



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

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

Tuesday September 26, 2017@ 3:00 pm

Valencia County Administration Building

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

PRESENT	ABSENT
Michael McCartney, Chairman	Steven R. Otero, Member
LeRoy Baca, Vice-Chair	
Frank A. Gurule, Member	
Sue Moran, Member	
James M. Aranda, Community Development Director	
Gabriel Luna, Land Use Planner	

ALSO PRESENT WERE: Scott D. Sommer, Martin Valerio, and Britney Tucker.

1) CALL THE MEETING TO ORDER

- At 3:00 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.

APPROVAL: Motion to approve the minutes

MOVED: Commissioner Baca

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

4) APPROVAL OF MINUTES August 22, 2017

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

APPROVAL: Motion to approve the minutes

MOVED: Commissioner Gurule

SECONDED: Commissioner Baca

CARRIED: Motion passed on a vote of 4 (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.



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

6) ACTION ITEM(S)

A) REQUEST FOR VARIANCE ON NORTH AND EAST SIDE SETBACKS WITHIN A RURAL RESIDENTIAL 2 (RR-2) ZONING DISTRICT; *Application: V #2017256; Applicant: Scott D. Sommer; Martin Valerio-Agent; Purpose: Request for consideration of setbacks to be 5 feet off the property line on both the north and east property lines; Location: 1 Lagrima De Oro Road, Los Lunas, NM; Legal Description: T6N, R2E, Section 2, NMPM; MRGCD Map 79; Land of James D & Anna M Miller; Tract: 15C2A1 (1.63 Acres); 1996 Revision DC for Kniffin Nathan; Zoned Rural Residential 2 (RR-2); Filed in Plat Book I, Page 660 in the office of the Valencia County Clerk; also known as 1 Lagrima De Oro Road, Los Lunas, NM 87031*

Background: According to information included in the application, the applicant is proposing to construct a 25' x 50' shed in the northeast corner of the property. Upon applying for a building permit, he was notified that he would need to obtain a variance on setback requirements. The applicant subsequently submitted a variance application to the Planning & Zoning Department. Department Reviews were handed out on September 8, 2017. The property is located in Special Hazard Flood Zone AE, so a Certificate of Elevation (COE) will need to be obtained prior to construction to determine how high the structure will have to be raised or flood proofed and then a second COE will be required for the new structure.

Analysis: This is a property consisting of 1.63 acres of land area (1.48 usable). The existing home is approximately 2,020 square feet and appears to be the only structure on the land at this time. The structure is located on one end of the property thus leaving ample space for the placement of a structure of this size to the south of the home not requiring a variance. Therefore this request does not meet the criteria for a variance. **East side of property:** NOT RECOMMENDED. There is currently a 20' road easement along the east side (front) of the property. The setback measurement will have to be measured from the edge of the road easement back 30'. The request indicates that he does not need a variance although the structure will be placed 5' from the edge of the 20' easement. **North side of property** (adjacent to neighboring property): NOT RECOMMENDED. There appears to be approx. 70'(+/-) from the property line to the cement pad of the driveway to the garage. If the proposal is for a 50' building in here there is enough room to meet the setback of 15' and still have adequate clearance from the driveway. If a variance were to be granted along this property line, it is recommended to be nothing less than 10'. This will allow minimal clearance in the event emergency access is needed and meets the minimal building clearance between structures.

Legal: 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 with the condition that the setbacks for the proposed structure be 10 feet from the North property line and 10 feet from the East property line.

APPROVAL: Motion to approve the Variance with conditions

MOVED: Commissioner Baca

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**

B) REQUEST FOR CONDITIONAL USE PERMIT FOR A TEMPORARY SECOND DWELLING WITHIN A RURAL RESIDENTIAL 1 (RR-1) ZONING DISTRICT; *Application: CU #2017310; Applicant: Britney & Julie Tucker; Purpose: Request for a Conditional Use Permit for a Temporary Second*



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

Dwelling to care for a disabled family member(s); **Location:** 16 Estado Road, Los Lunas, NM 87031; **Legal Description:** T7N, R4E, Section 30, NMPM; Subdivision: Mesa Farms Estates; Tract 9A (1.54 Acres), 1997 Revision; Zoned Rural Residential 1 (RR-1); Filed in Plat Book I, Page 994 in the office of the Valencia County Clerk; also known as 16 Estado Road, Los Lunas, NM 87031.

Background: Department Reviews were handed out on September 8, 2017. Multiple zoning violations have been discovered by Code Enforcement Officers. This includes, no permits for current mobile homes, permit assigned for a 1000 gallon septic tank acceptable for a single dwelling of no more than three bedrooms. Additional violations include trash and debris, a number of inoperable vehicles, and growth of nuisance vegetation (weeds). If a second dwelling is allowed, it will need to be assigned an address.

Analysis: The applicant is requesting a Conditional Use in an RR-1 zoning district. Granting this request would allow for a temporary second mobile home on the site to allow for the applicants to provide 24-hour care for a disabled family member(s), until no longer needed. The applicant desires to clean the property and come into compliance with all applicable regulations and then move the existing vacant mobile home off of the subject property and bring in a newer model with a permanent foundation within six months. Based on all available information in the application, the applicants appear to be making every effort to bring their property into compliance with the Zoning Code. The Planning and Zoning Department recommends conditional approval of this request, with the condition being that the applicants develop and implement a plan with Code Enforcement to come into compliance and rectify all current zoning violations with 60 days.

Legal: RR-2 allows for a conditional use of a temporary dwelling pursuant to 154.105(C)(1) (1) Temporary secondary mobile home or residential trailer dwelling, in conjunction with a principal dwelling on the same parcel, only for family members requiring special care, subject to the following: (a) The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;(b) The permit for the temporary home for special care shall be valid for a period of 2 years or shorter period as the Zoning Department determines to be appropriate, provided, however, that the permit may be revoked by the Department at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated; (c) The permit for the temporary home for special care shall be granted to the applicant only and shall not be deemed to run with the land; and (d) Under any circumstances, a second dwelling under this section, and in any RR Districts shall not be approved if the net size of the parcel for the principal dwelling is less than 0.76 acres in size.

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 Conditional Use for a Temporary Second Dwelling to care for a disabled family member with the following conditions:

CONDITIONS:

- 1. The 1968 Redwood 12x50 Manufactured home-VIN 76825012233-be removed from the property*
- 2. The property must be brought into compliance with all applicable county codes. The time frame for this will be determined during a meeting with the Valencia County Community Development Director and the Code Enforcement Department.*
- 3. A septic permit be obtained for the new manufactured home that will be placed on the property*
- 4. A Placement Permit shall be obtained before placing the new manufactured home on the property.*
- 5. The Conditional Use for a Second Dwelling will be valid for 2 (two) years and must be renewed prior to its expiration of September 26, 2019.*

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

MOVED: Commissioner Baca

SECONDED: Commissioner McCartney

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

**Approved 5-0
November 16, 2017**



VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

7) Discussion

8) Next Meeting:

Tuesday- October 24, 2017 @ 3:00 pm

9) Adjournment

MOTION: Motion to adjourn Planning & Zoning Public Hearing

MOVED: Commissioner Gurule

SECONDED: Commissioner Baca

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