



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

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

Tuesday October 24, 2023 @ 3:00 pm  
Valencia County Administration Building  
444 Luna Ave, Los Lunas, NM 87031

| PRESENT   | ABSENT |
|---|--------|
| Philip Sublett, Chair                             |        |
| Ralph Freeman, Vice Chair                         |        |
| Mike Montoya, 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: David Perkins and Maria Marez

#### 1) CALL THE MEETING TO ORDER

A. At 3:01 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 Sublett, informed the board of Commissioners, Thomas Tinnin requested action item #7 B, Zone Change #2023-089 be tabled until further notice.

**APPROVAL:** Motion to approve amended Agenda with changes  
**MOVED:** Commissioner Aguilar moved for approval with the changes  
**SECONDED:** Commissioner Freeman  
**CARRIED:** Motion PASSED on a Vote of **5 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Aguilar – YES; Commissioner Freeman – YES; Commissioner Sublett -YES; Commissioner Montoya-YES).**

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

**APPROVAL:** Motion to approve Minutes as presented.  
**MOVED:** Commissioner Sublett  
**SECONDED:** Commissioner Freeman



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

**5) STAFF REPORT:** Land Use Planner **Ryan Baca** welcomed the new Commissioner, Michael Montoya to the P&Z Commission, now serving district V., also mentioned was Patrick Jojola, former Code Enforcement Officer was hired as court security, he will be missed. At the last P&Z meeting two cases were tabled, one was tabled by the applicant, the other one tabled during the discussion, neither of these applicants have reapplied. Ryan continued to inform the board on changes made to RV regulation for the county, a decision approved by BoCC, these include RV's no longer have a time limit for the amount of time they can stay at a RV Park, and RVs are now allowed as primary residents in a mobile home park. Ryan also mentioned the dept. is now working with Wireless Tower Solutions, a company that will be taking over all wireless towers, permitting applications, any code locations. Amendments to any current or new tower requests will be going through this company, this also amended current fees.

### **6) SWEARING IN OF PARTICIPANTS**

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

### **7) ACTION ITEM(S)**

#### **A. Conditional Use #2023-088 (District III, P&Z Commissioner Moran, BoCC Sparkman)**

*David Perkins requests a Conditional Use to operate an integrated cannabis microbusiness. Legal Description: Subd: HIGHLAND MEADOWS Lot: 15 Unit: 2; Located in Highland Meadows at 71 Fruta Rd, Laguna, NM 87026; UPC 2-016-047-520-040-000000; Zoned Rural Residential District 1 (RR-1)*

**Background:** This request is for a Conditional Use of a property currently zoned Rural Residential District 1 (RR-1) to operate an integrated cannabis microbusiness. Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a conditional use within Sections 154.057 of the Valencia County Zoning Code.

**Discussion ensued:** David Perkins, CEO AAA Cannabis LLC stood before the board requesting a conditional use for his integrated cannabis microbusiness. As one of the first to receive a Microbusiness License, AAA has made all the right decisions in its second year securing the perfect location for its business to grow. AAA Cannabis is a local family-owned business owned and operated. The mission of AAA Cannabis is to produce top quality cannabis products and educate its staff and consumers on the physical relief and mental health benefits of cannabinoids. The conditional use request is for 200 plant production only. AAA Cannabis will vegetate and flower 200 plants. Retail and wholesale will be by delivery only to licensed retail dispensaries in according with New Mexico's CCD. The manufacturing of products will be outsourced. Prior to purchasing the property, we introduced ourselves to the two neighbors we have.



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Both of whom are excited about the local homegrown business to come. The goal is to hire employees within Highland Meadows where there is untapped potential in unemployed residents with experience in agriculture. We have received an outpour of support from family, friends, legislators, Indigenous leaders, Hispanic community leaders, African American business leaders, clergy, and LGBTQ communities. The grow room is in the garage over 500 feet from the nearest public road, in an area of little to no vehicular traffic, not located near any schools, freeways, residential housing, or places of worship. There is one entrance. The property has no signs of any type of production. It appears as it is. A primary residence. The property is completely fenced and armed with ADT security system. AAA Cannabis ensures that the secured areas are accessible only to licensee, licensee representatives, and authorized personnel, service personnel. Only permitted employees will be allowed to enter the facility. The main objective of our security lighting system is to illuminate dark areas on our property and detect and recognize movement in the protected area.

