



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday AUGUST 27, 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: Anabel Dodd, Luz E. Marquez, Spanish Translator Lendy Escarcega, Sean Hughes, Darlene Arias, Alejandra Dominguez

1) CALL THE MEETING TO ORDER

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

2) PLEDGE OF ALLEGIANCE

B. Ryan 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 Aguilar

SECONDED: Commissioner Freeman

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

4) APPROVAL OF MINUTES July 23, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Minutes as presented.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Freeman

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



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5) STAFF REPORT: Land Use Planner **Ryan Baca** reports on the Board of County Commissioners meeting. There were four cases, three were approved and one denied with agreement from the recommendation of the P&Z Board. Approvals were RR2 to AP, RR2 to RR1 to C2 Tire Shop and Denied was ZC#2024-069 RR2 to C2. A few events on Aug. 6th National Night Out, it was a great turn out, we set up a booth, P&Z, CODE and OAP participated and we all supported the community with school supplies. Aug. 23rd was Employee Appreciation, the county took the employees to the Isotopes park for the Home Run Derby and it was fun. **Melissa** mentioned OAP will be providing free bus transportation to all seniors who are interested in going to the State Fair on Sept. 9th. **Ryan**, continued with Code Enforcement officers will be attending the New Mexico League of Zoning Officials conference in Carlsbad NM on Sept. 11th-13th

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. Zone Change #2024-078 (District III, P&Z Commissioner Moran, BoCC Sparkman)

Dennis V. Chavez requests a Zone Change from Outland District (OD) and Neighborhood Commercial District (C-1) to Community Commercial District (C-2) for future commercial development. Legal Descriptions:

- Subd: LAND OF GAIL MAJOR Tract: B2A 10.00 AC 2008 REV A-1-5; located at the northwest corner of Highway 6 and Old Highway 6; UPC 2-017-048-309-504-000000; Zoned Outland District (OD)
- Subd: LAND OF GAIL MAJOR Tract: B2B 11.50 AC 2008 REV A-1-5; located west of the corner of Highway 6 and Old Highway 6; UPC 2-017-048-298-504-000000; Zoned Neighborhood Commercial District (C-1)

Background: This request is for Zone Change from Outland District (OD) and Neighborhood Commercial District (C-1) to Community Commercial District (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: Anabel Dodd, representative for Dennis V. Chavez proposed a request for the rezoning of two parcels, total acreage of 10 acres from OD and C-1 to both lots to C-2. The parcels have no intended use at this time, however, with the current development trends and the investment in infrastructure along highway 6, rezoning would be beneficial to local government, business owners and the community of Highland Meadows Estates. She mentioned this request will meet the criteria in all applicable ordinances and Dennis V. Chavez will comply with all applicable county codes and regulations. A zone change would be in line with the growing commercial business along the State Highway 6, would provide added employment opportunities and beneficial to the county as well as the community with the potential for tax revenue and would be the best suited under C-2 zoning.



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P & Z/Public Line of Questioning: No line of questioning from the board and there were no members of the public in favor or in opposition of this request.

APPROVAL:

Motion to Approve ZC #2024-078

Approved

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Freeman

CARRIED:

Motion approved on a Vote of 3

FOR and 0 AGAINST (Commissioner Freeman—YES;

Commissioner Aguilar— YES; Commissioner Sublett—Yes).

B. Zone Change #2024-087 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Luz E. Marquez requests a Zone Change from Rural Residential District 1 (RR-1) to Neighborhood Commercial District (C-1) to operate a food truck. Legal Description: Subd: EL CERRO MISSION Block: C Tract: 6 Unit: 1; located on El Cerro Mission Blvd north of Van Camp Blvd; UPC 1-013-036-238-155-000000; Zoned Rural Residential District 1 (RR-1)

Background: This request is for Zone Change from Rural Residential District 1 (RR-1) to Neighborhood Commercial District (C-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: Luz Marquez and Lendy Escarcega, Spanish Translator made a request for a zone change on her property of 1.48 acres from RR1 to C1 located in El Cerro Mission Rd. The family have been operating a mobile food truck in the general vicinity of this property for several years. This opportunity to park the mobile food truck on this property would allow them to provide more quality service to their established customer base and the growing community in the area. The plan is to not only provide a pick-up but to have a comfortable seating area, the hours of operation will be Wednesday to Sunday 7A.M. to 11 A.M. and 5 P.M. to 10 P.M. The property will have a safe entrance and exit and have ample space for customers to park. There will be no impact on traffic, noise or negative impact to the quality of life and as for health impacts are concerned, all required paperwork and permits are obtained to safely operate the food truck.

