



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday June 25, 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: Jesus Luna Gonzalez, Anaberta Luna Gonzalez, Richard Moya, Roseanna McGinn, Lexie Smith and Valencia County Spanish translator, MaryCarmen

1) CALL THE MEETING TO ORDER

A. At 3:00 PM Chair Sublett brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

B. Melissa Jaramillo 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 Moran
CARRIED: Motion PASSED on a Vote of **3 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Freeman-YES; Commissioner Sublett – YES).**

4) APPROVAL OF MINUTES May 28, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Minutes as presented.
MOVED: Commissioner Freeman
SECONDED: Commissioner Moran
CARRIED: Motion PASSED on a Vote of **3 FOR and 0 AGAINST (Commissioner Moran – 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 meeting, 3 zone changes were approved #008 Cypress Gardens, #018 Food Truck in El Cerro Mission, #020 RV Park, on Meadowlake Rd. Melissa reported on OAP having a 4th of July dance at 10:00 am at the Belen Senior Center. Recognition was given to dept. staff for a doing a great job in training four Summer Interns.

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. 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)

Background: This request is for Zone Change from Rural Residential District 1 (RR-1) to Community Commercial District 2 (C-2). 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.

Discussion ensued: Jesus mentioned that changing this property to commercial has potential to bring more business to Meadowlake. **Freeman**, asked if there was a building on the property or if he had intentions of building a shop? **Jesus**, mentioned there was a shop on the property when his Aunt purchased the property the beginning of November of this year, and it is capable of being a tire shop or mechanic shop. It is current residential and would like for it to be changed to commercial and would like to operate a tire shop on his Aunt's property, the shop has 3 bay doors. The hours of operation will be Mon-Sun from 9am to 7:30 pm, the traffic is safe, with an entrance from Saxon Rd. and an exit through Meadowlake Rd. Jesus Avalos Tire Disposal Company will be picking up the old tires. **Freeman**, questioned the drawings presented showing any accesses of entrances and exits. **Staff**, provides direction to the commission to the hand drawn site plan and verifies they are located on the plan.

P & Z/Public Line of Questioning: . The commission board called forward the County Spanish Translator and Ms. Anaberta Luna Gonzales the property owner and Aunt to Jesus. **Sublett**, questioned if authorization was submitted for Jesus to operate the business from his Aunt's property and to present? **Staff**, made confirmation of two authorization forms signed and also made clarification on the ownership of the property and mentioned it was under a real estate contract with Anaberta Luna Gonzales and The Ortiz Trust. Melvin Ortiz the representative of the Ortiz Trust and Anaberta Luna Gonzales both have signed the authorization forms. **Sublett**, to Anaberta on how long the Aunt owned the property? **Anaberta** , replied, November of this year and yes there is a real estate contract between her and the trust. **Sublett** asked if she was renting to her nephew and if she was running a business? **Anaberta**, replied no just lending it to him, and no business was operating at this time. **Sublett**, asked



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Anaberta, if she has seen the site plan? **Anaberta**, no she had never seen the map. **Sublett** questioned why she was not renting and only lending it to Jesus and was he family? **Anaberta**, yes he is her nephew and he has the potential and very ambitious to run a business and if Jesus wants to give her something then she would accept it. **Freeman**, asked if Anaberta lived in the mobile home on the property? **Anaberta**, yes. *Commission board called up Jesus Freeman*, directed to the hand drawn site plan and asked Jesus if he was familiar of NMDOT requirements for the access for these two main roads? **Jesus**, replied, no and said there was a lot of things he did not know and that is why he came to find out what he needs to do and now that he knows the prior owner was not doing business the legal way, he wants to operate his business the right way. **Moran**, makes clarification that no business registration can be obtained until a traffic impact study and any required improvements can be made. **Staff**, agreed with Moran by adding the dept. will require that before moving forward with commercial activity. **Sublett**, questioned if this property is on two different roads, state and county? **Staff**, Yes Meadowlake Rd. is a state road and Saxon is a county maintained Rd. and since a state road. is coming off a county road NMDOT will require the traffic study before allowing access. **Sublett**, on surrounding areas with C2 zoning? **Staff**, yes across the street of Meadowlake Rd. is a Retail store and down the hill approximately 2 miles is also C2 property. There were one member of the public who resided on Saxon Rd. with standing in favor and none in opposition of this request.

APPROVAL:

Motion to Approve ZC #2024-053

Approved

MOVED:

Commissioner Freeman

SECONDED:

Commissioner Moran

CARRIED:

Motion approved on a Vote of **3**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman-YES; Commissioner Sublett-YES.

