



VALENCIA COUNTY PLANNING & ZONING COMMISSION MINUTES

August 22, 2012

4:00 PM

Valencia County Courthouse Commission Chambers
444 Luna Ave, Los Lunas, NM

1. CALL TO ORDER

Commissioner Lane

2. PLEDGE OF ALLEGIANCE

Commissioner McCartney

3. APPROVAL OF AGENDA

Commissioner Artiaga

Commissioner Edeal

4. APPROVAL OF AMENDED MINUTES: June 27, 2012

Commissioner McCartney

Commissioner Artiaga

5. SWEARING IN OF PARTICIPANTS

Commissioner Lane

6. ACTION ITEMS

A. REQUEST FOR CONDITIONAL USE 2ND DWELLING: Fred & Melissa Torres: Legal Description: T6N, R2E, Section 3, Map 82; NMPM; Tract 5B1A2A2B2; Zoned RR-2; Filed in book 301, page 2041; of the office of the Valencia County Clerk; Also known as 13 Rector Rd, Los Lunas, NM.

Mr. Torres stated that his name is Fred and his address is 13 Rector Rd.

Ms. Torres stated that her name is Melissa and her address is 13 Rector Rd.

Commissioner Lane asked them to explain what they are requesting from the commission.

Mr. Torres stated that he is requesting a 2nd dwelling for his mother in law because she is disabled and they need to take care of her.

Commissioner Lane asked if they wanted to elaborate more on that.

Ms. Torres stated that her mother is disabled and she needs help taking care of herself, she did have an apartment where they would go and take care of her there but they sold the apartments and she got evicted and right now she is staying with one of her sisters for a while until they are approve for the 2nd dwelling, it would be really easy for them to take care of her, and she has had a lot of hardship in the last year.

Commissioner Lane stated that they want to have the 2nd mobile home on the property to take care of her but they wouldn't have to go to bed early.

Ms. Torres stated that is correct.

Commissioner Lane stated that the commission gets a lot of these cases that come up before them with the way the economy is and they are familiar with 2nd dwellings, and in the packet they received there was not issues, but the only thing that he noticed is the property setbacks and if this is approved they would have to be required to follow them, and asked Mr. Martinez that one the list for public notices there is a name of Valencia County was listed and asked what that was.

Mr. Martinez stated that he did not realize that and he could not answer why Valencia County would be there.



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Commissioner Lane stated that was okay, and asked if there was any one representing the Valencia County Courthouse?

Mr. Martinez stated that he would be the one that be representing the county.

Commissioner Lane stated that at this time he is going to open it up for discussion and if the commissioners have any questions they could ask at this time.

Commissioner McCartney asked Mr. Martinez that they are requesting a conditional use under an RR-2 zone, how would a .68 acre get into an RR-2 zone.

Mr. Martinez stated that a lot of the parcels in the RR-2 zone are under the 2 acre minium because they were subdivided before the RR-2 zoning was in effect therefore they would be grandfathered in.

Commissioner McCartney asked if it the acreage is .68 wouldn't it just be RR-1 just to be inclusive.

Mr. Martinez stated that he couldn't say what they thoughts or the motives were at the time the planning groups and why they blanketed zoning around certain areas.

Commissioner McCartney thanked Mr. Martinez for his answer.

Commissioner Artiaga asked what building is the one that is owned by the county.

Denise Garcia stated that it is a road and it is called Elias P Sanchez and Rector "T" and that is was is owned by the county.

Commissioner Edeal asked if there is access from both side of this property.

Mr. Torres stated that is correct.

Commissioner Lane stated that it was not a piece of property that got listed it was a road.

Denise Garcia stated that is correct.

Commissioner Lane thanked Denise, and asked if there were any other questions.

Commissioner Edeal stated that he drove by the property and it seems clean and kept up and if they were to get the 2nd dwelling they would be responsible for the yard.

Commissioner Lane asked Mr. Torres how long they have been living there.

Mr. Torres stated that they have been there for 12 years.

Commissioner Lane stated that was very good and since there is no other questions at this time he is going to call on anyone in the audience that is in favor of the request. No one was in favor. And then he called on anyone in the audience that was in opposition of the request. No one was in opposition, and asked Mr. & Ms. Torres to please come back up to the podium.

Commissioner Edeal asked if this request gets approved is this something that is going to be permanent or is it going to stay there forever.

Mr. Martinez stated that the conditional uses for 2nd dwelling would be considered as a temporary and every 2 years the planning office would check and see if things are utilizing it in that fashion and if they are not then the conditional use would conform back to the one dwelling unit.

