



**VALENCIA COUNTY PLANNING & ZONING COMMISSION
MINUTES**

August 28, 2013

4:00 PM

**Valencia County Administrative Offices
Commission Chambers
444 Luna Ave, Los Lunas, NM**

1. CALL THE MEETING TO ORDER

Commissioner Artiaga

2. PLEDGE OF ALLEGIANCE

Jacobo Martinez

3. APPROVAL OF AGENDA

1st Motion: Commissioner Milam

2nd Motion: Commissioner Jaramillo

4. APPROVAL OF MINUTES: July 24, 2013

1st Motion: Commissioner Jaramillo

2nd Motion: Commissioner Milam

5. SWEARING IN OF PARTICIPANTS

There were none

6. ACTION ITEMS

There were none

7. DISCUSSION

Jacobo Martinez and Peter Lupshaw presented the Tome/Adelino Community Plan Draft.

Mr. Martinez stated that this is an information meeting only, and there is a process by which this will go in front of the County Commission and at that time. Mr. Martinez stated that there was a core group of about eleven residents that dedicated to show up every Tuesday evening and work on this plan for the future, and turned the floor over to Mr. Lupshaw to explain the process of what was done.

Mr. Lupshaw stated the community had been working very hard since April 10, 2013 on this issue and as mandated by the County Commission reached out the citizens in the Tome/Adelino Moratorium area which is only a small part of the county going from Edeal Rd. to El Cerro and Tome on the north, and the wildlife conservation area to the south, and within the borders of the various ditches. Mr. Lupshaw stated one thousand three hundred and fifty one surveys and brochures were sent out to property owners in the area and one hundred and fifty three were returned with the following results: fifty four percent were female, sixty four percent were male, one thirty five want small farms, family residents, environmental preservation, agricultural businesses as desirable, the majority also stated it was important to slow down traffic on Highway 47, repave roads, remove abandoned buildings, street lights on highway. Mr. Lupshaw stated some of the item that was unimportant were residential street lights, public transportation, and also reviewed the last page of the survey.

Some questions, but not all, that were presented by the Planning and Commission are as follows:



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Commissioner Artiaga asked what percent of the surveys that were sent out were returned undeliverable.

Mr. Martinez stated about ten percent.

Mr. Lupshaw stated it was three percent.

Commissioner Milam asked if the organization had legal documentation authorizing them to speak on the behalf of the one thousand three hundred and fifty one property owners in the area.

Mr. Martinez stated there is not any documentation or petition for every landowner being represented, nor was there one in 2000 when the zoning for Valencia County was done. Mr. Martinez stated what is done is at a legislative amendment to the zoning chapter and under the amendment the commission has the opportunity to look at some zoning language and decide if it meets valid safety and welfare of the community and then make the decision to pass the zoning legislation.

Commissioner Milam asked Mr. Martinez if he is stating that the County Commission can make that decision on behalf of the owners without their consent.

Mr. Martinez stated yes.

Commissioner Artiaga stated for clarification, the record and for anyone who is not aware, when this draft goes to the County Commission and will decide to publish it and have the hearings, if it is approved as is it will be an overlay and will become part of the zoning for Valencia County, the changes will be permanent.

Commissioner Milam asked who would be responsible for the infrastructure, lights, and things of this nature.

Mr. Martinez stated it would be the developers who want to potentially develop the sites.

Commissioner Milam asked who is responsible for the lighting on Highway 47.

Mr. Martinez stated the department of transportation.

Commissioner Milam asked if it would be the developer's responsibility for the side street lighting.

Mr. Martinez stated yes, just as it is now.

Commissioner Milam asked what goal A of the comprehensive plan is, as the draft proposal mentions goal B.

Commissioner Jaramillo asked if some of these questions would be answered during the presentation.

Mr. Martinez stated yes but to answer Commissioner Milam's question the Comprehensive plan passed in 2005 has an amount of goals that meet, or need to meet, or that ask to be met and according to this plan goal B asks for the development and distinction created within Valencia County to create zones for those communities therefore through this process we are actually achieving goal B of the Comprehensive Plan.



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Commissioner Jaramillo asked how the boundaries for the Tome/Area are determined, who determines them.

Mr. Martinez stated these areas were chosen by speaking with community members and the members of the moratorium and that helped establish the boundaries.

Mr. Lupshaw stated all of this started over the Dollar stores, and none of this would have occurred if it hadn't been for the dollar stores, and basically began because a Dollar store was wanting to be built across from Patricio Rd. next to the Tome Gallery, and then another Dollar store was slated for the properties of Menard, Jaramillo and Estancia Rd., and as a result of the community mobilizing, there were two hundred and thirty five people who began to get together and talk about what they wanted for their community. Mr. Lupshaw also stated that the boundaries of this plan are not permanent and are subject to change, and one thing he would like the Commission to do is to consider some work on developing a zone around the Valencia campus for apartments, commercial development, for students to live, where there can be commercial development outside of the Tome area.

Commissioner Jaramillo asked if there was a historical definitive line that said this is what people considered Tome?

Mr. Lupshaw stated probably yes in people's hearts and other people's lives there were historical issues, people who grew up there or had been there since the 1860's or 1870's.

Commissioner Jaramillo stated this would be someone who identified themselves with the Tome Community.

Mr. Lupshaw stated yes.

Ms. June Jaramillo came forward and gave a brief family history to help establish the historical boundaries.