B. Zone Change #2024-069 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Richard Moya requests a Zone Change from Rural Residential District 2 (RR-2) to Community Commercial District (C-2) for future commercial development. Legal Description: Tract: 85A2B2A1 (0.62 AC), TRACT 85A2B2A2 (0.50 AC), & TRACT 85A2B2A3 (0.50 AC) S: 29 T: 6N R: 2E TOTAL 1.62 ACRES MAP 90; North of the intersection of Highway 314 and Jose I Garcia Rd; UPC 1-008-032-098-206-000000; Zoned Rural Residential 2 District (RR-2)

Background: This request is for Zone Change from Rural Residential 2 District (RR-2) to Community Commercial District 2 (C-2). 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 Section 154.061 of the Valencia County Zoning Code.

Discussion ensued: Richard Moya requested a zone change to motivate commercial businesses. To contribute positively to the local economy and meet the growing needs of our community. The proposed change is zoning aligns with the comprehensive plan and is in harmony with the surrounding area. He



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believes that transforming the property into commercial will enhance the vitality of the neighborhood and provide valuable services to the residents. He has actively been trying to sell the property as residential and has not been able to do so, he mentioned there were several local commercial businesses interested in purchasing the property however do not want to go through the zoning process. He has conducted thorough research and assessments to ensure that the proposed commercial development will not disrupt the character of the neighborhood or cause any adverse effects on traffic, noise or property values and will work closely with the zoning department and other relevant stakeholders to facilitate a smooth transition. And is committed to implement measures to mitigate any potential concerns raised by residents or local authorities.

P & Z/Public Line of Questioning: Freeman, questioned the property for resale of commercial business? **Moya**, explained for the future, zoning the property to commercial will be better for the new owner to run a business. **Sublett**, on the total acreage? **Moya**, a total of 1.62 acres. **Sublett**, asked if a zone change would increase the value of the property? **Moya**, yes it is more likely to have a commercial building than a residential home, to be used for commercial use. At this time a Real Estate Agent from Cobalt Legacy who represented Mr. Moya on the resale of the residential property mentioned that it was better to change it to commercial property because the property was not selling as residential. There were no members of the public in favor of this request and five members were in opposition of this request who made concerns of not knowing what kind of commercial business would be on the property, and if changed to commercial it would be bring in heavy traffic and compromise safety for the residents and will also be disrupting the preservation of a rural area. **Staff**, made clarification if this goes in front of the board of county commissioners and is approved and considered a commercial property then the process of a site design review will provide safety buffers when commercial is butted up against residential properties, screening and safe guard measures will be covered.

APPROVAL:

Motion to Deny Zone Change #2024-069

Approved

MOVED: Commissioner Sublett

SECONDED: Commissioner Moran

CARRIED: Motion approved on a Vote of **3**

**FOR and 0 AGAINST (Commissioner Moran – YES;
Commissioner Freeman- YES; Commissioner Sublett- YES.**

C. Zone Change #2024-059 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

La Veca, LLC requests a Zone Change from Rural Residential District 2 (RR-2) to Agricultural Preservation (AP) for the purpose of preserving agriculture production area. Legal Description: Subd: LAND OF A.A. DELAY Tract: 43A2 12.14 ACRES MAP 99 1990 REV; also known as 2394 Highway 47, Belen, NM 87002; UPC 1-009-028-227-327-000000; Zoned Rural Residential 2 District (RR-2)



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Background: This request is for Zone Change from Rural Residential 2 District (RR-2) to Agricultural Preservation (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 within Section 154.061 of the Valencia County Zoning Code.

Discussion ensued: Roseanna, a representative for the company and partners represents LAVECA and the owner of the subdivision Land of A.A. Delay In this request to change the zoning from Rural Residential to Agriculture Preservation. She mentioned that Valencia County needs to preserve the historic agriculture value of the Tome Grant area and this preservation is a major goal of the Valencia County mission statement. Nearby other properties have this zoning and they keep farming.