Commissioner Edeal thanked Mr. Martinez because answered his question.



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Commissioner Lane asked Mr. Martinez how many times in the past has the county gone and seen that a 2nd dwelling has not been used the way that it was designed to be or have they pulled a conditional use.

Mr. Martinez stated that he knows of at least one that he has been a part of in the last year.

Commissioner Lane thanked Mr. Martinez, and asked if the commissioners had any other questions. No other questions for the commissioners.

Commissioner Edeal stated that he would like to make a motion to approve the request.

Commissioner Artiaga seconded the motion.

Mr. Martinez called for a vote.

Commissioner Edeal stated yes.

Commissioner McCartney stated yes.

Commissioner Gaudette stated yes.

Commissioner Artiaga state yes.

Commissioner Lane stated yes.

Mr. Martinez stated to Mr. Torres that the request for conditional use for the 2nd dwelling has been approved, and he will send out a letter and to note that the date on the letter is the official approval date and there is 15 day appeal process.

Mr. & Ms. Torres thanked the commissioners.

B. REQUEST FOR CONDITIONAL USE: Abelardo Ornelas: Legal Description: T5N, R3E, Section 10; NMPM; El Cerro Mission Estates; Unit 1; Lot 20D; Zoned RR-1; Filed in book 280, page 2883; of the office of the Valencia county clerk; Also known as 131 Winston Dr. Los Lunas, NM.

Mr. Ornelas stated that his name is Abelardo and his address is 131 Winston Dr. Los Lunas NM.

Commissioner Lane asked if Mr. Ornales could let everyone know what he is requesting from the commission.

Mr. Ornelas stated that he is requesting a conditional use because he and his sons have a small business and they drive semi-trailers and they park it on the weekends on the residents and they have been getting violations notices and the last time they went to court the judge suggested that they come before the commission and request the conditional use and that's what they are doing now.

Commissioner Lane asked how long Mr. Ornelas has owned the property.

Mr. Ornelas stated that he got the property since 1985.

Commissioner Lane stated that he has been living in El Cerro since 1985 and they have owned the property since.

Mr. Ornales stated that is correct.

Commissioner Lane asked if they have always used the property to park their semi-trailers.

Mr. Ornales stated that the trucks have been there always, and he worked at another job for many years and after that they decided to start a small trucking business and they learned how to use the



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trucks and they both work there and they need a place to park the trucks because it is too expensive to rent a space. And right now the only truck that is currently parked there is his sons truck and he has 5 kids and to have to pay for a space to park the truck he cannot really afford that.

Commissioner Lane stated that the letter in the packet stated that they have been living on this property for about 25 years and when they first moved up there was there any neighbors around his property.

Mr. Ornales stated that there were very few neighbors living there.

Commissioner Lane asked as the county grew people started moving around him and they knew that he had trucks there.

Mr. Ornales stated that is correct and it has been the same neighbors for years and they even have a neighbor that his son also drives a truck as well and he does not think that there would be anyone complaining.

Commissioner Lane asked if they work on the trucks on the property.

Mr. Ornales stated that he does.

Commissioner Lane asked if they change oil of the trucks on the property as well.

Mr. Ornales stated that he does.

Commissioner Lane asked what they do with the used oil.

Mr. Ornales stated that they used to rent a yard and it was getting expensive to rent the space and do the work themselves and they usually take the trucks in to get serviced because it pretty much costs the same to do it yourself or have a professional do the work.

Commissioner Lane asked if they ever change the oil on the property.

Mr. Ornales stated that not on the property.

Commissioner Lane stated okay, and stated that on the pictures they got in there packets there are a couple of enclosed trucks and the reason he is asked about the oil and things like that is because he just wants to make sure that they are not hauling hazardous material and storing them on the property.

Mr. Ornales stated that they do not haul anything like that and those boxes that he is referring to are tools boxes and storage.

Commissioner Lane asked if they ever bring any kind of products home over the weekend.

Mr. Ornales stated that they haul cement and they load on Friday to deliver on Saturday or Monday, so the truck will be parked for the weekend.

Commissioner Lane asked if cement is the main thing that they will be hauling.

Mr. Ornales stated that they haul hay, cement, and other different things and he does not have his license do haul any type of chemicals.

Commissioner Lane asked if the commissioners have any questions for Mr. Ornales.

Commissioner Edeal asked if the complaint that they have been getting are from the police coming by to give them the violation notice.

