Amended Robert's Rules of Order with time schedule changes.
- MOVED:** Commissioner Freeman



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**SECONDED:** Commissioner Aguilar  
**CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**  
**(Commissioner Moran – YES; Commissioner Aguilar – YES;**  
**Commissioner Freeman – YES; Commissioner Sublett - YES).**

• **Adopt 2025 County Planning & Zoning Commission Schedule**

**APPROVAL:** Motion to Adopt Amended 2025 County Planning & Zoning Commission  
Schedule with changes made to the scheduled time from 3:00PM to  
5:00 PM

**MOVED:** Commissioner Aguilar

**SECONDED:** Commissioner Freeman

**CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**  
**Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**  
**YES; Commissioner Sublett – YES).**

**B. Variance #2024-149 (District III, P&Z Commissioner Moran, BoCC Sparkman)**

*Frances M. Luna requests a Variance to the maximum depth-to-width ratio of 3 to 1 for  
any newly-created parcel. Legal Description: Subd: LAND OF JOSE E LUNA Tract:  
B1C1D2A1 15.92 ACRES 2004 REV MH; located on Daisy Ln from Highway 304; UPC 1-  
009-021-010-340-000000; Zoned Rural Residential District 1 (RR-1)*

**Background:** This request is for a Variance of the maximum depth-to-width ratio of 3 to 1 for any newly-  
created parcel in the RR-1 District. The applicant is requesting the Variance in order to subdivide the parcel  
in to parcels with a maximum depth-to-width ratio up to 10 to 1.

**Discussion ensued:** Frances Luna became the owner of this property in 2023 as a Personal Representative  
after her Mother passed away. According to the will this property is to be split between her siblings and  
herself, she mentioned she had a survey done last year. The property was strangely shaped and does not  
meet the length and width setbacks, this is what brought her to come forth to request a variance.

**P & Z/Public Line of Questioning:** **Moran** questioned the parents Will of Testament to subdivide the  
land for the siblings? And also made it known to Frances the variance may come with special conditions  
or circumstances according to the ordinance. **Staff**, clarified the property with the biggest depth to  
width ratio of 10 to 1, it creates long strips of land. On this property there is already a home built that  
has the biggest depth ratio and would not have any problems. Maximum depth to width is written into  
ordinance. **Aguilar**, asked if the roads were taken into consideration as part of the properties or were  
they taken out of the equation. **Frances**, yes it was taken out of the equation because the road was  
going to be donated to the county. **Aguilar** asked if the roads were county owned or maintained by the  
residents and does the road and the cul-de-sac meet the width and size meet county standards? **Staff**,  
roads are currently privately owned and not maintained by the county and the proposed width of the



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road after the subdivision does meet the minimum 40 ft. standard and the 50 ft. radius of the cul-de-sac also meets county standards, Public Works has also reviewed this and found no concerns. **Sublett**, asked staff if Frances was going to dedicate the road back to the county. **Staff**, Public Works Dept. has a process if she decides to vacate the road to the county. **Moran**, added if the county accepts the road it does not mean the county will maintain it. **Staff**, clarifies No members of the public were in favor of this request, and no members of the public were in opposition of this request.

### APPROVAL:

Motion to Approve Variance #2024-149  
PASSED

### MOVED:

Commissioner Moran

### SECONDED:

Commissioner Aguilar

### CARRIED:

Motion passed on a Vote of 4

### FOR and 0 AGAINST (Commissioner Moran—YES;

### Commissioner Aguilar— YES; Commissioner Freeman-YES;

### Commissioner Sublett-YES).

### **C. Zone Change #2024-150 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*Phillip Garcia requests a Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2) to construct a home. Legal Description: Subd: LAND OF VITALIA*

*SANCHEZ Tract: 89A 2.11 ACRES MAP 102 1994 REV; also known as 54 Serafin Rd; UPC 1-008-027-235-182-000000; Zoned Agricultural Preservation District (AP)*

**Background:** This request is for Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2). Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code.

**Discussion ensued:** Phillip Garcia purchased this lot with the sole purpose of building a family dream farm home, owning livestock for his family to raise and show. He was under the impression based on the listing verbiage and conversations from both the seller and the realtor, the land was zoned to build a home. He mentioned for the proposed zoning change to rural residential, it is consistent with the surrounding area, there are homes on similar sized lots from 1-3 acres. He also agrees to preserve agriculture and the rural lifestyle while living on this property.

**P & Z/Public Line of Questioning:** **Freeman**, asked staff if this is similar to other cases brought before the commission board on lands sold under zoning AP with properties under the required acreage of RR-2. **Staff**, yes this case is similar. **Sublett**, asked staff to do a map overlay of the zoning in the surrounding areas. **Staff**, to the south of the property is AP and the rest is RR-2. **Moran**, asked if the other properties zoned AP and have structures/residential homes on the property are those considered



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Grandfathered in? **Staff**, yes they would have been expected to be Grandfathered in and those with structures were constructed prior to the zoning ordinance that took effect. **Aguilar**, asked if the property had water rights. **Phillip**, yes there are water rights on the property but the previous owner lapsed in paying conservancy fees. **Aguilar**, asked if Phillip if would he be paying off the back conservancy fees to have the water rights returned to him and if was going to farm of the land? **Phillip**, yes to raising a couple of calves no to farming. There were two members of the public in favor with standing of this request, one member mentioned the family should be given the opportunity to build and raise livestock on the property. Another neighbor mentioned the family has cleaned up the property beautifully and illegal dumping reported in the area has stopped. There were no members of the public in opposition of this request.

