



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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Commissioner Moran stated the applicant notes the tasting will be by invitation only and would like to know if they 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 different license?

Mr. Martinez stated that is a question for the applicant as he does not know the answer.

Commissioner Moran stated the Department Reviews state this is a small lot of one acre to have winery on and would like to know if the applicant will be receiving and/or purchasing grapes from other areas.

Mr. Martinez stated that would be a question for the applicant.

Commissioner McCartney stated when someone asks for these land uses they cannot get approval for any other license until they get approval of the land use that they are asking for.

Commissioner Moran stated the Department Reviews also states the address shall be posted clearly at the gate using four inch high number letters for visible emergency response identification and would like to know if this is something the Commission would put a condition on or because it's already cited by the department it would automatically fall to be looked at.

Mr. Martinez stated that P&Z will ensure proper signage is displayed.

Commissioner Moran asked if there had been any feedback from the surrounding property owners.

Mr. Martinez stated there had not been any feedback from the surrounding property owners. .

Commissioner Louie asked if the applicant would be allowed to expand buildings on this property.

Mr. Martinez stated if the use is established the way it is today for a Home Occupation then this is the way it should probably stay and if there is an expansion of the Home Occupation the applicant would have to come back up in front of the board to see if it justifies another Home Occupation or if they need to move out to a commercial site.

Mr. Jarvis stated his name is Kerry and will answer the Commission's questions as fully as possible.

Commissioner Moran asked if Mr. Jarvis feels the business will expand beyond the invitation only tasting?

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 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 more appropriately control the situation as this is going to be a retirement business for him.

Mrs. Jarvis stated they are hoping a lot of the business will be done on line and once people have tasted the product they will continue to order from the website.

Commissioner Moran stated she appreciates the letter of consent the petitioners got from their neighbors.

Commissioner Moran asked Mr. Jarvis about his LLC and what the jargon meant.

Mr. Jarvis stated it is a requirement for the Federal basic permit and as this is his first time going through this process he is having to go through several layers of processes.

Chairman Baca asked Mr. Jarvis which lots he owns.

Mr. Jarvis stated he only owns lot twenty-two.

Commissioner Louie asked Mr. Jarvis what his annual production rate is.

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 cannot go beyond that until he is properly licensed and has all of the permitting and licenses in place.

Commissioner Louie asked if Mr. Jarvis raises the grapes on his property.

Mr. Jarvis stated he raised a few but mostly buys them and plans to open a vineyard somewhere in the future, and 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 winery.

Commissioner Louie asked if he will be buying grape or crushed grape.

Mr. Jarvis stated he will be buying grape and crushing them, destemming them and press them on the property and does want to use New Mexico grapes.

Commissioner Louie asked if the letter of written consent is from all of his neighbors.

Mr. Jarvis stated it is not but covers most of the adjoining neighbors and then some a little farther out.

Commissioner Louie asked how many people Mr. Jarvis anticipates to be present at the wine tastings.

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 planned and permitted before it would take place.

Chairman Baca asked if there was any body in favor of the application. There was no body.

Chairman Baca asked if there was any body in opposition the application. There was no body.



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Action: Approve
Moved By: Commissioner Moran
Seconded By: Commissioner McCartney
Motion Passed: Unanimously 5-0

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

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

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

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

*This property is located approximately 0.12 miles SE of Highway 6 and 263 in Los Lunas, NM
This property falls with District V
County Commissioner Jhonathan Aragon ♦ P&Z Commissioner Robert Q. Louie*

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

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

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

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

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

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

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 properties of the RR-2's as well.

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

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 across the street from the property which are half-acre lots to a little less than half-acres lots and when the zoning code was established in 2000 and they put RR-2 in this Middle Rio Grande Valley area they did it with the intent to maintain agricultural integrity of the area and make sure there are not any other lot splits within that zone and that is why the 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 Mission area, and the Highland and West Mesa area as well since the Middle Rio Grande has been historically RR-2 zones.

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

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

Mr. Martinez stated yes.

Ms. Sanchez stated her name is Laura and she is representing the seller in this transaction and when the property was originally listed it was leased out to an ambulance service who was hoping to stay there and as the seller lives out of 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 as both residential and commercial knowing that it had been a residential property before it was an ambulance service. 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 commercial listing and in the meantime the ambulance service did move out. Ms. Sanchez also stated the seller is 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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Mr. Martinez stated nothing on his end and perhaps PNM may come up and say something is unique about the land itself, such as the land doesn't need a lot of grading or site disturbance and that may be unique in its process than before.

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

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

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

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

Mr. Baca stated that it is an existing bike path within the Rio Del Oro subdivision and goes from Las Maravillas and 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 line that goes through as well and were noted and did not want to include it in the land.

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

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

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

Mr. Martinez stated that was correct.

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

Mr. Martinez not from any of the lot owners but did have a conversation with one of the owners that own lots on the 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 PNM and concerns he might have but those negotiations are between him and PNM.

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

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

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

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

Commissioner Baca asked Ms. Newport from PNM to come forward.

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

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

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

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

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

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

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

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

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

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

Ms. Newport stated the project is completed.

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

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

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



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

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

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

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

Ms. Newport stated they are tracking panels.

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

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

Commissioner Baca asked how much electricity it will generate.

Ms. Newport stated 10 mega-watts servicing 2800 residents.

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

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

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

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

Mr. Baca stated yes, parcel D-2.

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

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

7. DISCUSSION

8. NEXT MEETING:
Tuesday April 28, 2015 @ 4:00 PM

9. ADJOURNMENT
Moved By: Commissioner Moran
Seconded By: Vice-Chairman Louie