



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday April 23, 2024 @ 3:00 pm
Valencia County Administration Building
444 Luna Ave, Los Lunas, NM 87031

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

Also present were: Dean Vigil, Richard Garcia, John Martin and VC Spanish Translator: MaryCarmen

1) CALL THE MEETING TO ORDER

A. At 3:02 PM Chair Sublett brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

B. Ryan Baca 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 Moran – YES; Commissioner Aguilar-YES; Commissioner Freeman-YES; Commissioner Sublett –YES).**

4) APPROVAL OF MINUTES March 26, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Minutes as presented.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Freeman

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



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5) STAFF REPORT: Land Use Planner **Ryan Baca** reports on the Board of County Commission, approved ZC#2023-095 and denied ZC# 2023-076, the Tininin case was completely withdrawn. Staff will be attending NMLZO Conference this week. Also to add was a bit of sad news, Mike Montoya resigned from his position on the P&Z board due to a job position in Albuquerque, he will not be available to attend our meetings. At this time we do not have a new BoCC Commissioner for District V, a new member has not been appointed. Ryan will update the board as soon as he gets new information.

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. Zone Change #2024-029 (District V, P&Z Commissioner Montoya, BoCC Aragon)

Dean Vigil requests a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1) to split the property into 5 lots. Legal Description: Subd: LAND OF FLORA VAN TOL Tract: 1B2B1A 8.01 ACRES MAP 81 2013 REV; located near the corner of Highway 314 and Miller Rd.; UPC 1-008-035-500-432-000000; 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 Sections 154.061 of the Valencia County Zoning Code.

Discussion ensued: Dean requested a zone change on an eight acre parcel of land currently zoned RR2. He requested lots 1,2 and 5. Zoned RR1 indicating each lot will be over one acre in size except for lot 3 and 4 they will remain the same zoned RR2 indicating each of those lots will be 2.05 acres and 2.14 acres. He mentioned there will be no significant impact to these zone changes that will detract from the immediate area. These parcels will be developed into site built homes and mobile homes will not be allowed. This rezoning of Tract 1B2B1A will have covenants, conditions and restrictions for all lots. This will fit in with the local area and overall development plan.

P & Z/Public Line of Questioning: **Freeman** asked for clarification on the entire property at 8 acres.

Dean, in response said no and apologized to the board if it was misstated on the application. **Staff** and **Dean** made the clarification that the entire property is 8 acres. The request is to change the entire property zone to RR1. The two back lots will remain at 2 acre lots. The remaining property will be split to five 1 acre lots. **Staff**, identified on the parcel map the surrounding properties zoning, across the street is C1 and to the north above Miller is OD and down to the west on Miller Rd. some properties are RR1. **Sublett**, made it clear to Dean if this was recommended and approved having housing for extended family members, he would be responsible for the infrastructure including road maintenance. **Dean**, yes as a property owner he will have a well and septic on each lot and will not be pulling public infrastructures to those lots and if prices permit it he will pull the power and the gas and will maintain the private road. There were no members of the public in favor or in opposition of this request.



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APPROVAL:

Motion to Approve Zone Change #2024-029

Approved

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Aguilar

CARRIED:

Motion approved on a Vote of **4**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Aguilar– YES; Commissioner Freeman-YES;

Commissioner Sublett-YES.

B. Variance #2024-032 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Richard Garcia requests a Variance of 51ft to the setback requirement for an accessory structure to place a storage shed. Legal Description: Subd: LAND OF JOSE & ADOLFO & LOLA CALLES Tract: D 1.79 AC MAP 89 C-5-27 MH ID #M168120; also known as 195 La Entrada Rd, Los Lunas, NM 87031; UPC 1-010-032-407-209-000000; Zoned Rural Residential District 1 (RR-1)

Background: This request is for 51ft Variance to the 60ft road setback requirement for an accessory structure. Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a variance within Sections 154.058 of the Valencia County Zoning Code

Discussion ensued: Richard Garcia presented to the board a request to place a 12x20 storage shed on the property, the purpose of the shed is for storage, items needing shelter from the elements. He mentioned this location was the most secured area within the property that is fenced in with locked gates and would like it aligned with a pre-existing structure on the south side of the property, where the shed will not impede the existing drive thru on the west side. The placement of the shed is crucial due to the lot width of the property and existing fencing and structures.

