

Approved 5-0
November 16, 2017



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

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

Tuesday June 27, 2017@ 3:00 pm

Valencia County Administration Building

Commission Chambers, 444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Michael McCartney, Chairman	
LeRoy Baca, Vice-Chair	
Steven R. Otero, Member	
Frank A. Gurule, Member	
Sue Moran, Member	
James M. Aranda, Community Development Director	
Trey Sampson, Rural Addressor/E-911	

ALSO PRESENT WERE: Virginia Chavez, Joe Sanchez, Steven Tomita

1) CALL THE MEETING TO ORDER

- At 3:04 PM Chairman McCartney brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

- Chairman McCartney asked Commissioner Gurule to lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

3) APPROVAL OF AGENDA

- Community Development Director James Aranda presented the Agenda to the Planning & Zoning Commission. Mr. Aranda requested for item 6(C) to be moved to 6(A). The Planning & Zoning Commission approved the request.

APPROVAL: Motion to approve the agenda

MOVED: Commissioner Otero

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

4) APPROVAL OF MINUTES May 23, 2017

APPROVAL: Motion to approve the minutes

MOVED: Commissioner Gurule

SECONDED: Commissioner Baca

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

5) SWEARING IN OF PARTICIPANTS

- Chairman McCartney swore in participants who would be speaking during the hearing.



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6) ACTION ITEM(S)

A) Request for Variance on front yard setbacks; Application: V #2017190; **Applicant:** Chris Diaz; **Purpose:** Request for consideration of front yard set-backs from 30 feet to 8 feet 3 inches to allow for construction of open sided carport with concrete slab. **Location:** 19634 Highway 314, Belen, NM 87002; **Legal Description:** T6N, R2E, Section 29, NMPM; MRGCD Map: 90; Lands of Charles Giron and Gene Gabaldon; Tract: 31A2B2 (1.03 AC); Filed in Plat Book G, Page 334 in the office of the Valencia County Clerk; also known as 19634 Highway 314, Belen, NM 87002

Background: According to the application, the applicant would like to build a carport in the front of their property for the parking of personal vehicles, as it would be more convenient location to park than the side or back yard. The applicant submitted a variance request on May 18, 2017. Department Reviews were sent out on May 22, 2017, and there were no issues with the request from any department. **Analysis:** Pursuant to Section 154.058 (A)(1) of the Valencia County Zoning Code, the purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access or other dimensional requirements would impose practical difficulties or unnecessary hardship. These difficulties or hardships may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. Based on all available information, the lot does not have any physical conditions which would require the garage to be located so closely to the mobile home. It is the determination of the Planning and Zoning Department that this request does not meet the requirements for a variance.

Discussion ensued. There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to APPROVE the request for Variance

APPROVAL: Motion to approve the request for Variance

MOVED: Commissioner Baca

SECONDED: Commissioner Otero

CARRIED: Motion passed on a vote of **4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner McCartney-yes;) FOR and (Commissioner Moran-no) and 1 AGAINST**

B) Request for Zone Change from Agricultural Preservation (AP) to Rural Residential 2 (RR-2);

Application: ZC #2017186; Applicant: Virginia M. Chavez; Purpose: Request for consideration of zone change in order to subdivide property into two acre parcels; Location: Romero Road; **Legal Description:** T6N, R2E, Section 15, NMPM; MRGCD Map 88; Lands of Robert Lee; Chavez; Tract: A1B1A1 (6.87 AC); Zoned Agricultural Preservation (AP); Filed in Plat Book M, Page 292 in the office of the Valencia County Clerk, Los Lunas, NM 87031

Background: The applicants of the two Zone Change applications (ZC #2017186 and ZC #2017188) own a group of parcels south of Romero Rd. totaling 18.11 acres. Ms. Chavez currently owns the northeast parcel (6.87 acres), and leases the parcel to Mr. and Mrs. Sanchez, who use it to farm alfalfa. Ms. Chavez would like to sell two (2) acres from that parcel to Mr. and Mrs. Sanchez, but the parcel may not be split as-is, because the minimum parcel size for the current zoning (AP) is (5) acres. Changing the zone to RR-2 would reduce the minimum lot size to (2) acres, which is compatible with their proposed use. Amending the zoning to RR-2 will not have an effect on noise, odors, traffic, or other similar impacts when compared to its current use and zoning. **Analysis:** This request is to rezone the subject properties from AP to RR-2. The split that the applicant is requesting would not conform with the required 5-acre lot minimum of the AP zone, per Section 154.090 (B)(1) of the Valencia County Zoning Code. The proposed zone change to RR-2 would allow lots of a minimum size of (2) acres, per Section 154.105 (F)(2)(b)(1) of



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the Valencia County Zoning Code. Additionally, per Section 154.061 (D)(3) of the Valencia County Zoning Code, any zone change involving an AP zone requires a minimum of 10 contiguous acres. In order to reach these 10 contiguous acres, the applicants have submitted three concurrent zone change requests: ZC #2017050 (4.40 acres), ZC #2017051 (5.01 acres), and ZC#2017107 (2.24 acres). There are other parcels in the area, including adjacent parcels, already zoned RR-2, so zones change to RR-2 would not be out of place. This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to be subdivided in a way that is not inconsistent with neighboring lots.