Mr. Ornales stated that it was the county inspector.



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Mr. Martinez stated that he believes that is code enforcement Michael Marques that has sited them in the past for commercial vehicles on the lot.

Commissioner Edeal thanked Mr. Martinez, and stated that it was not the neighbors that have complained it was just in violation of a county code and that's why they got the notice, and asked how many times they have received the violations.

Mr. Ornales stated that they have been to court a couple of times and the last time they went to court but the judge has advised them to go through this process, and they keep their property clean and there are other residents that have the same semis on their property and in that area that is usually what everyone uses their property in that area.

Commissioner McCartney stated that he would like to know if there are 3 semi-trucks or just 1.

Mr. Ornales stated that it is one semi-truck and two vans.

Commissioner McCartney stated that is okay, and asked if the hours of operation are going to be from 6am to 6pm, so the trucks are not even on the property at all.

Mr. Ornales stated no, and it is usually on the weekends, and they have been parking one of the trucks on the cinema close to the freeway and it is usually just Saturday and Sunday and it will not be very much during the week.

Commissioner McCartney stated that if he has owned the property since 1985 and has been doing this type of work since then he should be grandfathered in, because the first ordinance that was written in this county was in the late part of 1986.

Mr. Martinez stated that it is possible but it would be hard to prove that.

Commissioner McCartney stated that it would be hard to prove that because there is no one here that was here then or vies versa, and if he would have known he could have started this process earlier.

Commissioner Artiaga stated that she lives in a small subdivision and her neighbor was a truck driver and he would bring his truck in on the weekends and he would leave it running all weekend.

Mr. Ornales stated that the trucks would not be on because they sleep in the house.

Commissioner Artiaga stated that this would not be noisy or bothering anyone they would just drive in and drive out.

Mr. Ornales stated that is correct.

Commissioner McCartney stated that in today economy it would be hard to leave the truck running.

Commissioner Lane stated that if it was 110 degrees outside they would leave it running.

Commissioner Gaudette stated that the information provided to the commissioner's states that a home occupation shall not generate noise, vibration, glare, fumes, odor, and asked how a semi-truck cannot generate vibration or noise starting it up and shutting it down and bringing it in and out.

Mr. Ornales stated that any vehicle would do something like that.

Commissioner Gaudette stated that they are talking about a semi-truck which is a much larger truck, larger engine.



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Mr. Ornales stated that it is just not their vehicle that is doing that there are other trucks around the neighborhood, and it is going to be a natural for the trucks to make noise and they do not have any complaints from the neighbors and they are not close to them they are about an acre away.

Commissioner Gaudette stated that the home occupation also states that there shall be not visible evidence of the conduct of a home occupation from any road or adjacent property other than permitted signs, so would this truck or the vans be obscured from the roadways.

Mr. Ornales stated that you can't see the vans they parked them in the back and they are not going to be blocking the view of any driver or anything like that, they are set in the property in the back out of the way, and when they pull in the truck it is going to be visible from the road but it does not going to block the view.

Commissioner Gaudette stated that he stated that there shall be not visible evidence of the conduct of a home occupation and his question is the semi going to be parked so they can't see if from the street.

Mr. Ornales stated that you could see it from the street.

Commissioner Gaudette stated that the occupation will employ on site no more than 2 full time employees, and they are out on the road and they come back and drop off the truck and then leave again and asked if they were going to have workers on the property.

Mr. Ornales stated no, because their residence is there as well they would just park the trucks in the back of the property.

Commissioner Gaudette asked if they have received any complaints from the neighbors at all.

Mr. Ornales stated that they asked the neighbors around and they stated that they have no complaints.

Commissioner Gaudette thanked them.

Commissioner Artiaga asked if this property is an acre and a quarter and it looks like the house is in the middle of the property and it is not like there is anyone right next door.

Mr. Ornales stated that is correct.

Commissioner Edeal stated that he looked at the property and it had cement walls around the front and they have the trucks over on one side and the house is on the other and it is not an eye sore but you could tell that there is a trucking business there and it is not over done or anything like that.

Commissioner Lane asked if the commissioner had any other questions, No other questions from the commissioners, and asked if there was anyone that is in favor of this request to please come forward, No one was in favor. And he asked if there was anyone in opposition of the request and no one was in opposition. And stated for some of the commissioners that haven't done a lot of cases like this, and about 3 years ago they had a lot of people that wanted to park their semis at their homes and they were always going after someone that tried to maintain a good piece of property and just park their truck there and he was against that request, he was in favor of a person being able to take a truck there and some of them would drive all week and just come home for the weekend and then they would go back out on Monday morning, and it stopped there for a while and this is one of the first type of cases that we have seen in a while, and his opinion on the case is that this gentleman has been there for a long time and other people have moved in around them and there was no one that was in opposition of the request as of right now. He looks at this case as him being grandfathered in.

