



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday February 25, 2025 @ 5:00 pm
Valencia County Administration Building
444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Philip Sublett, Chair	
Ralph Freeman, Vice Chair	
Mark Aguilar, Member	
Rick Chavez, Member	
	Sue Moran, Member
Ryan Baca, Land Use Planner	
Melissa Jaramillo, Community Development Dir.	
Jerrie Romero, Land Use Planner Assistant	

Also present were: Trevor Donaldson, Lorella Tapia and Michael Everett

1) CALL THE MEETING TO ORDER

A. At 5:00 PM Chair Sublett brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

B. Commissioner Chavez 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 Chavez – YES; Commissioner Aguilar-YES; Commissioner Freeman-YES; Commissioner Sublett-YES).**

4) APPROVAL OF MINUTES January 28, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Amended Minutes as presented by adding
Commissioner Moran's request for an illumination study for V#2024-142,143,144



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

5) STAFF REPORT: Ryan Baca reported on the Board of County Commission, two cases were approved one denied, the denial was for ZC# 2024-130 on Wolf Rd. a request from RR-2 to C-2. The P&Z board recommended to deny. The other two cases approved were zone changes, one from AP-RR-2 to construct a home, property was less than five acres, the other one from RR-2 to RR-1 to split the property, both recommended by this board to approve. Administratively two job positions are opened for a Code Enforcement Officer and for a part-time Admin Assistant. **Aguilar**, asked Ryan in reference to an item that was addressed last month in reference to some weeds was that taken care, cleaned up? **Ryan**, yes the property owned by the Kremer Trust, a Code Enforcement Officer followed up that week and the property owner made progress that week and by the following week it was cleaned up and is no longer in violation of a weed nuisance.

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. Zone Change #2025-010 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Fernando Lujan requests a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1) to subdivide the property into three parcels. Legal Description: Subd: LAND OF C B & LUVINA J MCGUIRE Tract: 2A1B1C 3.49 ACRES MAP 95 1997 REV; also known as 13 La Entrada Rd, Los Lunas, NM 87031; UPC 1-009-030-505-360-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1). 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: Trevor Donaldson, Representative for Fernando Lujan, requested a zone change to divide the property into three lots. Re-zoning is needed to divide the land and construct another home, the current home will be retained as a rental property for college students and the current road and cul-de-sac will provide adequate access, the grading and drainage will be addressed during the construction of the new home. There will be a minimal increase in traffic as only one additional lot is being created. The proposed zone change would ensure sufficient land for grazing animals, while enhancing housing opportunities in the area.



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P & Z/Public Line of Questioning: **Freeman**, asked if the property had road access? **Trevor**, yes it does. **Sublett**, asked staff to show the zoning for the surrounding area. **Staff**, the nearest RR-2 is directly on the the east side of the property. The land uses south of the property are similar to the proposed use. **Sublett**, asked if the property had water rights to maintain agriculture? **Trevor**, yes all four lots have Juinor water rights through MRGCD and all four lots have an agreement to cut the cul-de-sac and all four lots have an agreement to access the water. **Sublett**, asked how that would be done to make sure all lots have access to the water? **Trevor**, through turn outs. No members of the public were in favor of this request, and one member of the public with standing was in opposition of this request with concerns of having more tracts would be a problem for potential crime coming into the neighborhood and smaller lots will depreciate the value of the properties, also questioned if mobile homes would be allowed? **Aguilar** asked staff what types of homes would be allowed? **Staff**, the Rural Residential Ordinance does not specify types of residential homes allowable. **Freeman**, asked if there was going to be mobile homes placed there? **Trevor**, no there will not be a startup mobile home community, the lots will not be trash lots, and once the property is divided each lot will be 1.15 acres each. **Sublett**, asked staff on covenants? **Staff**, covenants are not enforced by Valencia County, that would be considered a civil matter between neighbors. **Aguilar**, asked if all the lots would be maintained before development? Mentioned earlier, an abundance of weeds. **Trevor**, yes in the covenant it specifies the cul-de-sac will be maintained and the entirety of the properties split will also be maintained and all the weeds will be taken care of to avoid any violations. **Chavez**, suggested to get together with the neighbors, review the covenants and come to an agreement.

