



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday OCTOBER 22, 2024 @ 3:00 pm
Valencia County Fire 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: Freddie Chavez, Jonna Tate Fluhman, Kees Cieremans and Gary Kessler

1) CALL THE MEETING TO ORDER

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

2) PLEDGE OF ALLEGIANCE

B. Carlos Morales 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 **4 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar-YES; Commissioner Freeman-YES; Commissioner Sublett –YES).**

4) APPROVAL OF MINUTES

D. August 27, 2024 County Planning & Zoning Minutes.

APPROVAL: Motion to approve August 27, 2024 as presented.

Commissioner Moran abstains, she was not present.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Sublett



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

E. September 24, 2024 County Planning & Zoning Minutes.

APPROVAL: Motion to approve September 24, 2024 as presented.

MOVED: Commissioner Moran

SECONDED: Commissioner Aguilar

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

5) STAFF REPORT: Land Use Planner **Ryan Baca** reports on the Board of County Commissioners meeting. For October there were no cases and for November the meeting was cancelled due to early voting. Director, **Melissa Jaramillo** on OAP Invited the public to the Halloween Dance on Tuesday, October 29th from 10 Am-12PM at the Belen Senior Center.

6) SWEARING IN OF PARTICIPANTS

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

7) ACTION ITEM(S)

A. Zone Change #2024-090 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Freddie L. Chavez requests a Zone Change from Rural Residential District 2 (RR-2) to Resource Industrial District (I-1) to operate a winery and vineyard. Legal Descriptions:

- i. Subd: LAND OF BETTE VELARDE Tract: A1 1.11 AC MAP 86 C-5-17 1995 REV; also known as 35 Bunton Rd, Belen, NM 87002; UPC 1-008-034-120-130-000000;
- ii. Subd: LAND OF BETTE VELARDE Tract: A2 1.64 AC MAP 86 C-5-17 1995 REV; also known as 31 Bunton Rd, Belen, NM 87002; UPC 1-008-034-126-150-000000;

Zoned Rural Residential District 2 (RR-2)

Background: This request is for Zone Change from Rural Residential District 2 (RR-2) to Resource Industrial District (I-1).

Discussion ensued: Freddie Chavez requested a zone change in order to allow him to plant a vineyard to cultivate, harvest, process grapes and make wine as permitted in an I-1 District. The Winery, including production and wholesale and retail sales of wine. Mr. Chavez, a licensed Wine Grower mentioned that he operates a vineyard in Socorro County and has been able to process harvested grapes at that location because of an existing crush pad from another Wine Maker, but that is no longer available to him and has made him seek another location to process grapes and make wine. This 3.0-acre horse property in Los



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Chavez has a large barn that can easily accommodate the grape processing (Crush), fermenting, finishing, filtering, bottling corking and labeling. The property has 1.0-acre paddock and four outside stalls, the envisioned planting of a vineyard on this property under the current RR-2 zoning had restrictions on cultivating and processing grapes and made it not possible to proceed. He mentioned he applied for a financial assistance award to assist in the planting of the vineyard, through the Valencia Conservancy District, which later notified him the project had been approved and would be awarded a reimbursement grant of nine thousand dollars towards the creation of a new vineyard, and later was denied because of the current zoning restrictions, the NM Alcohol Beverage Control Divisions could not issue him an off-site location permit for the existing winery license, he missed an opportunity for financial assistance. He made it known to the surrounding neighbors there will be no increase of traffic, no added noise, no increase of water usage, and no dangerous chemicals, cleaners or pesticides will be used that may damage the environment this operation will not interrupt the quality of life. The servers are trained and obtain an alcohol servers license for the consumption of alcohol and will be handled in a responsible manner. Granting this zone change would relieve the hardships which presently exists.

P & Z/Public Line of Questioning: *Sublett*, asked Freddie for clarification on planting, harvesting, fermenting, distribution, on site wine tasting, parking, signage noise nuisance. *Freddie*, yes, the onsite tasting will be by special appointment only and the request will be filled out by only him. The customers will be monitored by trained alcohol servers and he mentioned that wine safety is priority. The signage has been addressed with Public Works Dept. and waiting for the Dept. to do the investigation on the road and has had no response at this time. Customer parking will be on the property and not on the street and there will be no added traffic. Any noise of operations will be coming from a machine called a corker which sounds like a lawn mower. The cultivating and processing of the grapes will be done on the property. the **Commissioners and Freddie**, briefly discussed the operations of the wine tasting room and the responsibilities and safety for the consumption of alcohol and limitations to customers. Also discussed was the amounts of supplies transported on and off the property, added truck traffic through the dog leg run. *Freddie*, no semi-trucks are needed to transport the bottles or raw materials all can be transported in a regular size truck on crates. *Sublett*, on water usage and water rights? *Freddie*, yes there are water rights and the water usage will be used for growing grapes and solutions cleaning the equipment are not harmful. *Moran*, clarifies there are two dog leg runs on Bunton according to the safety and compliance review there are concerns of increase of traffic due to visitors and delivery work vehicles increase which presents multiple hazards, lack of visibility, speed management, collision risks for pedestrian safety, wine consumption and or sales amplifies these hazards. No members of the public were in favor of this request, and 12 members were in opposition of this request, 8 members of the public were present with standing and 4 members of the public submitted letters with standing all were concerned with the increase of heavy traffic the mentioning of the road being narrow, no proper signage, bad lighting decreasing property value. An overall concern was if the zone change is approved to I1 and Mr. Chavez sells the property, what is the next business coming in, and operating a retail business will remove the tranquility of the land. **Commissioner Aguilar**, addresses some of the public's concerns on bad lighting on the road, a suggestion was made to contact PNM for light poles and as for



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the increase in property taxes, the taxes are unknown on property values and that can be addressed with the County Assessor's office.