Commissioner McCartney stated that just for the record if this case was to be approved it would not give him the right to expand the business this is what he is requesting of the commission and this is what he is going to get.



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Commissioner Lane stated that the one thing that he would like to have put into the motion if this is approved is a condition that they do not haul any type of hazardous materials or anything that is dangerous to keep on the property he does not think that is fair for a neighborhood.

Commissioner McCartney stated that in the report from staff Fire Marshal Casey Davis reported that he would have to be notified so that he could do an inspection of the inside of the storage facilities.

Mr. Ornelas stated that would be fine with them.

Commissioner Gaudette stated that he agrees with Commissioner McCartney because the application is for one semi and two dry vans and a flat bed, and that's great but he does not want to see this property become a parking lot for multiple trucks and it is a business but he does think that there should be some kind of restriction on it.

Commissioner Lane asked Mr. Ornales if he was okay with the condition on the request that they only allow what he is requesting which is the 1 truck and two dry vans and the flat bed.

Mr. Ornales stated that the business is him and his 2 sons and they drive one truck each and the only thing is that he and one of his sons working in Oklahoma and they drive all night to come to his meeting today and there is only one truck that is going to be on the property for right now.

Commissioner McCartney stated that if it happened it is not going to be all the time once in a while something will happens and they understand that and they are not going to hold them to 365 days a year 24/7 they just want to make sure that he understands that over a period of 2 or 3 months they can't start accumulating trucks.

Mr. Ornales stated that would be fine.

Commissioner Lane asked if the commissioner would ask him what number of trucks are going to be on the property what would that be.

Mr. Ornales stated that it would be 3 trucks only.

Commissioner Gaudette stated that he would be ready to make a motion to approve the request with the limitation that he only have one semi-truck parked on the property at a time.

Commissioner McCartney stated that Mr. Ornales should understand what the commissioner is saying, and they do understand that there are going to be sometimes when something happens and there are going to be more trucks there and that would be okay. Commissioner McCartney seconded the vote.

Mr. Martinez called for a vote.

Commissioner Artiaga stated yes.

Commissioner Gaudette stated yes.

Commissioner McCartney stated yes.

Commissioner Edeal stated yes.

Commissioner Lane stated yes.

Mr. Martinez stated to Mr. Ornales that his application for conditional use has been approved with the condition that there only be one semi-truck parked there at a time and they will receive a letter and please note that the date on the letter is going to be the official date of approval and there is a 15 day appeal process.



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Mr. Ornales thanked the commissioners for their time.

Commissioner McCartney stated that Mr. Ornales stated that they have a court date on Monday.

Mr. Martinez stated that they will have a letter in hand showing the approval and that case will be dismissed in the court.

Commissioner McCartney thanked Mr. Martinez

- C. REQUEST FOR CONDITIONAL USE-HOME OCCUPATION:** Russell W. Pearce: Legal Description: T7N, R2E, Section 28; NMPM; Mesa View Addition; Tract 6b5; Zoned RR-1; Filed in book 328, page 9919; of the office of the Valencia County Clerk; Also known as 9 Matthew Rd, Los Luans, NM.

Mr. Pearce stated that his name is Russell and his address is 9 Matthew Rd Los Luans, NM, and he is requesting for his conditional use business to be moved from 7 Matthew Rd to 9 Matthew Rd so that would stay in legal compliance with the rules.

Commissioner Lane stated that the commission has heard his case before he is the gentleman that makes the fireplace hitches.

Ms. Pearce stated that is correct.

Commissioner Lane asked if they could elaborate a bit more or give a history on it.

Ms. Pearce stated that he last time they were before the commission they were asking for a conditional use to build custom fireplace frames and they had opposition from some of the neighbors but they were granted the request, and now that money is tight and they are considering selling that property they want to move back to their home property.

Mr. Pearce stated that since the economy has gone downhill he is not building 40 to 60 cages a month he is building maybe one or two a month and at the same time he will be 66 in November and is thinking about retiring.

Commissioner Lane stated that in the packet it says old shop and new location will they be selling the property where the shop is currently located at.

Mr. Pearce stated that they are considering it.