P & Z/Public Line of Questioning: **Freeman** asked if there was a home on the property? **Luz**, no it is vacant land. **Freeman**, on hours of operation? **Luz**, the hours of operation will be Thursday thru Sunday from 5:00 pm to 10:00 pm and mentioned the family had been operating a mobile food truck for about 4.5 years. **Aguilar**, asked if there were future plans in opening a restaurant and if they owned the property? **Luz**, yes maybe for the future they would open up a restaurant and yes they owned the property. **Aguilar** asked staff to show on the screen the surrounding areas for commercial. **Staff**, the nearest C1 district is approximately 0.60 miles, northeast of this property on Manzano Expressway. There is also C2 districts and commercial use less than 0.10 miles east of the proposed change. **Aguilar**,



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will there be tables and portable potties outside the property? **Luz**, yes there will be tables. **Sublett**, asked where else have the food truck been parked at? **Luz**, on El Cerro up the road. **Sublett**, why now park the food truck at this property? **Luz**, generators are too expensive and it's much better to run electricity. **Freeman**, Is there electric power on the property? **Luz**, no not yet until this zone change is approved. **Freeman**, asked if there will be permanent shade structures? **Luz**, we do not have permanent shade structures only an awning that is attached to the food truck. **Sublett**, asked if there were improvements on the land? **Luz**, not until the zone change is approved they will clean up the property and lay down gravel and create an entrance. There were no members of the public in favor or in opposition of this request.

APPROVAL:

Motion to Approve Zone Change #2024-087

Approved

MOVED: Commissioner Freeman

SECONDED: Commissioner Aguilar

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

FOR and 0 AGAINST (Commissioner Freeman – YES;

Commissioner Aguilar– YES; Commissioner Sublett- YES).

C. Variance #2024-081 (District V, P&Z Commissioner Vacant, BoCC Garcia)

Sean Hughes requests a Variance of seven feet to the side yard setback requirement for an accessory structure. Legal Description: Subd: FREEMAN SUBDIVISION Lot: 15; also known as 3 Phillips Dr, Los Lunas, NM 87031; UPC 1-012-038-197-287-000000; Zoned Rural Residential 2 District (RR-2)

Background: This request is for a Variance to the side yard setback requirement of fifteen feet in the Rural Residential 2 District (RR-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 154.058 of the Valencia County Zoning Code

Discussion ensued: Sean Hughes proposed for a variance request from 15ft. to 8 ft. A new structure that will be attached to a pre-existing structure and there is no other place to put the building. The reason for this new structure is to store the car and motorcycle collection in a safe area.

P & Z/Public Line of Questioning: **Sublett**, questioned the addition and remodeling to the pre-existing structure attached to the back side? **Sean**, yes It is currently a 3 car garage and the new building will be added to one side of it and because the original garage is lower than it should be he will be putting in correct drainage for both structures at the same time. **Freeman**, asked if the concrete was already poured for this? **Sean**, no **Staff**, made clarification, the variance was for the west property line. **Sublett**, questioned how many years lived on the property? **Sean** mentioned he lived on the property



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one year ago. **Sublett**, asked if the vehicles and motorcycles were collectibles and were very valuable? **Sean**, yes and security will be addressed. **Aguilar**, asked if the vehicles were in working condition? **Sean**, yes they all are in working condition. **Aguilar** asked staff if the property was in the flood plain? **Staff**, yes the property is in the flood plain, and the elevation of the old building is not compliant with base flood elevation, Sean has submitted an elevation certificate on the new structure and he will be in compliance with the flood plain. **Aguilar**, asked how the new structure would be attached and if it would be seamless? **Sean**, there will be a man door walk thru. **Sublett**, asked if there would be access to the new part of the building? **Sean**, yes two sliding doors on the outside and one slide out to the back for ventilation. There were no members of the public in favor or in opposition of this request.

