



**VALENCIA COUNTY PLANNING & ZONING COMMISSION**

Tuesday March 24, 2015  
4:00 PM

Valencia County Courthouse Commission Chambers  
444 Luna Ave, Los Lunas, NM 87031

**Roll Call**

**Present:**

- Chairman LeRoy Baca
- Vice-Chairman Robert Q. Louie
- Commissioner Carlos Montoya
- Commissioner Michael McCartney
- Commissioner Sue Moran
- Jacobo Martinez (Not Voting)

**1. CALL THE MEETING TO ORDER**  
Chairman Baca

**2. PLEDGE OF ALLIGANCE**  
Commissioner McCartney

**3. APPROVAL OF AGENDA**

- Action: Approve
- Moved By: Commissioner Moran
- Seconded By: Vice-Chair Louie
- Motion Passed: Unanimously 5-0

**4. APPROVAL OF MINUTES**

- January 30, 2015
- February 24, 2015
- Action: Approve
- Moved By: Commissioner Montoya
- Seconded By: Commissioner McCartney
- Motion Passed: Unanimously 5-0

**5. SWEARING IN OF PARTICIPANTS**  
Chairman Baca

**6. ACTION ITEM(S):**

**A. REQUEST FOR A CONDITIONAL USE-HOME OCCUPATION**

- Applicant: Jarvis Winery LLC
- Agent: Carey B. Jarvis
- Purpose: Allow for a small scale winery with grape wine production, storage, sales, shipping, distribution and a tasting room.

Legal Description: T4N, R2E, Section 5, Map 88, N.M.P.M.; P&M Farm Estates; Lot 22, Zoned RR-2; Filed in Book 298, Page 7062, of the office of the Valencia County Clerk; Also known as 22 Olguin Road, Jarales, NM 87023

*This property is located 0.22 miles NE of Jarales Rd. between Antonia Chavez Loop & Juan Chavez y Baca  
This property falls within Commission District III  
County Commissioner David A. Hyder ♦ P&Z Commissioner Sue Moran*

Mr. Martinez showed the Commission where the property in question is located via slide show. Mr. Martinez the applicants will be growing grapes on the back portion of the property, that there is future plans of a small wine tasting room and most of the business done will be done at wine festivals, etc. Mr. Martinez stated this type of application has come in front of the Planning & Zoning Board at least twice before and both times the request was passed. Mr. Martinez explained the Home Occupation process to the Commission and said he would stand for any questions.

Commissioner Moran stated that under the analysis the applicant is requesting a conditional use within and RR-2 zone, yet the lot is only one acre and thought that RR-2 is supposed to be two acres.

Mr. Martinez stated the zoning code was developed in 2000 and at that time there were different categories and when it was done there were a lot of lands that were not conforming which meant that they were not two acres of land because the whole general area was mostly more than two acre lots and so they wanted to preserve the whole area instead of breaking up zones in that area themselves to help preserve the rural character of the valley.

Commissioner Moran stated the application requests winery productions, storage, sales, shipping, tasting room and would like to know if there is a business license application on file for this proposal.

Mr. Martinez stated there is not a business license on file yet as the applicant has to go through the proper land use permission before they can get a business license to continue the business on the land itself.

Commissioner Moran asked if the applicant has the New Mexico Wine Growers license.

Mr. Martinez stated the applicant does have to apply for a liquor license through the state in order to grow and produce wine on the site and in order to get that license they have to prove it is allowed on the land use so it can be shown to T.A.B.C. for the permitting process and once the permitting process is approved they can go through the process to allow for the liquor licensing to occur.