P & Z/Public Line of Questioning: **Sublett**, referred to the building plans, questioned the fencing and asked if the shed would be placed on a permanent foundation? **Richard**, identified the placement of the shed on the parcel map and explained the placement of the shed is the only secured area in the property, the rest of the property is surrounded by a chain link fence that needs replacing and was not fully secured. And the shed will not have a permanent foundation it has wooden floor. **Sublett**, what is the height of the shed and how close is it to the house? **Richard**, the height is 13.8 ft. and the distance from the house is about 60 ft. and the doors will be facing to the west, the pump house is included in the shed. **Sublett** and **Freeman** questioned the point of entrance to the yard, and from what road? **Richard**, right on top from La Entrada the gate has a 20 ft. opening, to the south side is a T post with



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horse paneling. **Sublett**, the property to the west what will it be used for? **Richard**, for growing pasture. **Aguilar**, questions a 51 ft. variance **Staff**, clarifies that off of Alva Acres Road, which is a private easement, the setback should be at 60ft. and Richard is requesting a 9ft. setback because this side of the property is the most secured. **Aguilar**, questions a different location called the gray scale part of the property on the map, and asked if the shed could be placed in that location? **Richard**, no because that area is on a slope, it's a drop on the land so the proposed location requested is flat and better for the shed's location. **Aguilar**, asks staff if the property is in the flood zone. **Staff**, no this is east of the flood zone. There were no members of the public in favor or in opposition of this request.

APPROVAL:

Motion to Approve Variance #2024-032

Approved

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Freeman

CARRIED:

Motion approved on a Vote of **4**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Aguilar– YES; Commissioner Freeman-

YES; Commissioner Sublett- YES.

C. Zone Change #2024-034 (District V, P&Z Commissioner Montoya, BoCC Aragon)

Eric Hernandez requests a Zone Change from Rural Residential District 2 (RR-2) to Neighborhood Commercial District (C-1) with a Conditional Use to park semi-trucks and trailers. Legal Description: Subd: LAND OF KATE M BAKER Tract: 1B2B2B2 1.25 ACRE MAP 81 2MH #M139285 2007 REV; also known as 200 Curfman Rd; UPC 1-008-035-515-387-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a Zone Change from Rural Residential District 2 (RR-2) to Neighborhood Commercial District (C-1) with a Conditional Use. 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 and conditional use within Sections 154.057 and 154.061 of the Valencia County Zoning Code. **Aguilar**, to staff How many addresses on that property? Staff, currently listed separately are three, the main address is 200 Curfman, 3849 Hwy. 314 and 3845 Hwy. 314. **Aguilar**, how many residential units are allowed on 1.25 acres. **Staff**, for this particular zoning, currently zoned at RR2 that allows for one dwelling per 2 acres and after looking into this, these are legally non confirming uses and have been put in place on that property preceding the ordinance. **Sublett**, how many homes currently on the property, **Staff**, to the southeastern portion of the property there is one mobile home and to the northern portion of the property, is another mobile home, the third address is currently vacant. **Aguilar**, mentioned of a drawing by the applicant (site plan) showing two mobile homes on the southeast of the property have not been there long enough to be considered grandfathered in. **Staff**, agreed with Aguilar on the placement of the mobile homes on the northern portion of the lot and how it was allowed, staff also mentioned directly to



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the west of the property is a mobile home park and will research if that extends into the lot and entire use of a mobile home is grandfathered in, staff apologized to the board on the oversight.

Discussion ensued: John Martin acting agent for Eric Hernandez, authorization was confirmed by staff. Presented to the board a request to rezone from RR2 to convert to C1 for the trucking company's usage in parking 4 trailers and 3 semi-trailer trucks. He mentioned the trailer trucks will not have any impact on the community living nearby and there will be parking for these seven days a week and traffic will be minimum because the drivers work out on the road. A proposed parking lot will be constructed to asphalt where the trucks and trailers are currently parked. There is no violations or restrictions for the intended use of the property according to ordinance 154.120 Neighborhood Commercial District (C-1).