Commissioner Artiaga stated for the record and to be clear the North part just south of Edeal Road, those people asked to specifically be included.

Mr. Lupshaw stated yes as well as people on Hobbs Rd. and Mackenzie properties all wanted to be included.

Mr. Martinez continued with his presentation referring to the land use map as well as a zone map created for the Tome area.

Commissioner Jaramillo asked if there are any properties in this area that do not meet the requested design and if so what happens to those properties, would they be grandfathered, do they need to change or what would happen,

Mr. Martinez stated this is getting a little bit ahead of the situation and that right now most of the area is populated by RR-1, RR-2 and Agricultural Preservation, and these would all stay the same for the proposed plan, nothing changes. The proposed changes are going to be on the current commercial zones within the proposed area, and referring to the red and light red zones on the map would become Tome historic commercial zones, and those are the zones that are going to be impacted by the new zoning.



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Commissioner Jaramillo stated that the majority of the land owners would not be affected.

Mr. Martinez stated correct only the commercial land owners.

Commissioner Milam asked if the current commercial property owners in the Tome Historical area would be grandfathered in.

Mr. Martinez stated yes they would be, and there would be new zoning outlines for C-1, C-2 zones, but are for new developments, and development that has already occurred will be grandfathered in, unless they come in and completely change their use in the future, and it is similar to the Non-Conforming use for the current zone laws, in which grandfathered land uses have a non-conforming designation which means they were established before the zone was passed and can continue to operate at that scale that use as long as they do not change use or scale, and once the scale or use is changed, then the new zone laws are implemented. Mr. Martinez stated using the business “Trees That Please” it is currently a C-2 zone, and if this zoning designation were to pass it would then be in the overlay of the Tome Historic Commercial zone, and they can continue to operate as they need to operate as it is one of the permitted uses.

Commissioner Milam asked Mr. Martinez to give him an example of one that would not be permitted.

Mr. Martinez stated there was a gas station on a C-2 property before this zoning law passed, and the law passed, and gas stations are one of the prohibited uses, the gas station could continue to operate under a non-conforming use until it was, example, sold and the new owners wanted to put in a race track, then at that point then the new zoning designation would go into effect.

Commissioner Jaramillo stated he understood that if there is a change of ownership the purchaser could not operate it under the existing use.

Mr. Martinez stated that is not correct and as long as it continues the same use the new owner can operate it.

Commissioner Artiaga stated the use stays with the land.

Commissioner Jaramillo stated so the property is not being totally devalued.

Mr. Martinez stated correct, and continued on with his presentation reviewing the prohibited uses for the historic zones.

Commissioner Jaramillo asked if there is a process for variance, or is it open for a process.

Mr. Martinez stated they are not conditional uses they are prohibited uses for these uses.

Commissioner Jaramillo asked if there were any circumstances they would be allowed.

Mr. Martinez stated no.



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Commissioner Jaramillo stated that on page twenty seven of the draft under prohibited uses it states restaurants and grocery stores.

Commissioner Artiaga stated that it means drive thru's.

Commissioner Artiaga asked if under the permitted uses for a C-1, if the property owner was zoned RR-1 or RR-2 and wanted to rezone to a commercial zone could they come before the Planning and Zoning Commission and the County Commission to change it to commercial as long as it is a permitted use.

Mr. Martinez stated yes, and understands there may people who want to do so, but would hope the Commissions would adhere to the plan, as the purpose of the plan is to help make decisions for the future land use, and people do have a right to process, but this plan should be followed.

Commissioner Milam asked if a property is not currently zoned, for example an individual on Highway 47 that is zoned RR-1 or RR-2, would that person would not be able to go into a C-1 zoning.

Commissioner Artiaga stated they could petition for a C-1.

Commissioner Milam asked if this plan is saying a person can petition for a zone change but would they be shut down right away or is there a condition in the plan that states one could apply for it and if certain guidelines are followed it could get approved.

Mr. Martinez stated the plan does provide for a type of commercial zone, and that type of commercial zoning is called the Tome/Adelino Historic commercial zone, and if someone has an RR-1 or RR-2 zone and comes in and says they want to fight for this historic overlay zone, and it communities next to a current cluster of those overlay zones and it fits and the community comes out in support of that, then he does not see an issue to okaying that commercial overlay zone, but again this plan is intended to preserve agricultural preservation in the Tome/Adelino areas and to do that the community wants to maintain the RR-1, RR-2, AP, and the C-1 overlay zone, and if someone comes in petitions and wants a C-2 zone or an industrial zone, and the commission votes to accept that (inaudible).

Commissioner Artiaga asked if people who are within the AP zone, which are five acre lots, have not entered into a contract with the government in regards to the agricultural preservation, could they come before the Commission and ask for a zone change to an RR-1 or RR-2 at some point in time.

Mr. Martinez stated that as of right now they can do that now, and with the new plan they could also but would have to follow the process, but the plan is designed to save these agricultural zones and not have much change happen (inaudible).

Commissioner Milam asked what will happen to properties that have sold off their water rights and cannot afford to lease them back or with the current drought conditions, cannot farm the land will the land still be kept as AP or will it be changed to something different.

Mr. Martinez stated it will remain the same.

Mr. Martinez continued with his presentation.



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8. MOTION TO ADJOURN

Commissioner Milam made a motion to adjourn the meeting.
Commissioner Baca seconds the motion.

9. ADJOURNED