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83 **Commissioner Moran** stated the applicant notes the tasting will be by invitation only and would like to know if they  
84 ever see this changing and if it does what will the impact be for the applicant such as would it be necessary to get a  
85 different license?  
86  
87 **Mr. Martinez** stated that is a question for the applicant as he does not know the answer.  
88  
89 **Commissioner Moran** stated the Department Reviews state this is a small lot of one acre to have winery on and would  
90 like to know if the applicant will be receiving and/or purchasing grapes from other areas.  
91  
92 **Mr. Martinez** stated that would be a question for the applicant.  
93  
94 **Commissioner McCartney** stated when someone asks for these land uses they cannot get approval for any other  
95 license until they get approval of the land use that they are asking for.  
96  
97 **Commissioner Moran** stated the Department Reviews also states the address shall be posted clearly at the gate using  
98 four inch high number letters for visible emergency response identification and would like to know if this is something  
99 the Commission would put a condition on or because it's already cited by the department it would automatically fall to  
100 be looked at.  
101  
102 **Mr. Martinez** stated that P&Z will ensure proper signage is displayed.  
103  
104 **Commissioner Moran** asked if there had been any feedback from the surrounding property owners.  
105  
106 **Mr. Martinez** stated there had not been any feedback from the surrounding property owners. .  
107  
108 **Commissioner Louie** asked if the applicant would be allowed to expand buildings on this property.  
109  
110 **Mr. Martinez** stated if the use is established the way it is today for a Home Occupation then this is the way it should  
111 probably stay and if there is an expansion of the Home Occupation the applicant would have to come back up in front  
112 of the board to see if it justifies another Home Occupation or if they need to move out to a commercial site.  
113  
114 **Mr. Jarvis** stated his name is Kerry and will answer the Commission's questions as fully as possible.  
115  
116 **Commissioner Moran** asked if Mr. Jarvis feels the business will expand beyond the invitation only tasting?  
117  
118 **Mr. Jarvis** stated not on this property as he does not want to be tethered by the business and does not want a lot of in  
119 and out traffic at all hours and just wants to know and predict when someone is going to come by and would be able to  
120 more appropriately control the situation as this is going to be a retirement business for him.  
121  
122 **Mrs. Jarvis** stated they are hoping a lot of the business will be done on line and once people have tasted the product  
123 they will continue to order from the website.  
124  
125 **Commissioner Moran** stated she appreciates the letter of consent the petitioners got from their neighbors.  
126  
127 **Commissioner Moran** asked Mr. Jarvis about his LLC and what the jargon meant.  
128  
129 **Mr. Jarvis** stated it is a requirement for the Federal basic permit and as this is his first time going through this process  
130 he is having to go through several layers of processes.  
131  
132 **Chairman Baca** asked Mr. Jarvis which lots he owns.  
133  
134 **Mr. Jarvis** stated he only owns lot twenty-two.  
135  
136 **Commissioner Louie** asked Mr. Jarvis what his annual production rate is.  
137  
138 **Mr. Jarvis** stated at this time it is at about two hundred gallons as that is all he can do as a private citizen legally and  
139 cannot go beyond that until he is properly licensed and has all of the permitting and licenses in place.  
140  
141 **Commissioner Louie** asked if Mr. Jarvis raises the grapes on his property.  
142  
143 **Mr. Jarvis** stated he raised a few but mostly buys them and plans to open a vineyard somewhere in the future, and  
144 wants the quality of his product to remain as it is on a small scale and does plan to expand but it will be a boutique  
145 winery.  
146  
147 **Commissioner Louie** asked if he will be buying grape or crushed grape.  
148  
149 **Mr. Jarvis** stated he will be buying grape and crushing them, destemming them and press them on the property and does  
150 want to use New Mexico grapes.  
151  
152 **Commissioner Louie** asked if the letter of written consent is from all of his neighbors.  
153  
154 **Mr. Jarvis** stated it is not but covers most of the adjoining neighbors and then some a little farther out.  
155  
156 **Commissioner Louie** asked how many people Mr. Jarvis anticipates to be present at the wine tastings.  
157  
158 **Mr. Jarvis** stated two or three and possibly up to thirty people if there is an event, but will of course ensure that it is  
159 planned and permitted before it would take place.  
160  
161 **Chairman Baca** asked if there was any body in favor of the application. There was no body.  
162  
163 **Chairman Baca** asked if there was any body in opposition the application. There was no body.  
164