APPROVAL:

Motion to Approve Variance #2024-081

Approved

MOVED: Commissioner Sublett

SECONDED: Commissioner Aguilar

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

FOR and 0 AGAINST (Commissioner Freeman – YES;

Commissioner Aguilar– YES; Commissioner Sublett- YES).

D. Zone Change #2024-088 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Darlene Arias requests a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1) to split the property into two lots. Legal Description: Subd: LAND OF MRS JUAN E ZAMORA Lot: 4 2.68 AC MAP 84 1984 REV C-5-14; located on Calle de Zamora south of Romero Rd; UPC 1-011-034-048-072-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (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: Darlene Arias requested to table the request for a zone change. No discussion followed.

P & Z/Public Line of Questioning: No line of questioning.



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E. Conditional Use #2024-089 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Alabastra requests a Conditional Use to operate a vertically integrated cannabis establishment to include manufacturing and production. Legal Description: Subd: LAND OF MARY ELLEN CHAVEZ Tract: 2 6.04 AC MAP 83 2010 REV C-5-11; also known as 99 Hob Rd, Los Lunas, NM 87031; UPC 1-011-035-114-253-000000; Zoned Agricultural Preservation (AP)

Background: This request is for Conditional Use of a property currently zoned Agricultural Production (AP) to operate a vertically integrated cannabis establishment. 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 154.057 of the Valencia County Zoning Code.

Discussion ensued: Alejandra Dominguez requested a conditional use for the property to utilize the property for operating a cannabis manufacturing facility that will be roughly 1,000 sq. ft. Alabastra has been a licensed manufacture for five years, initially focusing on medical cannabis and subsequently expanding to include recreational products. The property will continue to support agricultural activities including a 4 acre. Pasture for livestock, minimal traffic impact is anticipated. The facility will employ only five individuals and the hours of operation will be structured to minimize disruption to the community. The facility will consist of three conex boxes which will be refurbished and will meet both high standards and state regulations and should the conditional use permit be discontinued and operations is ceased the conex boxes will be removed and the permit will be exclusively for Alabastra and will not be transferrable to any other business. No negative effects on the environment or community is expected and the manufacturing process involves Non-Volatile substances, utilizing frozen cannabis submerged in freezing temp water. Alabastra is committed to maintaining stringent security protocols across the property used for cannabis manufacturing.

P & Z/Public Line of Questioning: **Freeman** asked from what location is the manufacturing facility coming from? **Alejandra**, it is currently in Albuquerque. **Freeman**, requested clarification on vertically integrated? **Alejandra**, discussed the manufacturing process. **Freeman**, is the property used for production and manufacturing? **Alejandra**, mentioned they have been working with state and all that is required for production and manufacturing licenses. **Freeman** and **Aguilar**, questioned the photos of the conex building and its safety. **Alejandra** and **her husband Shane** discussed all security protocols on security cameras, key cards and fencing, later identified as T posts with chicken wire, also was discussed was livestock on the property and both agreed to the recommendation the board made on securing the fence. **Sublett**, asked if they had events on the property and asked where the main entrance was? **Alejandra**, no events and the main entrance is off of Hobb road, she also mentioned there are no semi-trucks traveling through the road. **Freeman**, asked if they were irrigating? **Alejandra**, yes they irrigate alfalfa from the irrigation ditch There were no members of the public in favor and one member of the public with standing in opposition of this request with concerns of horse activity bringing in traffic and the depreciation of the property in the surrounding areas with cannabis. **Freeman** allowed Alejandra's husband, Shane Montoya to respond on the horse activity. **Shane**, clarified they do not rent out any of the horse stables, they are not permanent and they are all our family horses, he also mentioned the



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hoop house on the corner is permitted and is not currently being used as production until electrical engineered plans are finalized.

APPROVAL:

Motion to Approve Conditional Use #2024-089 with the condition that security fencing is required surrounding the manufacturing facility.

Approved with condition

MOVED: Commissioner Freeman

SECONDED: Commissioner Aguilar

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

FOR and 0 AGAINST (Commissioner Freeman – YES;

Commissioner Aguilar– YES; Commissioner Sublett- YES).

8) Next Meeting: Tuesday September 24, 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 **3 FOR and 0 AGAINST (Commissioner Freeman - YES; Commissioner Aguilar – 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