



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday September 26, 2023 @ 3:00 pm
Valencia County Administration Building
444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Philip Sublett, Chair	
Ralph Freeman, Vice Chair	
	Gabe Trujillo, Member
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: Trey Cole, Paul Baca, Angelica Espinoza

1) CALL THE MEETING TO ORDER

A. At 3:04 PM Chair Sublett brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

B. Chair Sublett lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

3) APPROVAL OF AGENDA

C. Planning & Zoning Commissioners reviewed the Agenda; Commissioner Moran, informed the board of Commissioners, Overland Engineering LLC requests action item #7 D, Zone Change #2023-076 be tabled until further notice.

APPROVAL: Motion to approve Agenda with changes

MOVED: Commissioner Moran moved for approval with the changes

SECONDED: Commissioner Aguilar

CARRIED: Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar – YES; Commissioner Freeman – YES; Commissioner Sublett -YES).**

4) APPROVAL OF MINUTES September 26, 2023 County Planning & Zoning Minutes.

APPROVAL: Motion to approve Minutes as presented.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Freeman



VALENCIA COUNTY PLANNING & ZONING COMMISSION

CARRIED: Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar – YES; Commissioner Freeman – YES; Commissioner Sublett - YES).**

5) STAFF REPORT: Land Use Planner **Ryan Baca** updated commissioners on the approval status of the zone changes 2023-036 and 2023-037 that went forth to the last Board of County Commission meeting.

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. Greenhouse Overlay #2023-077 (District III, P&Z Commissioner Moran, BoCC Sparkman)

Trey Cole requests a Greenhouse Overlay to construct a commercial greenhouse. Legal Description: Subd: LAND OF GAVINA T GOWER TRUST Tract: D SPACE: M165984 2.95 AC MAP 104 D-5-31 1997 REV; Located at 11 Cherokee Cir, Belen, NM 87002; UPC 1-007-025-320-465-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a Greenhouse Overlay Zone on a property currently zoned Rural Residential 2 (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 Greenhouse Overlay Zone described in section 154.155.

Discussion ensued: Trey Cole requested the issuance of a greenhouse overlay. The property is currently licensed for cannabis production by the state of NM and Valencia County. The proposal is to build a 35x70 (2,450 sq. ft.) T3 automated light deprivation greenhouse to create a more controlled environment and harvest three to four times per year rather than once a year. The Property is fully secured with two layers of privacy screen, window and door sensors, perimeter laser beams by TAS Security. There are two entrances to the property, one leads to a driveway to the south side of the property to the manufactured home, with a 4 ft. entry gate to the production area. The other entrance leads to the front field and ends at a locked 16 ft. entry gate to the production area which allows access of larger machinery and semi- trucks. The electrical will be upgraded to a 400 amp for the proposed greenhouse, water is provided from a metered well. The property has been leveled with berms built along the perimeter of the property to prevent any storm waters from flowing onto neighboring properties or the road west of the property. Four 8"x 16" flood vents will be installed to the east and west end walls to ensure any water that might arise from a heavy storm or flooding will run through the greenhouse. There are no negative impacts to any surrounding neighbors, the closest residential dwelling to the proposed build site is roughly 475 ft., this distance will ensure the noise and smell from exhaust fans will not be noticed by the neighbors. We grow organically and do not use hazardous herbicides, pesticides or fungicides. The production is a fairly small operation not more than 5 full employees, which does not add a significant amount of traffic to the area. Work hours are usually 3 to 5 days a wk. from 7am to 9am and finishing from 12pm-3pm. We deliver all product to dispensaries and



VALENCIA COUNTY PLANNING & ZONING COMMISSION

do not allow for pick up, we do not anticipate any other traffic arising from this proposal. The construction of the T3 greenhouse will provide the stamped engineered plans required by state and county permitting. G&M Solutions, a licensed, bonded and insured contractor will build the greenhouse, Cody Witt who specializes in T3 greenhouses will be assisting with the build and ensure that no mistakes are made during construction, estimated time of completion is 2-3 weeks.

Public Comments: There was one member of the public present in favor of this request. There were two members of the public present in opposition of this request with standing. One member had concerns of having too many cannabis growers in Belen. One member had concerns of strong aromas in the air. One member was very concerned about the growth of traffic.

