

Approved 5-0
November 16, 2017



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

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

Tuesday August 22, 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	

ALSO PRESENT WERE: Manuel Carrasco, Linda Noort, Delbert Sanis, Bill Weaver, Elizabeth Cumby, Gerry Troyer, Joshua Mendoza, Peggy Cole, Fred Bunker, Joan & Max Romero, Anthony Lucero, and Rosalinda Candelaria.

1) CALL THE MEETING TO ORDER

- At 3:00 PM Vice-Chairman Baca brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

- Vice-Chairman Baca asked Commissioner Otero 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.

APPROVAL: Motion to approve the minutes

MOVED: Commissioner Otero

SECONDED: Commissioner Gurule

CARRIED: Motion passed on a vote of 4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes;) FOR and 0 AGAINST

4) APPROVAL OF MINUTES June 27, 2017

- Community Development Director James Aranda requested the minutes to be tabled

APPROVAL: Motion to table the minutes

MOVED: Commissioner Moran

SECONDED: Commissioner Otero

CARRIED: Motion passed on a vote of 4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes;) FOR and 0 AGAINST

5) SWEARING IN OF PARTICIPANTS

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



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6) ACTION ITEM(S)

A) REQUEST FOR VARIANCE ON MOBILE HOME SIZE; Application: V #2017288; Applicant: Manuel Carrasco; Purpose: Request for consideration of Mobile Home Size from 840 square feet to 67 square feet; Location: 8 De Colores, Los Lunas, NM 87031; Legal Description: T7N; R4E; Section 30, NMPM; Mesa Estates; Lot: 7; Block: 10 (0.43 Acres); 1998 Revision; Zoned Rural Residential 1 (RR-1); File in Plat Book B, Page 196 in the office of the Valencia County Clerk; also known as 8 De Colores, Los Lunas, NM 87031.

Background: The applicant purchased the mobile home on July 19, 2017 and did not know the minimum size regulations for mobile homes in the County. The subject property on which the applicant wants to place the mobile home currently has a septic system, domestic well, and electricity pole on site.

Analysis: Based on all available information included in the application, the subject property does not have any physical conditions which would inhibit a mobile home that meets the size requirements pursuant to Section 154.172 (B)(1)(b) of the County Code. It is the determination of the Planning and Zoning Office that this request does not meet the requirements for a variance, however the P&Z Office does take into account that the applicant is making a good will effort to conform to the County Codes, therefore, will not object to an approval of this request.

Legal: Pursuant to Section 154.172 (B)(1)(b) of the Valencia County Code, no manufactured or mobile home shall be placed, situated or installed in the unincorporated jurisdiction of Valencia County unless: the manufactured or mobile home has a minimum heated area of at least 840 square feet, constructed in a factory to the standards of the U.S. Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., as the same may be from time to time amended.

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.

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 Variance on mobile home size with conditions: CONDITION: No other dwellings may be placed on the property.

APPROVAL: Motion to approve the Variance on a mobile home size

MOVED: Commissioner Otero

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of **4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes;) FOR and 0 AGAINST**

B) REQUEST FOR CONDITIONAL USE 2ND DWELLING; Application: CU #2017296; Applicant: Hans and Linda Noort; Purpose: Request for consideration to place a 14x40 manufactured home on property To care for elderly family member; Location: 10 Nightshade Court, Los Lunas, NM 87031; Legal Description: T6N, R2E, Section 30, NMPM; MRGCD Map 83; Subdivision: Tome Shadows; Lot: 25 (0.77 Acres); Zoned Rural Residential 2 (RR-2); Filed in Plat Book C, Page 139 in the office of the Valencia County Clerk; also known as 10 Nightshade Court, Los Lunas, NM 87031

Background: According to the application, the applicants intend to order a custom built manufactured home to place on the property so they can care for their elderly family member. The applicants have also provided a letter from their healthcare provider ascertaining the situation. Also included in the application is a septic inspection and



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permit application to NMED for provision of liquid waste disposal. The unit will also be served by NM Gas Co. and PNM for natural gas and electricity.

Analysis: The proposed manufactured home is 560 square feet in size which is below the County's required 840 square feet for a mobile home. According to the applicants, Mrs. Noort's mother, who will be occupying the home, does not want anything larger than what is being proposed. Therefore, a variance on Mobile Home size will also be required. The applicants stated that they are willing to make a separate application for the Variance.

In conclusion, the Planning & Zoning Office recommends that we proceed with the P&Z hearing on the Conditional Use Temporary Second Dwelling. If so desired, the P&Z Commission can grant approval with a condition that the applicant follow up with a Variance application for the manufactured home. This course of action will allow the applicants to order the home (which will take some time to manufacture) and move the process forward.

