



**VALENCIA COUNTY PLANNING & ZONING COMMISSION
MINUTES**

February 27, 2013

4:00 PM

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

- 1. CALL TO ORDER**
Jacobco Martinez
- 2. PLEDGE OF ALLEGIANCE**
Commissioner Gaudette
- 3. APPROVAL OF AGENDA**
Revised Agenda: Administrative decision that Conditional Use for Mark Cowan did not need to go before the Commission.
Commissioner Artiaga motioned to approved revised agenda.
Commissioner Milam seconds the motion.
- 4. APPROVAL OF AMENDED MINUTES: October 23, 2012**
Commissioner Artiaga motioned to approve.
Commissioner Gaudette seconds the motion.
- 5. SWEARING IN OF PARTICIPANTS**
Jacobco Martinez
- 6. ACTION ITEMS**
 - ELECT CHAIR AND VICE CHAIR**
Commissioner Gaudette motioned to elect Commissioner Artiaga as Chair.
Commissioner Milam seconds the motion.
Commissioner Artiaga motioned to elect Commissioner Gaudette as Vice Chair.
Commissioner Baca seconds the motion.
 - ADOPT OPEN MEETINGS ACT FOR 2013**
Commissioner Gaudette motioned to adopt the Open Meetings Act.
Commissioner Jaramillo seconds the motion.
 - ADOPT ROBERT'S RULES OF ORDER**
Commissioner Gaudette motioned to adopt Robert's Rules of Order.
Commissioner Jaramillo seconds the motion.
 - ADOPT 2013 P&Z COMMISSION MEETING**
Commissioner Artiaga stated that there is a schedule prepared by Planning & Zoning showing the days that they would be meeting. She stated they would only meet when there were items to act upon. She stated that they met the last Wednesday of the month at 4:00 pm. She asked if there some suggestions or discussions about the time the meeting was held.

Commissioner Milam stated that there was no issue.

Commissioner Jaramillo stated that Wednesday worked well for him.

Commissioner Baca stated that there was no issue.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Martinez stated that he would leave it up to the discretion of the commission.

Commissioner Gaudette stated that 4:00 worked better for him due to his work schedule.

Mr. Martinez stated that we would maintain 4:00 as that works best for all.

Commissioner Artiaga stated that 4:00 was good for the public and people that had jobs so they would not have to take time off from work.

Commissioner Milan stated he makes a motion to accept the schedule as it is written.

Commissioner Jaramillo stated he seconds the motion.

Commissioner Artiaga asked if everyone was in favor of the schedule. All in favor.

A. REQUEST FOR VARIENCE: Paul Gomez: Legal Description T6N,R2E, Section 17; Land of Agedo Olivares; NMPM; Tract A1; Map 86; Zoned C-1; Filed in Book 316, Page 4560; of the office of the Valencia County Clerk; Also known as 4814 Short St., Los Lunas, NM.

Mr. Martinez asked Mr. Gomez to step up to the podium and sign in with his name and address.

Mr. Gomez stated that his name is Paul Gomez and he is requesting a variance on his setbacks. He stated he has lived on the property for 12 years and recently lost his home to a fire and does not know why it is commercially zoned. He stated that the property is 103 f. wide and the 25 ft. setback would only allow a 3 ft. home and that is why he is asking for the 15 ft. setback variance.

Commissioner Artiaga asked if there were any questions.

Commissioner Gaudette stated he knows the applicant, Brenda Gomez who worked for him in the past and Mr. Gomez who used to be a police officer and does not feel his knowledge of them would in any way bias his decision. He stated he would step aside if the commission desired.

Commissioner Artiaga stated she had no problem with it.

Commissioner Milam asked what the standard policy is.

Commissioner Artiaga stated it is to bring it forward and if somebody had a problem with it was talked about.

Commissioner Baca stated there is no problem on his part.

Commissioner Jaramillo stated there is also no problem on his part and that he also knows Mrs. Gomez and does not feel he would have any bias towards or against the issue.

Commissioner Artiaga stated that between the group they may know a few people.

Commissioner Artiaga asked Mr. Gomez if he had anything else to say and if not to step back.

Commissioner Artiaga asked if there was anyone who would like to come forward in favor of this request.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Commissioner Artiaga asked if there was anyone opposed to this request.

Commissioner Artiaga stated let the record show that no one came forward to speak for or against this request.

Commissioner Artiaga asked if any of the Commissioners had any questions.

Commissioner Milam asked if there were any future plans for turning this into a commercial venture.

Mr. Gomez stated no and that there are neighbors on each side of them which are his in-law and the back half of the property belongs to them.