**VALENCIA COUNTY PLANNING & ZONING COMMISSION**

165 **Action:** Approve  
166 **Moved By:** Commissioner Moran  
167 **Seconded By:** Commissioner McCartney  
168 **Motion Passed:** Unanimously 5-0  
169

170 **Roll Call Vote:**  
171 Commissioner Moran-Yes  
172 Commissioner McCartney-Yes  
173 Commissioner Montoya-Yes  
174 Vice-Chairman Louie-Yes  
175 Chairman Baca-Yes  
176  
177

**B. REQUEST FOR A ZONE CHANGE FROM C-1 TO RR-2:**

178 **Applicant:** Luna 263 South, LLC-Shadyac Bris-Member  
179 **Agent:** Laura Sanchez  
180 **Purpose:** The re-zone of the property is to allow the potential buyer to obtain financing as this  
181 property will become his new place of residence.  
182  
183

184 Legal Description: T57N, R2E, Section 26, Map 72, N.M.P.M.; Tract 74-A2-B-2-A-1; Zoned C-1; Filed  
185 in the office of the Valencia County Clerk; Also known as 9 El Cerro Rd., Los Lunas, NM 87031  
186

187 *This property is located approximately 0.12 miles SE of Highway 6 and 263 in Los Lunas, NM*

188 *This property falls with District V*

189 *County Commissioner Jhonathan Aragon ♦ P&Z Commissioner Robert Q. Louie*  
190  
191

192 **Mr. Martinez** stated the applicant is applying for a down zone from C-1 to RR-2 because the applicant involved in the  
193 process would actually like to buy the home that is on the property which has been used as a business for EMS services  
194 and they have since moved out and the applicant wants to buy the property and move in to the residence and is applying  
195 for an MFA loan and the financier will not provide financing for a commercial zone and only for residential zones, so  
196 the applicant came in asked Planning & Zoning for a letter stating what the zone is and how we may be able to work  
197 this because in a C-1 zone a residence is allowed and we made that clear in the letter, however, the finance company  
198 does not want to finance a house that is zoned commercial at all and our current commercial zone does not allow for  
199 two different zone, a C-1 and an RR-1. **Mr. Martinez** stated for the financiers to be satisfied they would like to see a  
200 letter stating that the zone is for residential and for residential only and the only way we as the Planning &  
201 Zoning administration is to come in front of the board for a zone change. **Mr. Martinez** stated the property is  
202 surrounded by other RR-2 zones and they would fit back into the surrounding area if they did move back into an RR-2  
203 zone and wanted to make sure the process went through so that the neighbors could be alerted that a down zoning was  
204 going to occur and we have not received any oppositions to this request.  
205

206 **Commissioner Baca** asked if the lots next to the property are RR-2 and are they two acre lots?  
207

208 **Mr. Martinez** stated everything within the area is less than two acre lots, about one acre lots.  
209

210 **Commissioner Baca** stated because the lot in question is less than two acres.  
211

212 **Mr. Martinez** stated the property is one point two five acres.  
213

214 **Commissioner Baca** asked if everything else around there is less than an acre.  
215

216 **Mr. Martinez** stated yes and that is why it was decided to go for the RR-2 zone as it would fit with the surrounding  
217 properties of the RR-2's as well.  
218

219 **Commissioner Baca** stated that on page sixty-seven of the Commissioners handbook it specifies that the minimum  
220 should be two acres or at average one point five acres and would like to know whether this would be an issue.  
221

222 **Mr. Martinez** stated as before a lot of the lots already zoned RR-2 are less than an acre lots such as some of the ones  
223 across the street from the property which are half-acre lots to a little less than half-acres lots and when the zoning code  
224 was established in 2000 and they put RR-2 in this Middle Rio Grande Valley area they did it with the intent to maintain  
225 agricultural integrity of the area and make sure there are not any other lot splits within that zone and that is why the  
226 RR-1 zones were moved out to the West Mesa area and why we see RR-1 zones in the Meadow Lake and El Cerro  
227 Mission area, and the Highland and West Mesa area as well since the Middle Rio Grande has been historically RR-2  
228 zones.  
229