Legal: Pursuant to § 154.172 (B)(1)(b) of the Valencia County Code, no manufactured or mobile home shall be placed, situated or installed in the unincorporated jurisdiction of Valencia County unless: the manufactured or mobile home has a minimum heated area of at least 840 square feet, constructed in a factory to the standards of the U.S. Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., as the same may be from time to time amended. Section 154.057 (C)(1) of the County Code of Ordinances states: "In approving an application for a conditional use, the P&Z may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district."

Discussion ensued. There was nobody who spoke in favor of the application. There several members of the audience who spoke against the application. There was a vote to DENY the application for a Conditional Use for a Temporary Second Dwelling.

DENIAL: Motion to deny the Conditional Use for a Second Dwelling

MOVED: Commissioner Otero

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of 4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes;) AGAINST and 0 FOR

C) REQUEST FOR ZONE CHANGE FROM RURAL RESIDENTIAL 2 (RR-2) TO C-2; Application :
ZC #2017295; Applicant: Fred Bunker and Peggy Cole; Purpose: Request for consideration for zone change to allow for storage of used vehicles purchased for sale at automotive dealership as well as vehicles that are being held while purchaser completes payment plan; Location: 3 Luciano Lane and 5 Luciano Lane, Belen, NM 87002; Legal Description: T5N, R1E, Section 36, NMPM; MRGCD Map 105; Land of Ray Mascareñas Et All; Tracts: 98A2 (1.42 Acres) and 98B (1.57 Acres); Zoned Rural Residential 2 (RR-2); Filed in Plat Book N, Page 36 in the office of the Valencia County Clerk; also known as 3 Luciano Lane and 5 Luciano Lane, Belen, NM 87002

Background: The applicants were originally referred to the P&Z Office by former Chief Code Enforcement Officer Hoss Foster. According to the applicants, the properties were purchased with existing Code Violations onsite and they wanted to come into compliance with all applicable County regulations. The P&Z Office subsequently met with Code Enforcement and the applicant and developed a plan to come into compliance. The plan included limiting the number of vehicles onsite, getting rid of weeds and applying for a zone change to allow for the storage of overflow vehicles associated with the applicant's auto dealership in Belen.

Analysis: Upon conducting Departmental Review of this request, it came to light that there are numerous unpermitted storage structures that have been placed on the subject properties since our initial meeting with the applicants, which constitutes a new potential code violation. Certified Floodplain Manager Brenda Alberts has also identified a potential flooding issue with a raised road easement proposed in the site plan contained within the



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application. The Sheriff's office commented that they have concern over potential vehicle thefts and expressed concern that the applicants' proposal fails to address security of the subject property.

In conclusion, according to the proposal letter, it appears that the applicants intend to store much more than just overflow of vehicles associated with their dealership—also included are RVs, heavy equipment, semi-truck and trailers, farm equipment and machinery as well. This development has led to a number of questions in regard to the overall scale and character of the operation. Therefore, although it is commendable that the applicants are attempting to come into compliance with all applicable regulations, the P&Z Office cannot recommend approval of this request until all code violations have been satisfactorily addressed and the applicants agree to clarify the intent and nature of the request.

Legal: This request is to rezone the subject property from RR-2 to C-2. This new zoning category would be compatible with the current use, which is restricted per the current zoning. C-2 would allow for this use, per Section 154.121 (B)(15)(e)(2)(3) of the Valencia County Code of Ordinances: (B) Permitted Uses. In the C-2 District, the following uses shall be permitted subject to the standards and limitations set for in division (F) and pursuant to Sections 154.035 through 154.140 for site design review: (15)(e) Retailing of any consumer product and provision of any customer, personal, or business service, provided it is not listed as a conditional use in this zone, and with the following limitations: 1. Automobile, truck, trailer sales provided that a solid wall or fence 6 feet high shall be maintained along any side of the area abutting or contiguous to any residential zone. 2. Auto, trailer and truck rental, service, sales, storage, provided the lot is graded and surfaced with paving or other pervious material. 3. Trucks and trailers parked outdoors for rental sales or storage, provided stored or inoperable vehicles shall be screened and subject to the site design review criteria of §§ 154.035 through 154.040 of this chapter.

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 DENY recommendation of the application for a Zone Change from Rural Residential 2 (RR-2) to Community Commercial (C-2) to the Board of County Commissioners.

DENIAL: Motion to recommend denial of a request for a Zone Change from Rural Residential 2 (RR-2) to Community Commercial (C-2) to the Board of County Commissioners

MOVED: Commissioner Moran

SECONDED: Commissioner Otero

CARRIED: Motion passed on a vote of **4 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes;) AGAINST and 0 FOR**

7) Discussion

8) Next Meeting:

Tuesday- September 26, 2017 @ 3:00 pm

9) Adjournment

MOTION: Motion to adjourn Planning & Zoning Public Hearing

MOVED: Commissioner Otero

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of **4 (Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**