APPROVAL:

Motion to Approve Zone Change #2025-010
PASSED

MOVED:

Commissioner Aguilar

SECONDED:

Commissioner Chavez

CARRIED:

Motion passed on a Vote of 4

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

B. Conditional Use #2025-011 (District V, P&Z Commissioner Chavez, BoCC Berry)

Lorella Tapia requests a Conditional Use Home Occupation to operate an acupuncture & oriental medicine clinic. Legal Description: Tract: 45A S: 35 T: 7N R: 2E 3.34 ACRES MAP 76; also known as 1 Hyde Ln, Los Lunas, NM 87031; UPC 1-011-037-084-118-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for Conditional Use Home Occupation on a property currently zoned 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



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Conditional Use within section 154.057 and a Home Occupation within Section 154.168 of the Valencia County Zoning Code.

Discussion ensued: Lorella Tapia requests a conditional use in support of her Acupuncture business which is currently located in the Village of Los Lunas. This request is being made in order to upgrade and improve the clinic settings and offer improved access to the clinic for the patients. With much easier access into and out of my facility. The visibility and availability of entering and exiting is difficult at the current location, due to two-way traffic and other structures, especially during rush hour AM & PM. The parking is currently shared with the Veterinary clinic and the gym, both are adjacent to the clinic. The patients currently encounter heavy traffic and noise from incoming traffic. Ms. Tapia mentioned she and her Mother will be residing on the property part-time. With consideration of this request it will promote a quieter clinic for the patients and for the community and a positive reflection of a serene atmosphere.

P & Z/Public Line of Questioning: *Chavez*, asked Lorella what was the closest residence? *Lorella*, the closest residence is one-acre part. *Chavez*, questioned if there were four employees. *Lorella*, mentioned there were one employee and two doctors who are contracted. *Chavez*, asked if the hours of operations were 8 to 5? *Lorella*, no from 9 to 6. *Aguilar*, asked if there were three clients per day? *Lorella*, no it is ten to fifteen clients per day, she mentioned two clients crossing paths one to two at a time. *Sublett*, asked for clarification the pre-existing business will be relocated from pre-existing location to the Mother's home and continued with asking if the home was ADA compliance? And if the home and the business was separated. *Lorella*, yes and was not sure of ADA compliance. *Sublett*, asked if this was a business operated out of a home or was this a separate clinic. *Aguilar*, asked staff if a fire inspection was required? *Staff*, yes a fire inspection is required if this request is approved. *Chavez*, requested clarification if the home would need a one-hour separation and contractual work. *Ryan*, it determines the extent of that structure and without the proper knowledge, there is no way of determining if it remains residential as a home occupation inside of it or commercial. *Lorella*, mentioned she would be upgrading the property. *Sublett*, asked staff to clarify to Lorella the criteria of a Conditional Use. *Staff*, stated the conditional use is for two years with no changes, if changes are made within the next two years, it will be re-evaluated. *Freeman*, addressed the site plan that was submitted, it identified the remodeling of the clinic and not a home. *Lorella*, would consider revising the site plan if it was required. *Aguilar*, asked if the egress was separate from the home. *Lorella*, there are two separate entrances. *Staff*, asked what individuals would be residing in the home? *Lorella*, stated her Mother and herself part-time. *Aguilar*, asked staff if improvements were made, will Lorella have to come back to the board? *Staff*, no tonight is only for the conditional use of the business and not on improvements. No members of the public in favor of this request and no members of the public present in opposition of this request. One letter was submitted with standing in opposition, with concerns of heavy traffic.



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APPROVAL:

Motion to Approve CU #2025-011

Motion failed due to tie vote

MOVED:

Commissioner Chavez

SECONDED:

Commissioner Aguilar

CARRIED:

Motion fails on a Vote of 2

FOR and 2 AGAINST (Commissioner Chavez—YES;

Commissioner Aguilar— NO; Commissioner Freeman-NO;

Commissioner Sublett-YES).

Discussion ensued: Commissioners made a request to Table the Conditional Use request. #2025-011 until a full board is present.

APPROVAL:

Motion to Table CU #2025-011

PASSED

MOVED:

Commissioner Chavez

SECONDED:

Commissioner Aguilar

CARRIED:

Motion passed on a Vote of 4

FOR and 0 AGAINST (Commissioner Chavez—YES;

Commissioner Aguilar— YES; Commissioner Freeman-YES;

Commissioner Sublett-YES).