230 **Commissioner Moran** stated that the Department Review by Rural Addresser Victor Gonzales states the address needs  
231 to be corrected as the MLS, the Assessor's Office and the applicant all have different addresses for the same property  
232 and recommends that the address correction be a condition of an approval of the application.  
233

234 **Commissioner Louie** asked if the property had been zoned RR-2 before becoming commercial.  
235

236 **Mr. Martinez** stated yes.  
237

238 **Ms. Sanchez** stated her name is Laura and she is representing the seller in this transaction and when the property was  
239 originally listed it was leased out to an ambulance service who was hoping to stay there and as the seller lives out of  
240 state they just want to liquidate the property and just get it sold however it needed to be listed to be sold so we listed it  
241 as both residential and commercial knowing that it had been a residential property before it was an ambulance service.  
242 **Ms., Sanchez** stated the buyer did come in as residential and wants to buy it as a residence so it was taken off as a  
243 commercial listing and in the meantime the ambulance service did move out. **Ms. Sanchez** also stated the seller is  
244 aware the property may not be as valuable as a residential property and is willing to take that loss and is aware that if a



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commercial entity wants to come in and purchase the property should this sale not go through the seller will be required to come back before the Planning & Zoning Commission to request a zone change again.

Commissioner McCartney asked if the buyer plans on living in the existing structure on the property.

Ms. Sanchez stated yes.

Commissioner McCartney asked if the buyer planned on putting a second structure on the property.

Ms. Sanchez stated not that she know of and is sure the buyer knows he would have to go through the proper channels.

Ms. Sanchez thanked the Commission for their time.

Commissioner Baca asked if there was anyone to speak in favor of the petition and there was no one.

Commissioner Baca asked if there was anyone to speak against the petition and there was no one.

**Action:** Recommend Approval to the Valencia County Board of Commissioners  
**Moved By:** Vice-Chairman Louie  
**Seconded By:** Commissioner Montoya  
**Motion Passed:** Unanimously 5-0

**Roll Call Vote:**  
Commissioner Montoya-Yes  
Commissioner McCartney-Yes  
Commissioner Moran-Yes  
Vice-Chairman Louie-Yes  
Chairman Baca-Yes

**C. REQUEST FOR A ZONE CHANGE FROM PD (Planned Development) TO SFOZ (Solar Facility Overlay Zone)**

**Applicant(s):** PNM  
**Agent:** Rebecca Newport  
**Purpose:** The re-zone of this property is to allow for development of the Valencia County Solar Energy Center, a solar electric generating station and related facilities.

Legal Description: T56N, R3E, Section 19, Map 104, N.M.P.M.; Parcel D., Remainder of Eastern Portion Zoned PD; Filed in the office of the Valencia County Clerk.

*This property is located directly south of the Manzano Solar Energy Center on the SW corner of N. Rio Del Oro Loop and Bonita Vista Blvd.  
This property falls with District III  
County Commissioner David A. Hyder ♦ P&Z Commissioner Sue Moran*

**Mr. Martinez** stated the property is next to a completed solar facility by PNM, and are requesting to re-zone one hundred acres of the property on the eastern section of the land. **Mr. Martinez** stated PNM has requested for the Solar Facility Overlay Zone in order to be placed on top of the existing planned development zone for a solar field site and have been over the criteria for an application for a SFOZ which is a Type C process. **Mr. Martinez** stated PNM has provided a site plan as well as additional information which is in the commissioner’s packets and the P&Z has not received any phone calls regarding this project.

**Commissioner Moran** asked **Mr. Martinez** if this project meets the four requirements of a solar overlay plan- promoting the use of underutilized land, further economic development, promote employment opportunities within Valencia County, and help diversify energy production and diversify the local community.

**Mr. Martinez** stated yes it does.

**Commissioner Moran** stated the requests asks for solar overlay zone and a preliminary site development plan and asked **Mr. Martinez** to explain a preliminary site development plan.

**Mr. Martinez** stated within the solar overlay zone application there is a requirement for a site development plan in order to move solar and to satisfy our site development plan process so PNM is asking for the overlay zone itself and the submittal of a site development plan to be passed through the process as well.