P & Z/Public Line of Questioning: **Freeman**, questioned the proposed parking being used for parking semi-trailers and tractors? **Martin**, yes it is. **Sublett**, How many homes on the land? **Martin**, 3 homes on the land it was purchased with the homes. **Aguilar**, are they rentals? **Martin**, yes they are. **Sublett**, are the three rental homes combined with the property to the west? **Martin**, yes it is, there is a road that separates and the request for the zone change is only for a portion of the property for commercial, to park the semis, the rest remains residential. **Freeman**, asked if the properties were deeded that way? **Staff**, referring to the deed the applicant submitted, the properties were deeded together but have separate legal descriptions with the legal description for the western property Tract 1B2B1 zoned RR2 it has been in existing preceding the ordinance and for the eastern property is Tract 1B2B2. **Aguilar**, questions the number of septic systems and the location of the leach lines and wells? **Martin**, yes two septic systems located to the south by the mobile homes and one well on the property and unsure where the leach fields were located. **Sublett**, if the property in the flood zone, is it possible to collapse from heavy trucks? **Staff**, yes. **Aguilar**, to staff on past history of code violations? **Staff**, gives a little background how this was brought to county one year ago and received a code violation but nothing was brought to compliance until now. The property again was tagged by CODE Enforcement and that is why we are looking at what needs to be done to bring them into compliance, this hearing is a start. **Freeman** asks Martin if Mr. Hernandez applied for a zone change because of the code violation? **Martin**, was unsure, to fix these issues. **Aguilar**, mentioned that leach fields are typically 100 ft. long and it is not indicated there is 100 ft. to the west, so it may be traveling through east and west, right through the proposed asphalt and asked Martin if that was a good idea? **Martin**, in response it may be correct and no it is not a good idea. **Sublett**, suggests to Martin this request be tabled until further notice and these issues brought forward be addressed prior to the next request. **Aguilar** suggested that a decision be made because the business has a code violation and may continue with business activity. There were three members with standing of the public in Favor of this request and a Spanish Translator was brought in to assist them. **Luz Hernandez**, wife of the property owner mentioned when they purchased the land six years ago the previous property owner told them it was commercial land and it was alright to park the semi-trucks on the property, **Staff**, questioned if there was something in writing showing the property was zoned commercial? **Mrs. Hernandez**, no, and didn't think so. **Staff**, on a warranty deed the zoning is not specified on legal conveyance just the legal description and the grantor and grantees, this property is showing RR2. **Mrs. Hernandez**, mentioned that she is not using the land as commercial



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just parks the trucks there and she has rentals because the previous property owner was doing the same activity for years before she started but not using commercial for the semis, she also mentioned she has a county business permit for the rentals called Grandpa Parking Lot, and her office is at her home. **Aguilar**, to staff, since the use of her house is an office does the county require a home occupancy permit? **Staff**, yes if the property is listed under rural residential then a home occupancy is required and at this present time there is a new business registration for the semi-trucks under the name Dio Dilante Transport and is currently ran out of Kansas, the business owner has mentioned that for the future he will be running a business here. **Two members** of the public with standing in favor of this request mentioned their spouses are truck drivers for this business and are also tenants living in the mobile homes, their spouses are away for a very long time on the road and the trucks do not stay that long on the property. **Two Members** of the public with standing in opposition of this request, one member mentioned there has been four trailers parked on that property and is concerned about the entrance and exit of these trucks and would like to keep the character rural of agriculture of the land. One members comment, he was new to the neighborhood and has noticed there are several trucks there all the time and the property was very busy, trucks coming in and out. **Aguilar**, questioned the egress and ingress of this property. **Martin**, there is a large gate right off of Hwy. 314. **Staff**, questioned if there was a NMDOT access permit? **Moran**, according to Public Works there is not one.

APPROVAL:

Motion to Approve Zone Change #2024-034 with a Conditional Use

Denied

MOVED: Commissioner Sublett

SECONDED: Commissioner Freeman

CARRIED: Motion approved on a Vote of **4**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Aguilar– YES; Commissioner Freeman-

YES; Commissioner Sublett- YES).



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8) Next Meeting: Tuesday May 28, 2024 at 3:00 p.m.

9) Adjournment:

MOVED:

Motion to adjourn made by Commissioner Freeman

SECONDED:

Motioned second by Commissioner Aguilar

CARRIED:

Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman-YES; Commissioner Sublett-YES).**

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