C. 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)

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

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)

E. 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)



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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 these variances to construct a 75 ft. sign off of NM 314 and not off I25 Bypass. We are requesting approval for a sign that not only exceeds the height allowed by current zoning codes but also the maximum square footage. The property sits at a lower elevation than the surrounding roadways, and there are several tall, mature trees, and buildings that obscure visibility from the highway. A sign that conforms to the current height limit would be blocked by these trees, rendering it invisible to drivers. For this hardship, we are requesting a taller sign to ensure that it can be seen from a sufficient distance to give drivers ample time to react. Given the speed of traffic on the highway, particularly the large number of trucks that frequent this area, a small sign would not provide adequate visibility for drivers to safely make decisions, especially truck drivers who need extra time and distance to make safe turns off the highway and into our fueling station. The existing property constraints, specifically the presence of easements, make it difficult to comply with the current setback regulations without impacting the visibility and effectiveness of the signage. I believe that the variance is necessary to address these unique circumstances while still maintaining the overall intent of the regulations. Many drivers exiting the highway are unfamiliar with the area and rely on visible, clear signage to safely navigate. By approving our request for additional height and square footage, the sign will provide the necessary visibility over the buildings and trees and accommodate enough information for motorists to safely identify and access our business well in advance. This is not simply a matter of convenience but a critical safety issue. The variance we are requesting is reasonable given the topographical challenges and the safety concerns posed by our location. Our goal is to ensure that all drivers, particularly those in large commercial vehicles, have adequate visibility and time to make safe decisions. this variance will not only support our business but also enhance safety for the entire community. Photos from the traffic study were resubmitted, showing visuals and non-visuals off of NM 314.

P & Z/Public Line of Questioning: Sublett, questioned the illumination study, suggested by Commissioner Moran that would be enforced by the Night Sky Act. **Michael**, mentioned there was no time allowed to produce an illumination study to comply with the deadline to submit for the next P&Z Hearing. **Sublett**, stressed the importance of safety for the drivers due to the illumination of the proposed sign. **Michael**, reassured the manufacturing of the sign would not cause any distraction or compromise the safety of the drivers, because the led lights were behind a vinyl covering and would dim down at night time and would not be as bright as it would be during the daylight. There were two



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members of the public in favor with standing one present and one letter was submitted by **Robert Noblin, Mayor of the City of Belen** of this request. He was in strong support of the variance, and found it was necessary and a beneficial addition to the community for the increased visibility that will improve the safety and accessibility for both residents and travelers along NM 314 and the Bypass Road. The variance also supports local economic growth that benefits both business and a broader community. There was one member of the public who submitted a letter in opposition of this request with standing, concerns of the abstraction of concentration of a typical automobile driver, while traveling up a steep incline of overpass, therefore causing a danger to traffic control. **Chavez**, mentioned to Michael if he was made aware a state permit is a requirement for the construction of the sign. **Staff**, clarified if the variance request is approved the applicant will re-apply for permits, through Valencia County and through the State office. **Michael**, was in agreement.

APPROVAL:

Motion to Approve Variance #2024-142,143,144
Motion failed due to tie vote

MOVED: Commissioner Sublett
SECONDED: Commissioner Freeman
CARRIED: Motion fails on a Vote of 2
FOR and 2 AGAINST (Commissioner Chavez—No; Commissioner Aguilar—No; Commissioner Freeman-YES; Commissioner Sublett-YES).

Discussion ensued: *Commissioners made a request to Table the Variance requests. #2024-142,143,144 until a full board is present.*

APPROVAL:

Motion to Table Variance #2024-142,143,144
PASSED

MOVED: Commissioner Aguilar
SECONDED: Commissioner Sublett
CARRIED: Motion passed on a Vote of 4
FOR and 0 AGAINST (Commissioner Chavez—YES; Commissioner Aguilar— YES; Commissioner Freeman-YES; Commissioner Sublett-YES).

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



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277 **9) Adjournment:**
278 **MOVED:** Motion to adjourn made by Commissioner Aguilar
279 **SECONDED:** Motioned second by Commissioner Freeman
280 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner**
281 **Chavez- YES; Commissioner Aguilar-YES; Commissioner Freeman – YES;**
282 **Commissioner Sublett-YES).**
283

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