**Commissioner Moran** asked Mr. Martinez how many similar projects he has worked on with PNM.

**Mr. Martinez** stated two, one on the east side of Meadow Lake and the other one right across on North Rio Del Oro right across the street from this proposed site.

**Commissioner Moran** asked **Mr. Martinez** if he has found PNM to be true to its application and follows what they propose.

**Mr. Martinez** stated yes, he has found PNM to be very forth coming in their proposals and their development and have produced exactly what they have said they will produce.

**Commissioner Moran** asked if there is anything unique to this specific project that differentiates it from the other solar overlay projects he has worked on.



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326 **Mr. Martinez** stated nothing on his end and perhaps PNM may come up and say something is unique about the land  
327 itself, such as the land doesn't need a lot of grading or site disturbance and that may be unique in its process than  
328 before.

329  
330 **Commissioner Moran** stated it appears there is a curved drainage ditch or path and would like to know what it is.  
331

332 **Mr. Martinez** stated he believes it to be an existing country road.  
333

334 **Commissioner Moran** asked if whatever that is would it have to meet the same set back requirements as a road.  
335

336 **Mr. Martinez** stated the curvy thing does not actually fall within the site development plan itself.  
337

338 **Mr. Baca** stated that it is an existing bike path within the Rio Del Oro subdivision and goes from Las Maravillas and  
339 heads east up past Valencia High School and the proposed site is on the north side of the bike path and there is a sewer  
340 line that goes through as well and were noted and did not want to include it in the land.  
341

342 **Commissioner Moran** asked if the entire lot on the map showing the site be rezoned or just the certain section.  
343

344 **Mr. Martinez** stated just the section D-2 and the solar overlay zone should pass only on the condition that this lot is  
345 split into these sections and that D-2 is utilized for the solar overlay zone.  
346

347 Commissioner McCartney if the total area was 345 acres and 100 acres would be cut out by PNM?  
348

349 **Mr. Martinez** stated that was correct.  
350

351 **Commissioner Moran** asked if any of the sixteen land owners contacted have sent back any concerns.  
352

353 **Mr. Martinez** not from any of the lot owners but did have a conversation with one of the owners that own lots on the  
354 north side and talked to him and he didn't say he was opposed to the site but wanted more information and has talked to  
355 PNM and concerns he might have but those negotiations are between him and PNM.  
356

357 **Commissioner Moran** asked Mr. Martinez if he has any concerns regarding the project.  
358

359 **Mr. Martinez** stated he does not have any concerns at this time.  
360

361 **Commissioner McCartney** stated in regards to the notices to the abutting property owners, they are aware of the day  
362 and time of the meeting so anything they want to present to the Commission they can mail to Mr. Martinez or show up  
363 in person to voice their objections.  
364

365 **Commissioner Montoya** asked if PNM has any plans for the remaining 245 acres.  
366

367 **Commissioner Baca** asked Ms. Newport from PNM to come forward.  
368

369 **Ms. Newport** stated her name is Rebecca and she is with PNM and at this time there are not any plans for the  
370 additional acreage. Ms. Newport also stated PNM does not light the sites as they are solar powered and have had good  
371 luck with security with the Manzano Facility.  
372

373 **Commissioner Moran** stated in the Sheriffs comments they questioned if there would be onsite security due to the  
374 potential theft of construction items during the construction phase.  
375

376 **Ms. Newport** stated there is always onsite security once the generator installation is begun which includes the posts  
377 and panels, otherwise they do not. Ms. Newport stated at the Manzano facility diesel fuel was stolen out of the heavy  
378 equipment, batteries stolen and gates stolen, and since they have demobilized and locked the gates and taken everything  
379 off the property there have not been any other problems there.  
380

381 **Commissioner Moran** asked if this proposal will prepare Valencia County for significant future development and will  
382 there be enough power for businesses and homes.  
383

384 **Ms. Newport** stated there are a few projects they are looking at in the future and energy flows through the path of least  
385 resistance and comes here first.  
386

