



**VALENCIA COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES**

**February 26, 2014**

**4:00 PM**

**Valencia County Administrative Offices  
Commission Chambers  
444 Luna Ave, Los Lunas, NM**

**Roll Call:**

**Present: Commission-Chair Artiaga, Commission Vice-Chair Gaudette, Commissioner Garcia-Shaffner, Commissioner Louie, Jacobo Martinez (Not voting).**

**1. CALL THE MEETING TO ORDER**

Chairman Artiaga

**2. PLEDGE OF ALLEGIANCE**

Chairman Artiaga

**3. APPROVAL OF AGENDA**

Action: Approve

Moved by Commissioner Garcia-Shaffner

Seconded by Commissioner Gaudette

Motion passed unanimously.

**4. APPROVAL OF MINUTES:**

December 12, 2013

Action: Approve

Moved by Commissioner Gaudette

Seconded by Commissioner Louie

Motion passed unanimously.

**January 21, 2014...Tabled**

**5. SWEARING IN OF PARTICIPANTS**

Commission Chair Artiaga

**6. ACTION ITEM(S)**

**A) REQUEST FOR VARIANCE**

**PETITIONER: Edward Townsend**

**LEGAL DESCRIPTION:** T7N, R2E, Section 29, Map 73,N.M.P.M.; Chaffee Addition, Lot 3; Zoned RR-2; Filed in Book 263, Page 51370 of the office of the Valencia County Clerk; Also known as 1151 Sichler Rd. SW, Los Lunas, NM 87031.

**Mr. Martinez** stated that Mr. Townsend is applying for a variance of six feet on one of his parcels of land in order to accommodate a solar construction. Mr. Martinez stated 1151 Sichler Road is zoned RR-2 and provided the Commission with a map of the area to show the boundary distinction between the Village of Los Lunas and Valencia County. Mr. Martinez also stated Mr. Townsend is requesting the variance because he had built some solar arrays on his property less than fifteen feet away from his property line, and because C.I.D. requires a building permit, a permit from Planning & Zoning and Flood



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Control is first required to make sure set back and flood zone requirements are met. Mr. Martinez stated that it meets flood zone requirements but not set back requirements. Mr. Martinez also stated there is a structure there that already exists, and has been there for some time and Mr. Townsend did just extend the solar facility off the barn structure but because of the layout of his land it comes within about ten feet from the property line. Mr. Martinez showed the Commission aerial photos of the property before the solar panels were installed and after they were installed. Mr. Martinez stated there have not been any calls in opposition to the request and stood for questions.

**Chairman Artiaga** asked Mr. Townsend if he had anything to add to what Mr. Martinez presented.

**Mr. Townsend** stated he did not realize it was a building structure and according to the way the law is written if you put it in post in concrete it is a building structure, and did not intend to do anything illegal, and hopes he will not have to tear it down and it was a fun project for him and realizes he should have done some checking to see what he wasn't supposed to do before he did it and is trying to become legal now.

**Chairman Artiaga** asked the Commission if they had any questions. There were none. Chairman Artiaga asked if there was anybody in the audience that would like to speak in favor of the application.

**Mr. Brown** stated his name is Frank and he is Mr. Townsend's immediate neighbor to the north and is the one that looks at the panels daily and they do not bother him at all.

**Mr. Duran** stated his name is Herman, he lives at 1165 Sichler and is Mr. Townsends's neighbor to the west. Mr. Duran stated he feels what Mr. Townsend did is a beautiful project and hopes he keeps going with it.

**Chairman Artiaga** asked the Commissioners if they had any questions. There were none.

**Chairman Artiaga** asked if there is anybody opposed to the application. There were none.

**Action:** Approve, Moved by Commissioner Gaudette, Seconded by Commissioner Garcia-Shaffner.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 4).  
Yes: Commissioner Artiaga, Commissioner Gaudette, Commissioner Garcia-Shaffner, Commissioner Louie.

**Mr. Martinez** stated to Mr. Townsend that his application for a variance has been approved by the Commission and a letter will be sent out to him and to please note that the date on that letter is the actual official date of that approval and there is a fifteen day appeal process for that decision.