Commissioner Lane asked if they were going to be moving from the property where the shop is on to the property that is next door.

Mr. Pearce stated that were they would like to move it is their current home.

Commissioner Lane stated that the conditional use is for the property that they are not going to be living on.

Mr. Pearce stated that is where the business is now.

Mr. Martinez stated that it is his understanding that they are going to be moving the business to the property that they are currently living at now.

Commissioner McCartney stated that they are moving to their home.

Mr. Martinez stated that is correct.

Commissioner Gaudette stated that is where Mr. Pearce would like to do the work.



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Commissioner Lane asked Mr. Pearce if that address is where he would like to do the work.

Mr. Pearce stated that is correct.

Commissioner Edeal asked if there was a shop at their residents as well.

Ms. Pearce stated that they will be working out of their garage and all the work will be conducted inside.

Commissioner Gaudette asked what a fireplace cage is.

Ms. Pearce stated that they build kiva style fireplace frames and they fit over the fire spot once all the pipes are all in and the frames they build just fit right in.

Commissioner Gaudette thanked her for the expiation.

Commissioner McCartney stated that the fact that they have had this application approved back in 2008 and there have been no repercussions everything just speaks for itself.

Commissioner Lane stated that he would like to hear from the audience if there is anyone in favor. No one was in favor. Then he asked if there was anyone in opposition of this request.

Mr. Ruiz stated that his name is Aurelio and his address is 23 Saxon Rd.

Commissioner Lane asked if he had been sworn in.

Mr. Ruiz stated that he was a little bit late.

Commissioner Lane decided to swear in the participant.

Mr. Ruiz stated that the only question he had was with Mr. Pearce changing his shop from 7 Matthew to 9 Matthew would it affect their property in anyway.

Commissioner Lane asked him to be more specific on what they are worried this conditional use will affect.

Mr. Ruiz stated that he thought that it might be commercial.

Commissioner Lane stated that Mr. Pearce is currently running his shop and all he is going to do is he is going to move from one house to another and would like his business to go with him.

Mr. Ruiz stated that they just wanted to know if it would affect the surrounding areas.

Commissioner McCartney stated that Mr. Pearce will be working out of his garage and everything will still be inside but no commercial zoning.

Commissioner Lane stated that all this is a conditional use-home occupation and what that means is that he could run a little business out of his home which he already had on 7 Matthew and now that he is moving he would like his business to move with him as well.

Mr. Ruiz stated that was the only question that they had.

Commissioner Lane asked if now that he has asked his questions is him in favor or against the request.

Mr. Ruiz stated that he is in favor of the request.



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Commissioner Lane thanked him for their comments and asked if there was anyone that was in opposition of this request, no one is in favor.

Commissioner Artiaga stated that since Mr. Pearce has already gone through the process and getting the conditional use previously and they just want to move it next door, she would like to make a motion that the request is approved.

Commissioner Gaudette seconded the vote.

Mr. Martinez called for a vote.

Commissioner Artiaga stated yes.

Commissioner Gaudette stated yes.

Commissioner Edeal stated yes.

Commissioner McCartney stated yes.

Commissioner Lane stated yes.

Mr. Martinez stated to Mr. Pearce that their application for conditional use has been approved the planning office will be sending out a letter and to note that the date of the letter is the office approval date and there is a 15 day appeal process.

- D. REQUEST FOR ZONE CHANGE FROM(O-D) TO (I-3) SUPPLEMENTAL INFORMATION/SITE DESIGN:** PNM as an agent for Wellhead Electric Company Inc.,; Legal Description: T5N, R1E, Section 35; NMPM; Lands of Toby & Maryann Cordova; Tract E5A; Zoned O-D; Filed in book 364, page 749; of the office of Valencia County Clerk.

PLEASE SEE ATTACHED DOCUMENT FOR MINUTES ON PNM CASE.

7. DISCUSSION:

Limited discussion from the commissioners. **Commissioner McCartney** asked who the Rural Addressor is for the county. **Mr. Martinez** stated that Victor Gonzales is our Rural Addressor. **Commissioner McCartney** stated that he has not seen any reports from the Rural Addressor so he just wanted to know. **Commissioner Lane** stated that a code enforcement office told some county residents that they should call him for trash pickup. **Mr. Martinez** stated that he would make sure to address that with the code enforcement officers. **Commissioner Lane** thanked Commissioner Artiaga for recusing herself from voting in the PNM case.

8. NEXT MEETING: September 26, 2012

9. ADJOURN