387 **Commissioner Baca** stated he really likes the idea of clean energy and would like to know if Valencia County would  
388 be the primary users of this electricity?  
389

390 **Ms. Newport** stated the primary users would be PNM's residential and commercial users, PNM's customers and the  
391 energy will not be for sale out of state.  
392

393 **Commissioner Baca** asked if it would be regulated by the P.R.C.  
394

395 **Ms. Newport** stated yes as with any other rate requests or projects, they all require P.R.C. approval.  
396

397 **Commissioner McCartney** asked what the status of the solar facility in Meadow Lake is.  
398

399 **Ms. Newport** stated the project is completed.  
400

401 **Commissioner McCartney** stated that it only took four years to complete.  
402

403 **Ms. Newport** stated that was not correct as the construction started there in the spring of 2014 and was online  
404 December 22, 2014.  
405

406 **Commissioner McCartney** asked Mr. Martinez if he knows which one he is referring to-the one by Jim Lane.  
407



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408 **Mr. Martinez** stated yes it is the same one and the process went that Mr. Khienny had come in for a zone change, and  
409 Commissioner McCartney sat on that board, and that Mr. Khienny sat on the land for a number of years until PNM  
410 came in and bought the property and developed solar on that property and when they went through the process, because  
411 the land already had the zoning designation that they needed it went quickly as far as their development process is  
412 concerned and the site development went pretty fast and the facility was set up quickly.

413  
414 **Commissioner Baca** asked Mr. Martinez what he sees out in the public that might cause a problem towards developing  
415 this clean energy that could perhaps be addressed by the Commission.

416  
417 **Ms. Newport** stated PNM has not had any opposition other than in Valencia County as communities are open to this as  
418 they do not need fire departments, police departments, schools, roads or water as it is a self- sustained project and once  
419 it is closed up and running on-line it is an unmanned facility with monthly or weekly visits depending on service calls  
420 and that is with a light duty vehicle coming in. Ms. Newport stated communities are usually pretty happy to have these  
421 projects there.

422  
423 **Commissioner Louie** asked if the panels are motor driven or stationary panels.

424  
425 **Ms. Newport** stated they are tracking panels.

426  
427 **Commissioner Baca** asked if they would move with the direction of the sun.

428  
429 **Ms. Newport** stated that is correct and the Manzano facility is fixed and the Meadow Lake facility is a single access  
430 tracker as will be this facility,

431  
432 **Commissioner Baca** asked how much electricity it will generate.

433  
434 **Ms. Newport** stated 10 mega-watts servicing 2800 residents.

435  
436 **Commissioner Baca** if there was anyone who would like to speak on the behalf of PNM. There was no one to speak in  
437 favor of the application.

438  
439 **Commissioner Baca** asked if there was anyone who would like to speak in opposition. There was no one to speak in  
440 opposition of the application.

441  
442 **Commissioner Moran** moves approval of the solar field overlay zone on top of the current planned development zone  
443 on the condition that the site plan does get split as seen on the application and is recorded within the Clerk's Office of  
444 Valencia County.

445  
446 **Commissioner McCartney** asked Mr. Baca if the 100 acres will be cut out of the other 345 acres of the planned  
447 development land.

448  
449 **Mr. Baca** stated yes, parcel D-2.

450  
451 **Action:** Recommend Approval to the Valencia County Board of Commissioners

452 **Moved By:** Commissioner Moran

453 **Seconded By:** Vice-Chairman Louie

454 **Motion Passed:** Unanimously 5-0

455  
456 **Roll Call Vote:**

457 Commissioner Moran-Yes

458 Commissioner McCartney-Yes

459 Commissioner Montoya-Yes

460 Vice-Chairman Louie-Yes

461 Chairman Baca-Yes

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463

464 **7. DISCUSSION**

465

466 **8. NEXT MEETING:**

467 Tuesday April 28, 2015 @ 4:00 PM

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469 **9. ADJOURNMENT**

470

471 Moved By: Commissioner Moran

472 Seconded By: Vice-Chairman Louie

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