**Mr. Townsend** thanked the Commission.



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### B) REQUEST FOR A ZONE CHANGE FROM RR-2 TO RR-1

**PETITIONER:** LOIS TURNAGE:

**LEGAL DESCRIPTION:** T7N, R2E, Section 25, Map 71, N.M.P.M.; Land of Robert A & Jean M. Cook; Lot A-1; Zoned RR-2; Document Number 2013132241 Filed in the office of the Valencia County Clerk; Also known as 63 Jerome Rd., Los Lunas, NM 87031.

**Mr. Martinez** stated 63 Jerome Road is in a community that is mostly zoned RR-2, and that there is a RR-1 zone about five hundred feet south of the project area, which was rezoned in about 2010 for the same reasons as the application being presented. Mr. Martinez presented the Commission with an aerial photo of the property as well as a plat map and stated the lot shown on the aerial does not exist as it is today as it is an old GIS aerial photo, however, the plat map does show the current lay of the property. Mr. Martinez stated that the aerial photo is actually lot A1 of the current existing lot, and is the lot that is going up for a zone change. He also stated lot A1 is a two acre lot of land. Mr. Martinez stated Code Enforcement noticed construction on the back of A1 and red tagged it. He also stated the owners came in to discuss what they were doing and why they were doing it. Mr. Martinez stated the owners were building another dwelling unit, a mother-in-law quarters for a family member, and because ordinance only allows one dwelling unit per parcel of land, Code Enforcement stopped the construction, and sat down and talked with the owners about what might be able to be done in order to help move the process along. Mr. Martinez stated an RR-1 zone would allow a duplex to be placed on a two acre lot of land, and a duplex is defined as a building with two dwelling units, and there are different ways that the building can be configured as well. Mr. Martinez stated it was felt that this would be the best approach to clean things up as best as possible for the residents in question.

**Chairman Artiaga** asked if the garage and shop were being remodeled into a second home whether or not the two would be attached.

**Mr. Martinez** stated the back garage as a home and discussed what a duplex might look like and there are many ways in which a duplex can exist in the world, and as long as there is connecting hallway or breezeway it could be considered a duplex. Mr. Martinez stated the zone would be an RR-1 zone, essentially one dwelling unit per acre of lot of land as any RR-1 would be allowed to have. Mr. Martinez stated this is actually two acres of land with two houses a little bit closer together so it wouldn't actually be split into two one acre lots.

**Chairman Artiaga** asked if the two will be attached.

**Mr. Martinez** stated they could be attached and thinks the applicants are planning on attaching them using a breezeway or walkway or something of that nature.

**Chairman Artiaga** stated the way she understands RR-1 is there can be one house per acre, so then that would require a split, but they are not going to split a two acre lot with two residents if they are attached and wanted some clarification.

**Mr. Martinez** stated he is not exactly sure what we are saying is not the same thing and a duplex is allowed on a RR-1 zone on a two acre lot of land and a duplex is essentially two dwelling units attached together.



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**Chairman Artiaga** stated the lot would not be split and the applicants are just asking for a zone change from RR-2 to RR-1.

**Mr. Martinez** stated that was correct.

**Chairman Artiaga** stated with the zone change the applicants wouldn't have to go through a variance or anything else for the second dwelling.

**Mr. Martinez** stated that was correct.

**Commissioner Garcia-Shaffner** asked Mr. Martinez if there would be an additional sewage tank there for this casita?

**Mr. Martinez** stated that the zone change would be the first step in the process and if the zone change is passed then a building permit is required and for that permit proof is required from New Mexico Environmental Department (NMED) that they have the capacity for sewage on the lots in order to accommodate both residences. Mr. Martinez stated with past experiences from NMED there usually isn't an issue with the lot size that they have and the amount of rooms that they have and NMED will provide the applicants with the guide lines regarding any permits for septic for those dwelling units.

**Commissioner Garcia-Shaffner** asked if there had also been other changes from RR-2 to RR-1 in the area as well.

**Mr. Martinez** stated there had been in 2010 by Buddy Robinson to utilize the property for family members.

**Commissioner Garcia-Shaffner** asked if in that zone change the building had already started.

**Mr. Martinez** stated the applicants came in for the change first.

**Commissioner Garcia-Shaffner** asked how often there are requests for zone changes from rr-2 to rr-1 Mr. Martinez stated it is the most frequent request within Valencia County and within the last five years that request outnumbers the other requests by double, about fifteen requests.