P & Z Line of Questioning: Commissioners discussed in detail with Mr. Cole's plans behind the construction, and operation of a greenhouse on this property. The clarification on having this request as a zone overlay and not a zone change and the acreage coverage of this overlay. Filtration system (s) compliancy with county and state licensing, safety of neighboring properties, disposal of waste and traffic. **Freeman** opened on the controlling of odor exhausting unto other properties. **Mr. Cole** in response, directly next door where the proposed build site is located, a half an acre of outdoor cannabis is there and there has been no complaints from the two closest neighbors. **Staff**, addressed the board on the clarification on the zone overlay, the total parcel coverage for the RR2 area is 20 percent (and the overlay runs with the owner and not the land). **Aguilar**, questions the concurrency of operations on the half an acre for this size and type of proposed greenhouse. **Mr. Cole** in response, this is a light deprivation greenhouse, it has blackout curtains, that allows trickery to flowers and plants to deal with the sun into flowering into spring or winter, to fulfill the goal of fall and spring runs to get multiple smaller harvests from the outdoor and indoor. Inside the greenhouse on off season will be 500, on the outside is currently 1,250. **Sublett** addresses Cole if all licenses are current and up to date. **Mr. Cole** in response, yes all licenses state and county are current. **Sublett** redirects to the question Commissioner Aguilar brought up on exhaust systems and posed a question to Cole, in addition to the exhaust system is there a Filtration unit installed to negate the odor? **Mr. Cole** in response, no, not at this time, but will consider the installation of a filtration system in the indoor cultivation, and use carbon filters on the exhaust fans to clean the air. **Sublett** redirects to Cole the initial understanding of the overlay coverage is only recommended to the size of the greenhouse and any expansion thereof will need to re-apply for the additional coverage. **Mr. Cole** in response, yes, understood and appreciated the clarification for extended acreage coverage for future plans, but at this time his plan is to start small with one greenhouse and if this plan is successful he may consider more growth. **Aguilar** brought up proper disposal of waste during the harvest. Is the flower stripped off the stalk on the property or taken to another facility? **Mr. Cole** in response, explains the process of waste disposal. The plant is cut whole, then hung, when completely dried the flowers come off the stem, the stem is run through a wood chipper. State rules and regulations say to combine 50% organic materials (garden scraps) and the rest is used for compost. He also invited his neighbors to come out for a tour.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

APPROVAL:

Motion to Recommend Greenhouse overlay zone with conditions added to the Site Design Review, to install carbon filters to the exhaust system in the greenhouse to negate odor.

Recommendation with these conditions.

MOVED: Commissioner Moran

SECONDED: Commissioner Aguilar

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

FOR and 1 AGAINST (Commissioner Moran – YES;

Commissioner Freeman – NO; Commissioner Aguilar – YES;

Commissioner Sublett - YES).

B. Zone Change #2023-069 (District III, P&Z Commissioner Moran, BoCC Sparkman)

Paul and Loretta Baca request a Zone Change from Planned Development District (P-D) to Community Commercial District (C-2) for future commercial development. Legal Description: Subd: RIO DEL ORO Lot: PARCEL A Unit: 46 S: 19 T: 6N R: 3E 51.19 ACRES PLAT J-322; Located at the corner of Manzano Expressway and N Rio Del Oro Loop; UPC 1013034120050; Zoned Planned Development District (P-D)

Background: This request is for a Zone Change from Planned Development District (P-D) 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 Sections 154.061 of the Valencia County Zoning Code.

Discussion ensued: Paul Baca stood before the the board requesting a zone change from PD to C2 for future development of properties located off Manzano Expressway, in between N. Rio Del Oro and Camino La Canda, west to Desert View Elementary and Northwest to Las Maravillas subdivision. The development in this area has potential to grow and provide services and new jobs to the area. To better serve the communities of Las Maravillas, Tome Vista, El Cerro and other Rural areas. PNM, NM Gas and NM Water service provide services to these areas and there is access to the property by three main paved roads. Mr. Baca presented the board with a handout of the surrounding properties showing which ones are developed and undeveloped.

Public Comments: There were two members of the public present in favor of this request with standing. One member mentioned he owns 46 acres with 10 of those acres zoned commercial and is in support of this request, to build more roads and infrastructures. One member lives adjacent to the area and a resident of Pueblitos de Cielo and owns over 70 acres. and is in support of having more services in this area. There were no members of the public present in opposition of this request.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

P & Z Line of Questioning: Commissioners discussed in detail the additional handout and clarification of Mr. Baca's intent for this request. **Sublett** opens with a request from staff to open the map to pinpoint the areas that reflect Mr. Baca's handout, to identify the surrounding areas that would have an impact with this zone change. **Mr. Baca**, in response directed the board to the map and the handout and gave detailed explanation with the color legend of the areas that were currently developed and those areas that were undeveloped. From Manzano expressway to Rio Del Oro. **Moran** requested clarification on his goal to sell or to develop these properties. **Mr. Baca**, in response, to only list these properties and if there happens to be in the near future a potential buyer and a replat is in question, well that would come at a later date. The request today is for commercial zoning on all these parcels and hopefully the end results for the future is to attract more retailers.