Discussion ensued. There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval of the request for a zone change to the Board of County Commissioners

MOVED: Commissioner Otero

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**

C) Request for Zone Change from Agricultural Preservation (AP) to Rural Residential 2 (RR-2)

Application: ZC #2017188; **Applicant:** Joe and Marie Sanchez; **Purpose:** Request for consideration for zone change to allow for the 10 contiguous acres of RR-2 as part of ZC #2017186; **Location:** Romero Road; **Legal Description:** T6N, R2E, Section 15, NMPM; MRGCD Map 88, Lands of Robert Lee Chavez; Tract(s): A1B1A2 (2.00 AC), A1B2B (4.24 AC) and A2 (5.00 AC); Zoned Agricultural Preservation (AP); Filed in respective Plat Book(s) and Page(s) M-292, J-662, and K-948 in the office of the Valencia County Clerk, Los Lunas, NM 87031

Background: The applicants for this and the additional related Zone Change applications (ZC #2017186 and ZC #2017188) own a group of parcels south of Romero Road totaling 18.11 acres. Ms. Chavez currently owns the northeast parcel (6.87 acres), and leases the parcel to Mr. and Mrs. Sanchez, who use it to farm alfalfa. Ms. Chavez would like to sell (2) acres from that parcel to Mr. and Mrs. Sanchez, but the parcel may not be split as-is, because the minimum parcel size for the current zoning (AP) is (5) acres. Changing the zoning designation to RR-2 would reduce the required minimum lot size to (2) acres, which is compatible with their proposed use. Amending the zoning to RR-2 will not have an effect on noise, odors, traffic, or any other similar impacts when compared to its current use and zoning. **Analysis:** This request is to rezone the subject properties from AP to RR-2. The split that the applicant is requesting would not conform with the required (5) acre minimum lot size required in the AP zone, per Section 154.090 (B)(1) of the Valencia County Zoning Code. The proposed zone change to RR-2 would allow lots of a minimum size of two acres, per Section 154.105 (F)(2)(b)(1) of the Valencia County Zoning Code. Furthermore, per Section 154.061 (D)(3) of the Valencia County Zoning Code, any zone change involving an AP zone requires a minimum of 10 contiguous acres. In order to reach the (10) contiguous acres, the applicants have submitted three concurrent zone change requests: ZC #2017050 (4.40 acres), ZC #2017051 (5.01 acres), and ZC #2017107 (2.24 acres). There are other parcels in the area and adjacent parcels already zoned RR-2, so a zone change would not be out of character for the vicinity. This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to be subdivided in a way that is not inconsistent with neighboring lots. Based upon the application and all available supporting information, this request appears to meet the standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property.



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Discussion ensued. There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval of the request for a zone change to the Board of County Commissioners

MOVED: Commissioner Otero

SECONDED: Commissioner Gurule

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

D) Request for a Zone Change from RR-2 (Rural Residential 2) to I-2 (General Industrial)

Application: ZC #2017121; **Applicant:** City of Belen; Steven Tomita as Agent; **Purpose:** Rezoning lands located in the Belen Industrial Park to I-2 Industrial District; **Location:** South of Belen, East of Hwy 116, Between Calle De Baca & General Baca Road; **Legal Description:** T4N, R1E, Section 1, NMPM; MRGCD Map 108; Tract: 107A2 (22.60 Acres) & Tract: 107B2 (2.33 Acres) & Tract 107C2 (2.38 Acres), 27.31 Acres Total; Zoned RR-2 (Rural Residential 2)

Background: The property was acquired by the City of Belen in the late 1970s and early 1980s through donations of land by the Middle Rio Grande Conservancy District (MRGCD). The original intent of the City was for this property to become the Belen Airport. However, land on the west mesa was donated to the City which was determined to be a better location for the airport, and the airport was eventually built on this newer donated land. The original land was subsequently designated at the Belen Industrial Park. Following this designation, the Army National Guard, the MRGCD, and the NMDOT have housed their operations at the park. The City of Belen is currently attempting to attract companies to the Belen Industrial Park; however the City recently realized that the property was never formally rezoned to I-2. This request is an attempt to correct that oversight. **Analysis:** This request is to rezone the subject property from RR-2 to I-2. The City of Belen decided that I-2 would be the best fitting choice of the three Valencia County Industrial zoning categories. This zoning category would be compatible with the entities already located within the Belen Industrial Park, while also providing flexibility in bringing in future companies. This zoning would also protect against noise and noxious activities that would be associated with an I-3 zone. This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to be developed in the way that it was initially intended. This rezoning will allow for future industrial development, in keeping with the purpose of the Belen Industrial Park, as laid out by the City of Belen. Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. Therefore the Planning and Zoning Department recommends approval of this request.