**Commissioner Garcia-Shaffner** asked why we have RR-1 and RR-2.

**Mr. Martinez** stated that he believes RR-2 allows for a larger number of parcel sizes to maintain potential agricultural activity in the Middle Rio Grande Valley.

**Chairman Artiaga** stated she notices a lot of half acre lots and one acre lots in the RR-2 zones and wonders if these were grandfathered in.

**Mr. Martinez** stated a lot of these lots were subdivided before the 2000 zoning laws that establish the RR-2 zone. Mr. Martinez stated he would stand for questions now and the applicant is also available for question.

**Mrs. Turnage** stated her name is Lois and is requesting the change and would like to mention this is not new construction, this is a remodel of a garage and a shop that already had electricity and was unaware of the requirements and apologizes for not looking into it and is working to do this legally. Mrs. Turnage stated in regards to how many requests for this type of zone change she feel there will be more due to the baby boomers.



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**Chairman Artiaga** asked if there was anybody in who would like to speak in favor of the application. There were none.

**Chairman Artiaga** asked if there was anybody in opposition to the application.

**Mr. Peters** stated his name is Kenneth and owns the property north of property in question. Mr. Peters stated this is nothing between the neighbors and has some concerns and would like to know when the neighborhood he moved into is going to be left to be the neighborhood bought into. Mr. Peters stated he was before the Commission less than a year ago regarding a dog training and kennel facility in the neighborhood. Mr. Peters stated he was assured he would not hear dogs barking at the facility, however, he does hear them in the evenings when he goes to feed his animals and he does not think the kennel is even fully operational yet. Mr. Peters stated his second concern is this project has already been red tagged and looks to be fifty percent completed. Mr. Peters stated he is also concerned with septic and water issues as this could be three septic systems that would affect his water quality. Mr. Peters stated another concern is the limited access to the area in regards to fire and emergency services and stated if there is a fire it could cause his property and field to catch on fire as well. Mr. Peters stated he understands taking care of elderly family members as he invested in his property so that he could care for his elderly parents but went about it by buying enough property to do so legitimately. Mr. Peters also stated there has been news in the paper about the Master Plan for Valencia County to control the growth in the County so that Valencia County doesn't turn into what Albuquerque's north and south valley's turned into in which there is a residence on every little lot, and water issues. Mr. Peters stated the plan for this neighborhood is RR-2 and feels that the Commission should stick to the plan. Mr. Peters stated that in closing, he would like the Commission to consider whether they would approve this application if it was happening net door to them.

**Chairman Artiaga** asked Mr. Peters the size of his parcel of land.

**Mr. Peters** stated four acres total- one acre with one house, two acres with a house, and the fourth acre for his field, and that these parcels were subdivided before the 2000 zone change laws.

**Commissioner Huey** asked Mr. Peters to show him where on the map his property is located.

**Chairman Artiaga** asked if Mr. Peters was aware of any covenants and restrictions for his subdivision.

**Mr. Peters** stated he was unaware of any. Mr. Peters thanked the Commission.

**Chairman Artiaga** stated there are subdivisions with restrictive covenants throughout the County that provides for residential lot sizes and acreage and does not see that in this case, and feels this is a reasonable request.

**Chairman Artiaga** asked if there was anybody else in opposition of the application. There were none.

**Motion:** Action: Approve Recommendation of Zone Change Application to County Commission  
Moved by Commissioner Louie; Seconded by Commissioner Gaudette.

**Vote:** Motion passed (summary: Yes = 3, No = 1) Yes: Commissioner Artiaga, Commissioner Gaudette, Commissioner Louie.  
No: Commissioner Garcia-Shaffner



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**Commissioner Garcia-Shaffner** stated she understands taking care of elderly parents and is in the same boat but also feels the need to stick to the Master Plan for the County and there is a time to say no. Mr. Martinez stated to Mrs. Turnage there has been a vote for a recommendation to approve the zone change to the County Commission. Mr. Martinez stated this is not the last step as there still needs to be a public hearing in front of the County Commission and then there will be a final decision on it. Mr. Martinez stated notification of that meeting will be sent out and thanked Mrs. Turnage.

### **DISCUSSION**

### **ADJOURNMENT**

Motion: Action: Approve, Moved by Commissioner Garcia-Shaffner, Seconded by Commissioner Gaudette.

Motion passed unanimously.