APPROVAL:

Motion to Deny ZC #2024-090

Passed

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Freeman

CARRIED:

Motion passed on a Vote of 4

FOR and 0 AGAINST (Commissioner Moran—YES;

Commissioner Aguilar— YES; Commissioner Freeman-YES;

Commissioner Sublett—Yes).

B. Zone Change #2024-111 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Jonna and Brandon Tate Fluhman requests a Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2) to construct a home. Legal Description: Subd: LAND OF DON DRIGGERS Tract: 1B1 3.20 AC MAP 83 C-5-1 1995 REV; also known as 5 Racca, Rd Los Lunas, NM 87031; UPC 1-012-036-010-030-000000; Zoned Agricultural Preservation District (AP)

Background: This request is for Zone Change from Agricultural Preservation District (AP) to 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 zone change within Section 154.061 of the Valencia County Zoning Code.

Discussion ensued: Jonna Fluhman presented to the board a request for a zone change from AP to RR-2 for the intent to build a home, not knowing during the purchase of this land the zoning was listed incorrectly, later to find out the property was grandfathered into AP zoning in 2004 and only the acreage of 5.0 acres was exempt and not the use of the property. After some research was made, local farmers in the area informed them the land's price renders farming unprofitable, and residential pricing suggests a more suitable use for the property. Timeless hours and money invested has been made in developing the land and landscaping the property, they have been generously welcomed by the neighbors, in appreciation of the efforts put into the land and they look forward to them building a home. Re-Zoning is crucial because a construction loan has been secured to build the home.

P & Z/Public Line of Questioning: No line of questioning was made. **Staff**, made clarification in 2004 legal nonconforming use (grandfathered in) pertained to the size of acreage and not for the intended usage. There was 1 member of the public with standing in favor of this request and no members of the public in opposition of this request.



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APPROVAL:

Motion to Approve Zone Change #2024-111

Passed

MOVED:

Commissioner Freeman

SECONDED:

Commissioner Moran

CARRIED:

Motion passed on a Vote of 4

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman– YES; Commissioner Aguilar-YES;

Commissioner Sublett- YES.

C. Zone Change #2024-113 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Kees Cieremans requests a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1) to split the property into two 1-acre lots. Legal Description: Tract: 12B S: 18 T: 6N R: 2E 2.00 AC MAP 86, MH ID #M195101; also known as 1028 Peyton Rd, Los Lunas, NM 87031; UPC 1-007-034-490-391-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a 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: Kees Cieremans presented to the board a request for a zone change from RR-2 to RR-1 to split the property into two 1 acre lots. He mentioned his father resides alone in a house and needs assistance with daily care and maintenance of the property due to medical issues and age. The property is a 2.0-acre parcel and has two driveways or access roads, there is currently a vacant mobile home that has one septic and has a shared well which is in the process of being removed, once the mobile home is removed the plan is to replace the septic and drill a new well for a new home, where the mobile home was located. The new home will not exceed 2,400 sq.ft. It is not foreseen to be any negative impacts for the surrounding neighbors only a positive impact for the Father on his quality of his life, not having to worry about being alone or struggling with maintaining his own property.

P & Z/Public Line of Questioning: *Sublett*, asked Kees who was residing in the mobile home. *Kees*, no one lives there, the single wide will be sold and removed so the lot will remain vacant until a decision is made on the zone change. There were no members of the public in favor or in opposition of this request.



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APPROVAL:

Motion to Approve ZC #2024-113

Passed

MOVED:

Commissioner Sublett

SECONDED:

Commissioner Moran

CARRIED:

Motion passed on a Vote of 4

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Freeman– YES; Commissioner Aguilar-YES;

Commissioner Sublett- YES).

D. Zone Change #2024-114 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Gary and Wendy Kessler requests a Zone Change from Rural Residential District 2 (RR-2) to Rural Residential District 1 (RR-1) to split the property into two 1-acre lots. Legal Description: Tract: 38B1B S: 35 T: 7N R: 2E 2.00 ACRES MAP 76; also known as 9 Gall Rd, Los Lunas, NM 87031; UPC 1-011-037-315-070-000000; Zoned Rural Residential District 2 (RR-2)

Background: This request is for a 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: Gary Kessler presented online requesting for a zone change from RR-2 to RR-1 to subdivide the land into two 1 acre lots for the intentions of building their retirement home.

P & Z/Public Line of Questioning: **Freeman**, does the home on the property have road access and is there a mobile home already on the property? **Kessler**, yes a mobile home is on the property but after getting information with planning and zoning the best option to have two homes is to request a zone change. The road access to the back half south side of the property gives access to both properties and off of Orona Rd. there is a second access, there is a shared well and has its own septic and a home will be built on the 1-acre lot. **Sublett**, read the dept. review from Public Works to Kessler, a 40' access would need to be established and cul-de-sac for emergency services. **Sublett**, also questioned if the road was county maintained? **Staff**, no it is a private road. **Kessler**, yes the road easements covenants include a private road. **Aguilar**, added the 40 ft. access is for new development with a cul-de-sac at a 50 ft. radius. **Kessler**, agreed to those conditions. There were no members of the public in favor of this request and 2 members of the public with standing in opposition of this request with concerns of the decreasing of property value, and mentioned the land usage is for irrigated pasture land and not for non-designated lands, this is not part of the county comprehensive plan to facilitate growth. **Staff**, mentioned if this zone change is recommended and approved, Public Works will be going out to the property to check on the roads.

APPROVAL:

Motion to Approved ZC #2024-114



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**Passed with conditions to create a 40ft. Easement and
A cul-de sac with a 50 ft. radius**

MOVED: Commissioner Freeman
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).

8) Next Meeting: Tuesday November 19, 2024 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 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*