P & Z/Public Line of Questioning: **Sublett**, asked if she purchased the land? **Roseanna**, yes the land was purchased to preserve agriculture. **Freeman**, asked if crop production was currently being done to the property. **Roseanna**, all that is currently done is tilling it, getting it ready to put grass K-31. **Freeman**, asked if there were water rights on the property. **Roseanna**, yes a couple of processes are going on currently, they have recognized junior and senior water rights and has communicated with OSE, an application has been submitted for pre 1907 rights and it is expected to get approved. **Freeman**, so the property has pre 07 rights? **Roseanna**, yes. **Sublett**, do you currently have these water rights now? **Roseanna**, a petition has been submitted with the state, Roseanna shared a little history on how she found the evidence. Over 200 years ago a piece of paper was never filed, and she now has the historical proof to prove out the water to the south of 2.75 acres of pre 1907 water for this property and it is looking very likely to approve the water claim on this property, continuously farmed showing evidence until 1580s and mentioned that the Historical Agriculture Preservation District would be a disservice to our county to preserve agriculture from becoming homes or potentially becoming other things other than agriculture. **Sublett**, on the irrigation ditch water rights? **Roseanna**, yes junior and senior water rights for La Constancia irrigation ditch. **Freeman**, on neighboring properties RR1 and RR2. **Roseanna**, yes RR2 **Sublett**, asked the total acreage of the property bought? **Roseanna**, 12.12 acres. **Sublett**, made it known to Roseanna that she had to have 1907 water rights approved before agriculture production could be done on the property. **Roseanna**, yes she understood and if she did not get the claim approved then she would purchase water rights and mentioned she is very knowledgeable to do so. There were no members of the public in favor or in opposition of this request.

APPROVAL:

Motion to Approve Zone Change #2024-059

Approved

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Freeman

CARRIED:

Motion approved on a Vote of **3**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman- YES; Commissioner Sublett-YES.



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D. Zone Change #2024-065 (District 5, P&Z Commissioner Vacant, BoCC Vacant)

Lexie Smith requests a Zone Change from Rural Residential 2 District (RR-2) to Rural Residential 1 District (RR-1) to complete a lot line adjustment on properties. Legal Descriptions:

- i. *Tract: 33A (0.83 AC) & TRACT 33B (0.78 AC) S: 34 T: 7N R: 2E TOTAL 1.61 ACRES MAP 76; UPC 1-010-037-250-317-000000*
- ii. *Tract: 33E2 (1.44 AC), TRACT 33C (0.72 AC), & TRACT 33D2 (1.76 AC) S: 34 T: 7N R: 2E TOTAL 3.92 ACRES MAP 76; UPC 1-010-037-234-262-000000*
- iii. *Subd: LAND OF MYRTLE SMITH Tract: 33D1 MAP 76 B-5-34 .75 AC; UPC 1-010-037-225-271-000000*
- iv. *Tract: 33F S: 34 T: 7N R: 2E 1.03 ACRES MAP 76; UPC 1-010-037-208-237-000000*

also known as 90-94 Edeal Rd, Los Lunas, NM 87031; Zoned Rural Residential 2 District (RR-2)

Background: This request is for Zone Change from Rural Residential 2 District (RR-2) to Rural Residential 1 District (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 Section 154.061 of the Valencia County Zoning Code.

Discussion ensued: Lexie Smith handed out additional literature to the commission board and continued with her request to change the zoning of rural residential 2 to rural residential 1. The request was made to adjust the lot lines on family property in order to clarify and make property lines more appropriate for the existing homes and structures and to reduce the number lots from 5 to 3. Allowing for better access and maintenance of irrigation outlets, septic lines and gas lines. The proposed RR1 zoning is consistent with the surrounding area located just south and north of the property, less than one mile away. **Staff**, clarifies the property to the north and south are zoned RR2 not RR1, showing 1 acre lots that may have been grandfathered in. Lexie continued with having more accurate and suitable lot lines will reflect the homes, to facilitate access to the homes without the need for reconfiguring access routes. The proposed zoning change will have no negative impacts on the community, there will be no increase in noise, traffic or any adverse effects on the quality of life, the change is purely administrative and structural, aimed at improving property management and maintenance and there will be no commercial uses or changes to the property resulting from this zone change and will be used for residential purposes.

P & Z/Public Line of Questioning: **Sublett**, clarified that this request was for reverification of the property lines. **Lexie**, yes a family property, the lot lines are not fitting with the septic, water and gas lines, she was here with this request to clean up the lines and make it more concise. **Freeman**, how many residents are there? **Lexie**, currently two residents and she mentioned that she would be building a home on a 1.9 acre lot to the north. There were one member of the public in favor with standing and none in opposition of this request.



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APPROVAL:

Motion to Approve Zone Change #2024-065

Approved

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Freeman

CARRIED:

Motion approved on a Vote of **3**

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman- YES; Commissioner Sublett-YES.

8) Next Meeting: Tuesday July 23, 2024 at 3:00 p.m.

9) Adjournment:

MOVED:

Motion to adjourn made by Commissioner Freeman

SECONDED:

Motioned second by Commissioner Moran

CARRIED:

Motion PASSED on a Vote of **3 FOR and 0 AGAINST (Commissioner**

Moran - 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