



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday MAY 28, 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: Nolan Petre, Elizabeth Steinke

#### 1) CALL THE MEETING TO ORDER

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

#### 2) PLEDGE OF ALLEGIANCE

B. Sublett lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

#### 3) APPROVAL OF AGENDA

C. Planning & Zoning Commissioners reviewed the Agenda; Commissioner Sublett informed the board of Commissioners, action item#7C Zone Change #2024-073 to be tabled until June Mtg.

**APPROVAL:** Motion to approve amended agenda with changes  
**MOVED:** Commissioner Freeman  
**SECONDED:** Commissioner Sublett  
**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 April 23, 2024 County Planning & Zoning Minutes.

D.

**APPROVAL:** Motion to approve Minutes as presented.  
**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).**



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**5) STAFF REPORT:** Land Use Planner **Ryan Baca** reports the Board of County Commissioners meeting was canceled last month.

### **6) SWEARING IN OF PARTICIPANTS**

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

### **7) ACTION ITEM(S)**

#### **A. Variance #2024-051 (District III, P&Z Commissioner Moran, BoCC Sparkman)**

*Nolan Petre requests a Variance of 40ft to the setback requirement for an accessory structure to place an auxiliary shop. Legal Description: Subd: TIERRA GRANDE Lot: 11 Block: 27 Unit: 3 6.56 AC; also known as 40 Vinateria Cir, Belen, NM 87002; UPC 1-013-021-335-045-000110; Zoned Rural Residential District 2 (RR-2)*

**Background:** This request is for 40ft 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:** Nolan Petre requested a variance for an auxiliary building in the Tierra Grande Subdivision where there is known to be low traffic. Nolan mentioned the county front road setback of 60ft. from Vinateria Circle can easily be met. Nolan has requested a front road setback of 20ft. from Las Borregas rd. He respectfully understood the importance of setbacks but this placement of the work shop will facilitate vehicle traffic and trailer parking in his property, the shop will not be used for a retail business, just for the storage of concrete equipment tools and materials, Nolan mentioned he is a concrete contractor who works off the property and only on job sites and this request will not incur any extra traffic, he also mentioned the 20 ft. setback abides by the Tierra Grande Home Owners Association rules just not for Valencia County.

**P & Z/Public Line of Questioning:** **Moran** recused herself from the decision making on this case.

**Sublett** asked for clarification on the size of the structure, 60x60. **Nolan**, the shop is a 40x60, 3,600 sq. ft. **Sublett**, clarifies this is a 6.5 acre lot. **Nolan**, yes that is correct. **Sublett**, asked Nolan how long he has been a resident of Valencia County community? **Nolan**, moved to the area of Tierra Grande in September 2023 and lived prior at Rio Grande Estates since 2006. **Sublett**, asked how long he has been in business for. **Nolan**, 20 years as a concrete contractor. **Sublett**, questioned how many employees working for the company. **Nolan**, one at this present time, but not more than two employees it is a small business. **Sublett** on expansion of the business. **Nolan**, no he does not foresee this business getting any bigger, and specified the job is at the work site not on the property, the shop will be only for storing supplies and a place to work on the equipment. **Sublett**, asked if this concrete business is only for pouring forms not mixing concrete or delivering concrete and working on equipment if he had proper equipment to contain spillage. **Nolan**, yes only for pouring at job sites and if this business decided to deliver concrete this location is not suitable to transport, it is too far away, it would be done



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from somewhere else. And yes proper measures are being taken for spills or any contaminations to preserve the beauty of the property. **Aguilar**, asked how many structures on the property not including the home. **Nolan**, there are animal shelters. **Aguilar**, what kind of shelters **Nolan**, a 20x22 shade shelter for cows and a barn for chickens. **Aguilar**, how many vehicles on the property. **Nolan**, one pickup truck and one trailer. **Aguilar**, asked Nolan if he had a home occupancy permit to operate the business from a home office in Valencia County. **Nolan**, yes I do paperwork from my office in the home and no at this time did not have a home occupancy permit but will get one. **Aguilar** to staff on clarification if this concrete business needs to obtain a permit, if running a business on Valencia County property? **Staff**, yes if you are running a business out of your home and storing your equipment and the home is used more than for residential purposes and using it for commercial purposes for a business, then a home occupancy permit would have to be obtained **Nolan**, understood this was necessary so he would get one. **Aguilar**, questions the reason behind the variance is to not obstruct the beautiful view? **Nolan**, this is my request to present and would appreciate the boards consideration. **Sublett**, why can't you move the shop to the east side of the property. **Nolan**, there is a garden and some future planting of pecan trees, this is the most convenient spot on the property and the neighbors do not have a problem with it being built there, and this location would suit the moving around vehicles and the trailer. **Sublett**, mentioned planting pecan trees would obstruct the pleasant view. **Nolan**, agreed that it would. There were no members of the public in favor or in opposition of this request.