### APPROVAL:

Motion to Approve ZC #2024-150  
PASSED

MOVED: Commissioner Sublett

SECONDED: Commissioner Aguilar

CARRIED: Motion passed on a Vote of 4

FOR and 0 AGAINST (Commissioner Moran—YES;

Commissioner Aguilar— YES; Commissioner Freeman-YES;

Commissioner Sublett-YES).

### **D. Zone Change #2024-151 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*Patrick Kremer as trustee for The Kremer Family Trust requests a Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2) to subdivide the property. Legal Description: Subd: LAND OF ESTATE OF LORETTA C SANCHEZ Tract: A 1993 REV MAP 87 10.05 AC C-5-19; located at the corner of Seabell Rd and Cut Tree Ln; UPC 1-007-033-380-410-000000; Zoned Agricultural Preservation District (AP)*

**Background:** This request is for Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2). Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code.

**Discussion ensued:** Dwayne Scoville an authorized representative for Patrick Kremer presented in person to the board, while Patrick Kremer appeared on online-zoom a request for a zone change from Agricultural Preservation to Rural Residential-2. He mentioned the property has been in the family for many generations and was passed down from his Grandparents, Mr. Kremer would like to divide their interests in the property, the current zoning will only allow one home on the property on a five-acre parcel. The Family would like to split the land to build houses and still maintain an agricultural lifestyle as presented



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on the proposal letter and the proposed acreage of two acres is shown on the proposed land division submitted in this request. There should be sufficient access to the newly created lots, to the north is Cut Tree Ln. and to the west is Seabell Rd., there should not be any traffic issues for new residences.

**P & Z/Public Line of Questioning:** **Aguilar**, asked if the five trustees were all family members on the warranty deed? **Dwayne**, yes there are. **Freeman**, questioned where the piece of land irrigated from and if it was used for farming? **Dwayne**, was unsure if there was farming on the land. **Freeman**, was concerned if new lots were developed would this cut off the access to water by splitting up the land? **Dwayne**, mentioned if the family had water rights and decided to irrigate or purchase water rights from MRGCD, an irrigation easement could be added to the back of the properties for a new concrete ditch, this would be taken into account for the survey, this can be accommodated. **Sublett**, asked if the property had water rights? **Dwayne**, had no response. No members of the public were in favor of this request, and two members of the public with standing was in opposition of this request, one member mentioned the property had 07 water rights from the previous property owner and this piece of property can be used for farming, the other member mentioned subdividing the parcel into five 2 acre parcels, bringing in five new households was just too much. And as for the irrigation ditch, in the last two years on the Gabaldon lateral, irrigation ditch, neighbors petitioned MRGCD for irrigation traffic gates to contain the public traffic and throwing out trash. Discussion between Aguilar and Kremer on a 2024 code violation of weeds on the property. **Kremer**, proposed to remove the weeds and clear the property in 30 days. **Aguilar**, counter proposed to 2-weeks' time to clear up the property. **Kremer**, agreed to 2-weeks.

### APPROVAL:

Motion to Approve ZC #2024-151 with conditions to add an irrigation easement and maintain a concrete ditch and to have the property cleaned up in 2-weeks.  
PASSED

**MOVED:** Commissioner Sublett

**SECONDED:** Commissioner Aguilar

**CARRIED:** Motion passed on a Vote of 4

**FOR and 0 AGAINST (Commissioner Moran—YES;  
Commissioner Aguilar— YES; Commissioner Freeman-YES;  
Commissioner Sublett-YES).**

### **E. Variance #2024-142 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*Texas Republic Signs, LLC requests a Variance of 30 feet to the 45-foot maximum structure height to construct a 75-foot pole sign. Legal Description: Subd: LAND OF VALENCIA FAIR ASSOC INC Tract: D .12 AC MAP 96 D-5-6; located at the corner of I-25 Bypass and Highway 314; UPC 1-007-030-374-435-000000; Zoned Resource Industrial District (I-1)*

### **F. Variance #2024-143 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**





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*Texas Republic Signs, LLC requests a Variance of 176 square feet to the 200 square foot maximum sign area to construct a 376 square foot pole sign. Legal Description: Subd: LAND OF VALENCIA FAIR ASSOC INC Tract: D .12 AC MAP 96 D-5-6; located at the corner of I-25 Bypass and Highway 314; UPC 1-007-030-374-435-000000; Zoned Resource Industrial District (I-1)*

### **G. Variance #2024-144 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*Texas Republic Signs, LLC requests a Variance of 15 feet to the 20-foot property line setback to construct a pole sign with a 5-foot setback. Legal Description: Subd: LAND OF VALENCIA FAIR ASSOC INC Tract: D .12 AC MAP 96 D-5-6; located at the corner of I-25 Bypass and Highway 314; UPC 1-007-030-374-435-000000; Zoned Resource Industrial District (I-1)*

**Background:** These requests are for a Variance for the following:

- 30 feet to the 45-foot maximum structure height in the Resource Industrial District (I-1).
- 176 square feet to the 200-square foot maximum sign area in all zoning districts.
- 15 square feet to the 20-foot sign setback in all zoning districts.

**Discussion ensued:** Michael Everett, representative for Texas Republic Signs requested to Table the Variance requests. #2024-142,143,144 No discussion followed.

**8) Next Meeting:** Tuesday February 25, 2025 at 5:00 p.m.

### **9) Adjournment:**

**MOVED:**

Motion to adjourn made by Commissioner Freeman

**SECONDED:**

Motioned second by Commissioner Aguilar

**CARRIED:**

Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran - YES; Commissioner Aguilar-YES; Commissioner Freeman – YES; Commissioner Sublett-YES).**

*Minutes are not verbatim. The complete audio file from this meeting can be requested from P&Z Dept. contact Jerrie Romero at (505) 866-2054*