APPROVAL:

Motion to Recommend zone change from PD to C2 –
Reccomended

MOVED: Commissioner Moran

SECONDED: Commissioner Freeman

CARRIED: Motion approved on a Vote of **4**

**FOR and 0 AGAINST (Commissioner Moran – YES;
Commissioner Aguilar – YES; Commissioner Freeman – YES;
Commissioner Sublett - YES).**

C. Conditional Use – Home Occupation #2023-075 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Angelica Espinoza requests a Conditional Use – Home Occupation to operate a nail salon. Legal Description: Subd: JOYCE ACRES Lot: 6 1.92 ACRES MAP 81; Located at 4535 Franklin Rd, Los Lunas, NM 87031; UPC 1-007-035-501-192-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a Conditional Use Home Occupation at a property currently zoned Rural Residential District 2 (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 home occupation within Sections 154.168 of the Valencia County Zoning Code.

Discussion ensued: Angelica Espinoza, owner of Hot Mess Beauty LLC stood before the board requesting the approval to develop on this site a nail salon. To place a prefabricated 12x16 shed with an added addition of an 8x10 restroom. The pre-existing septic system can withstand an extra restroom for the business and the shed will be placed 100 ft. from the property line, there will be designated parking for the clients and this will not obstruct traffic laws down Franklin Rd. The products that will be used are



VALENCIA COUNTY PLANNING & ZONING COMMISSION

low to no odor. And neighbors have been supportive, the quality of life in the neighborhood will not be compromised.

Public Comments: There were no members of the public in favor or in opposition of this request.

P & Z Line of Questioning: Commissioners discussed in detail with Angelica Espinoza's plans, renovations of the shed/restroom, septic system (s), ADA compliance and hazardous materials and neighboring support. **Sublett** opens on renovation for the restroom, and the time frame of this added addition. **Ms. Espinoza** in response, as soon as possible according to state board for a nail salon there has to be a sink and toilet and the septic system will be supporting the home and the business. **Freeman** questioned is the shed ADA approved and permitting compliant? Angelica in response, Yes I think so, and no permit is needed to place a shed, just for the building of the restroom. **Moran**, mentioned a placement permit is a requirement. **Sublett** questioned the electrical work done for both structures. **Ms. Espinoza**, in response, Yes, electrical will be done by a friend. **Sublett** electrical work needs state permitting. **Ms. Espinoza**, in response, I will look into it. **Sublett**, requests clarification on hours of operation and neighbor encouragement. **Ms. Espinoza**, in response, Hours of operation are M-F from 8am-6pm, she will be the only one working in the salon and servicing one client at a time with a maximum of 4 clients a day, those clients will have scheduled appointments, no walk-ins. **Sublett** in response, then why advertise hours of operation? **Ms. Espinoza**, in response, It can take up to 2hrs. on one client. **Sublett** redirects on encouragement from neighbors. **Ms. Espinoza**, in response, Yes, when some neighbors received the letter, there has been some neighbors showing their support. **Sublett** makes a suggestion to the business owner to return with her request once she is fully prepared, this will be beneficial to her business plans. **Moran** also recommends staff assist Ms. Angelica with other options and with more information assisting her through this process and return with a solid plan. **Staff**, in response, yes to assisting her with a floodplain review for construction, County and State permitting of the placement of the shed, the building permit process for an added restroom to the shed and information on ADA requirements. **Aguilar** offered to the presenter more time to return with a better plan. **Ms. Espinoza**, agreed, thanked the board and asked to have her conditional use request tabled until she is ready to return fully prepared. (No more discussion on this item).

APPROVAL:

Motion to Table CUHO 2023-075

Approved

MOVED: Commissioner Sublett

SECONDED: Commissioner Aguilar

CARRIED: Motion approved on a Vote of 4

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman – YES; Commissioner Aguilar – YES;

Commissioner Sublett - YES).

D. Zone Change #2023-076 (District III, P&Z Commissioner Moran, BoCC Sparkman)



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Overland Engineering, LLC request a Zone Change from Rural Residential District 2 (RR-2) to Community Commercial District (C-2) to develop a Dollar General retail store. Legal Description: TRACT 85A2B2 S: 31 T: 5N R: 2E TOTAL 2.02 ACRES; Located at the corner of Highway 116 and E Baca Rd in Jarales, approximately 1.85 miles south of S Main St and Highway 116; UPC 1007025072112; Zoned Rural Residential District 2 (RR-2) **Item Tabled** (see motion in Agenda Item #3)

8) Next Meeting: Tuesday October 24, 2023 at 3:00 p.m.

9) Adjournment:

MOVED:

Motion to adjourn made by Commissioner Freeman

SECONDED:

Motioned second by Commissioner Aguilar

CARRIED:

Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner Moran - YES; Commissioner Aguilar- YES; Commissioner Freeman – YES; Commissioner Sublett – YES).**