### APPROVAL:

Motion to Deny Variance #2024-051

**Approved**

**MOVED:** Commissioner Sublett

**SECONDED:** Commissioner Aguilar

**CARRIED:** Motion approved on a Vote of **3 FOR and 0 AGAINST (Commissioner Moran – Recused; Commissioner Aguilar– YES; Commissioner Freeman-YES; Commissioner Sublett-YES.**

### **B. Zone Change #2024-052 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*Elizabeth Steinke requests a Zone Change from Rural Residential District 2 (RR-2) to Agricultural Preservation (AP) to operate a micro-dairy. Legal Description: Subd: LAND OF GILLIE SANCHEZ Tract: C2 6.14 AC MAP 87 C-5-19 1996 REV; also known as 9 Gilema Rd, Belen, NM 87002; UPC 1-007-033-175-360-000000; Zoned Rural Residential District 2 (RR-2)*

**Background:** This request is for Zone Change from Rural Residential District 2 (RR-2) to Agricultural Preservation District (AP). 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.



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**Discussion ensued:** Elizabeth Steinke requests this zone change to start a small micro-dairy on 6 acres utilizing a combination of Mini Nigerian goats, Saanens and Sables produce milk and subsequently cheese that will be sold locally in New Mexico. Having a small heard of goats on the property approximately 5-40, they have purchased pre-1908 water rights on 3 acres on the property to grow adequate forage to rotate grazing for the goats, to increase the overall soil health and reduce the environmental impacts of the drought. Contact with NMDA for food safety and USDA Grade A dairy permit for the facility and spoke to NMED on drainage. The size of the dairy and goats should create a limited impact on the neighbors, the lots are spaced quite far from each other and the goats are not loud, the goat pens will be cleaned daily and the goats are brushed on weekly basis. The compost pile will be located on the northwest portion of the property adjacent to an empty field to the west, undeveloped land to the north. No traffic impact is anticipated. The neighbors have been informed and have not voiced no concerns. The dairy will have a total of two employees, a family operated business. The hours of operation will vary based on season and condition of the goats.

**P & Z/Public Line of Questioning:** **Sublett**, questions the gating for mini goats, asked if it was a 4"x 4" mesh? **Elizabeth**, yes we are making new improvements on the pens to stop the goats from escaping. **Freeman**, clarifies that the surrounding areas is a rural area. **Elizabeth**, yes mostly rural, **Staff** included there are some Agriculture Preservation in the area as well. **Aguilar**, asked where are the pens located? **Elizabeth**, the goats currently have metal shelters and an enclosed hay barn and a 1,200 sq. ft. milking barn will be built to the east side of the property, Elizabeth directed the board to the map for specifics on the plan of flow of milking the goats. **Aguilar**, to staff on clarification if the petitioner will be coming back to the board for a conditional use for the plans of this structure. **Staff**, for this case it would be a conditional use within the agriculture preserve district they will return for a conditional use to present the finalized proposed structures for two commercial dairy operations and if the conditional use is approved then the permit for construction will be next. **Sublett** to Elizabeth on buying back half the water rights and if MRGCD is well aware that only 3 acres was purchased? **Elizabeth**, yes MRGCD is well aware it is not the entire property just 3 acres and it is shown on their map. **Sublett**, asked if there was other documentation or evidence to prove on the purchase? **Elizabeth**, no documentation directly from MRGCD just the map showing the water rights on 3 acres. **Sublett**, suggests getting documentation on buying half the water rights and the rotating schedule from MRGCD ditch rider. **Elizabeth**, yes after hearing what was recommended she mentioned she had documentation and a rotation schedule electronically. **Aguilar**, on housing goats in a barn, what is the plan to dispose of the goat waste? **Elizabeth**, NMED will provide guidance on the process of disposal so no disturbances will come to the neighbors. **Sublett**, to staff on a conditional use for the production of goat cheese and if it was under the dairy ordinance? **Moran**, yes it falls under commercial dairy. There were no members of the public in favor or in opposition of this request.

### **APPROVAL:**

Motion to Approve Zone Change #2024-052

**Approved**

### **MOVED:**

Commissioner Sublett

### **SECONDED:**

Commissioner Freeman



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**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 #2024-053 (District II, P&Z Commissioner Freeman, BoCC Richardson)**  
*Anaberta Luna Gonzalez requests a Zone Change from Rural Residential District 1 (RR-1) to Community Commercial District 2 (C-2) to operate a tire shop. Legal Description: Subd: MESA VIEW ADDITION Block: 1 Tract: 9C4 Unit: 1; also known as 269 Meadowlake Rd, Los Lunas, NM 87031; UPC 1-015-038-317-052-000000; Zoned Rural Residential District 1 (RR-1) **Item Tabled** (see motion in agenda item 3)*

**8) Next Meeting: Tuesday June 25, 2024 at 3:00 p.m.**

**9) Adjournment:**

**MOVED:** Motion to adjourn made by Commissioner Aguilar  
**SECONDED:** Motioned second by 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).**

*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*