Commissioner Milam stated he went to look at the property and knows where the septic tank is but would like to know where the drain field is.

Mr. Gomez stated the drain field is located just East of where the tank is.

Commissioner Milam asked Mr. Gomez if any part of the house would be built on the drain field.

Mr. Gomez stated No sir.

Commissioner Artiaga asked if anyone had anything questions for **Mr. Gomez**.

Commissioner Artiaga stated she looked at the property and the mobile home just to the south **doesn't** quite even look like its 15 feet from him.

Mr. Gomez stated it is within 20 ft. from where his house will start.

Commissioner Artiaga stated that it is a residential neighborhood and is assessed according to its use so even though it is zoned commercial it's for residential use and the setback for residential is 15 feet.

Jacobo Martinez stated that the setback within RR-2 is 15 feet.

Commissioner Artiaga stated that if the request if approved the property will be treated as residential rather than commercial.

Commissioner Gaudette stated that he has no objection to granting the request of the variance providing that it remains residential and that in the future it is not used for commercial purposes which would violate the setback rules as the property is not being re-zoned.

Jacobo Martinez stated that a zone change is not being requested and the legal description of the variance is as follows: 154.085(D) (1) An authorized variance is not personal to the applicant and shall be deemed to run with the land.

Commissioner Jaramillo asked how this would be enforced.

Mr. Martinez stated the Commission can set a condition on the ruling and planning and zoning will enter that condition into their system.

Commissioner Artiaga stated she would entertain a motion that stipulates that the use of the property would have to remain as residential.

Commissioner Guadette stated that would be his motion, unless there is further discussion.

Commissioner Jaramillo asked Mr. Gomez if he was aware when he obtained the property that it was commercially zoned.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Gomez stated he was not as the house was put in for him while attending the police academy and he does not know how they got around it and that all this came to light when he decided to start rebuilding.

Commissioner Gaudette made a motion to approve the variance with the condition that the building remains residential.

Commissioner Jaramillo seconds the motion with the condition.

Mr. Martinez called for a vote

Commissioner Milam stated yes.

Commissioner Gaudette stated yes.

Commissioner Jaramillo stated yes.

Commissioner Baca stated yes.

Commissioner Artiaga stated yes.

Mr. Martinez stated to Mr. Gomez that his application for Variance for RR-2 setbacks has been approved. He would be sending out a letter in a couple of days and to note that the date on that letter is the official date of the approval and that there is a 15 day appeal process.

Mr. Gomez thanked the commissioners.

7. DISCUSSION:

Commissioner Artiaga asked if there was any discussion. **Mrs. Rita Padilla** came forward and welcomed and congratulated the new commissioners and invited them to the Tome Community Meeting on March 12, 2013 at 7:00 pm at the Tome Dominguez Community Center. **Mrs. Padilla** also stated that the two county commissioners for that area were also invited but would specifically like the two P&Z commissioners for that area to attend. **Commissioner Milam** asked what area that is. **Mr. Martinez** stated that it is Commissioner Romero and Commissioner Eaton's areas. **Commissioner Jaramillo** stated he would like an agenda sent over to him. **Mrs. Padilla** stated it would be sent to **Mr. Martinez** to forward. **Commissioner Gaudette** stated he was concerned with the propriety of the commission attending the meeting and asked **Mr. Martinez** to check with attorneys for guidance as he did not want to show up to the meeting and end up in a discussion regarding upcoming issues in that community and was uncertain if the commission was being lobbied. **Julia** from the News Bulletin stated in order to follow the OMS the commission should follow their current noticing practices to inform the public that a quorum of the body may be present at the meeting and that issues concerning Tome may be discussed. **Commissioner Artiaga** stated that last year she was invited by the Los Chavez Association to attend their meeting and they did not talk about any specific agenda items that would be coming up before the commission but just about how they saw their community and the goals for their community. She also stated the commission had to be careful about having a quorum at the meeting and that she would not be attending. **Mrs. Padilla** stated that the discussion may involve upcoming issues that are going to impact Tome and it is an opportunity for the community to get to know the two new commissioners. **Commissioner Jaramillo** stated it would be ok to speak in generalities but not on upcoming issues. **Mrs. Padilla** thanked the commission. **Mr. Martinez** informed the commission he had a slide show presentation for them. **(See attached presentation)** **Commissioner Gaudette** excused himself early. **Commissioner Artiaga** asked if there was any more discussion. **Commissioner Milam** motioned to adjourn. **Commissioner Baca** seconds. **All in favor.**

8. NEXT MEETING: **March 27, 2013**

9. ADJOURN



VALENCIA COUNTY PLANNING & ZONING COMMISSION

DRAFT