Discussion ensued. Commissioner Moran would like to see an MOU in place between the City of Belen and Valencia County for fire and police services as well as a Hold Harmless Agreement before the approval of the Zone Change.

There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval of the request for a zone change to the Board of County Commissioners

MOVED: Commissioner Moran

SECONDED: Commissioner Gurule



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CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**

E) Request for a Zone Change from RR-2 (Rural Residential 2) to I-2 (General Industrial)

Application: ZC #2017133; **Applicant:** City of Belen; Steven Tomita as Agent; **Location:** South of Belen, East of Hwy 116, Between Calle De Baca & General Baca Road; **Purpose:** Rezoning lands located in the Belen Industrial Park to I-2 Industrial District; **Legal Description:** T4N, R1E, Section 1, NMPM; MRGCD Map 108; City of Belen Industrial Park E-4-1; Tract: B1, 19.13 Acres; 1994 Revision; Filed in Plat Book I, Plat N Number 183 in the Office of the Valencia County Clerk, Los Lunas, NM 87031

Background: The property was acquired by the City of Belen in the late 1970s and early 1980s through donations of land by the Middle Rio Grande Conservancy District (MRGCD). The original intent of the City was for this property to become the Belen Airport. However, land on the west mesa was donated to the City which was determined to be a better location for the airport, and the airport was eventually built on this newer donated land. The original land was subsequently designated at the Belen Industrial Park. Following this designation, the Army National Guard, the MRGCD, and the NMDOT have housed their operations at the park. The City of Belen is currently attempting to attract companies to the Belen Industrial Park; however the City recently realized that the property was never formally rezoned to I-2. This request is an attempt to correct that oversight. **Analysis:** This request is to rezone the subject property from RR-2 to I-2. The City decided that I-2 would be the best fitting choice of the three Valencia County Industrial zoning categories. This zoning category would be compatible with the entities already located within the Belen Industrial Park, while also providing flexibility in bringing in future companies. This zoning would also protect against noise and noxious activities that would be associated with an I-3 zone. This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to be developed in the way that it was initially intended. This rezoning will allow for future industrial development, in keeping with the purpose of the Belen Industrial Park, as laid out by the City of Belen. Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. Therefore the Planning and Zoning Department recommends approval of this request.

Discussion ensued. Commissioner Moran would like to see an MOU in place between the City of Belen and Valencia County for fire and police services as well as a Hold Harmless Agreement before the approval of the Zone Change.

There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval of the request for a zone change to the Board of County Commissioners

MOVED: Commissioner Moran

SECONDED: Commissioner Baca

CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**

F) Request for a Zone Change from RR-2 (Rural Residential 2) to I-2 (General Industrial)

Application: ZC #2017134; **Applicant:** City of Belen; Steven Tomita as Agent; **Location:** South of Belen, East of Hwy 116, Between Calle De Baca & General Baca Road; **Purpose:** Rezoning lands located in the Belen Industrial Park to I-2 Industrial District; **Legal Description:** T4N, R1E, Section 1, NMPM; MRGCD Map 108; Tract: 122B



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(4.56 AC), Tract: 123B (4.63 AC), Tract: 109B (4.69 AC), 13.88 Acres Total; Quitclaim Deed to Town of Belen Dated 10-23-73, Filed in the Office of the Valencia County Clerk, Los Lunas, NM 87031

Background: The property was acquired by the City of Belen in the late 1970s and early 1980s through donations of land by the Middle Rio Grande Conservancy District (MRGCD). The original intent of the City was for this property to become the Belen Airport. However, land on the west mesa was donated to the City which was determined to be a better location for the airport, and the airport was eventually built on this newer donated land. The original land was subsequently designated at the Belen Industrial Park. Following this designation, the Army National Guard, the MRGCD, and the NMDOT have housed their operations at the park. The City of Belen is currently attempting to attract companies to the Belen Industrial Park; however the City recently realized that the property was never formally rezoned to I-2. This request is an attempt to correct that oversight. **Analysis:** This request is to rezone the subject property from RR-2 to I-2. The City decided that I-2 would be the best fitting choice of the three Valencia County Industrial zoning categories. This zoning category would be compatible with the entities already located within the Belen Industrial Park, while also providing flexibility in bringing in future companies. This zoning would also protect against noise and noxious activities that would be associated with an I-3 zone. This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to be developed in the way that it was initially intended. This rezoning will allow for future industrial development, in keeping with the purpose of the Belen Industrial Park, as laid out by the City of Belen. Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. Therefore the Planning and Zoning Department recommends approval of this request.

Discussion ensued. Commissioner Moran would like to see an MOU in place between the City of Belen and Valencia County for fire and police services as well as a Hold Harmless Agreement before the approval of the Zone Change.

There was nobody who spoke in favor of the application. There was nobody who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval of the request for a zone change to the Board of County Commissioners

MOVED: Commissioner Moran

SECONDED: Commissioner McCartney

CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**

7) Discussion

8) Next Meeting:

Tuesday- July 25, 2017 @ 3:00 pm

9) Adjournment

MOVED: Commissioner Baca

SECONDED: Commissioner Moran