**P & Z/Public Line of Questioning:** Commissioners discussed in detail Mr. Perkins request for a conditional use, to operate an integrated cannabis microbusiness. Matters of security, licensing, waste process, traffic on the property and clarification of this type of use was discussed. **Barbara Garcia** stood before the board as a character witness for Perkins, she spoke of his compassion for networking in the community and mentioned this service will translate into the Highland Meadows. Garcia has no standing; and no members of the public were in opposition of this request. **Moran** asked of staff to identify what a conditional use was and its purpose including inspections. **Staff** in response, provides clarification. If the conditional use is approved, this will run with the owner of the land and it does not run with the land, so if the ownership changes, or the property is conveyed and any uses of the property is changed, then the conditional use is automatically removed and will have to be reapplied. In tonight's hearing is an approval process and the case will be approved or denied, in this case will come up again if Mr. Perkins alters or if the property is changed. The Conditional Use is set for a 2 year review process and after that time staff will review the design standards with the property owner and make sure no changes have been made, and to ensure what was approved is being met. **Moran** asked about state and county business licensing. **Staff** in response, Cannabis Producers are required to be licensed through the state and Valencia County will register the business, the application at this time is pending the outcome of this conditional use request and the production permit will follow next. The zoning verification is initiated as part of the business registration and the initial business registration application allows the business to operate in the county, however in this situation it is cannabis and Mr. Perkins's proposal did not meet the current zoning. After looking over the locational ordinance for cannabis and recreational production, this fit as a conditional use in this area. **Moran** directs question to Mr. Perkins, will customers be going to your facility on this property? **Perkins** in response, absolutely not, this facility is strictly only for production and no manufacturing or retail will be done on this property and as for any changes made in the near future they will be addressed with planning and zoning. **Montoya** asked Mr. Perkins how he would ensure that only proper people can enter his facility and how he can maintain with a sparse service a five minute alert system required by state? **Perkins** in response discussed the security inside the facility and around the property, he mentioned there is a high tech camera system, 16 cameras monitoring the entire place, unlimited T-Mobile service with access by cell



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phone to monitor 24 hrs. a day, motion light detectors at the gate and ADT's 24 hr. Security Alarm System **Montoya** asked how is the monitoring/recording system locked up? **Perkins** in response, Security room is completely secured with an armored steel door, no one is allowed in that room. **Montoya** asked him if he plans on exceeding the 200 plants at some point? **Perkins** in response, No. **Montoya** directs a question to staff, what happens if growth exceeds the 200 plants and will the license grow? **Staff** in response, the conditional use is strictly for a micro production license and if Mr. Perkins does expand to a full production license, then he will have to get this reviewed again. **Perkins** in response mentioned that he has no intentions to make any changes that would violate this conditional use, and mentioned this is more than just a business for him, and the land has sentimental value to him and his family. **Montoya** redirects a question to Perkins, what is your waste policy? **Perkins** in response, when it comes to cannabis there is no waste, all the excess from the plants are used for concentrates. **Aguilar** directs question to Perkins, Are the plants hung and dried?, And what is your disposal of stock waste? **Perkins** in response, Yes I hang and dry the plants and as for the disposal of stock waste, it will be handled according to state laws and will be in compliance. **Montoya** directs question to staff, Does Mr. Perkins have to follow Tribal laws if his property is in Laguna? **Staff** in response, the property is in the unincorporated Valencia County and Laguna is used for the US Post Office, Mr. Perkins is still held to our county's standards and regulations. **Freeman** directs question to Perkins. Is the Technology room secured? **Perkins** in response, yes with an armed steel door and secured with a 300 ft. solar panel gate that closes up the entire property with remote access. **Sublett** to Perkins, what is the rest of the fencing made out of? **Perkins** in response, the fence is a wooden fence. **Moran**, is this a solid wood fence? and is the height 6ft? **Perkins** in response, Yes **Moran** directs question to staff on permitting a fence over 6ft. **Staff** in response, a fence over 6ft would require county and state permitting. **Sublett** addressed the members, if this conditional use is approved, Mr. Perkins must meet all county and state requirements, to meet all standards.

### APPROVAL:

Motion to approve Conditional Use #2023-088

**Approved.**

### MOVED:

Commissioner Moran

### SECONDED:

Commissioner Montoya

### CARRIED:

Motion approved on a Vote of 5

**FOR and 0 AGAINST (Commissioner Moran – YES;**

**Commissioner Freeman – YES; Commissioner Aguilar – YES;**

**Commissioner Sublett - YES); Commissioner Montoya- YES).**



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### **B. Zone Change #2023-089 (District I, P&Z Commissioner Aguilar, BoCC Saiz)**

*Thomas P. Tinnin requests a Zone Change from Rural Residential District 2 (RR-2) to Community Commercial District (C-2) for future commercial development. Legal Description: Tract: 34A2, 34C, 34D, 35A, 35B, 35C, 35D, 35E, 35F, 35G AND 36 S: 32 T: 7N R: 2E 56.21 ACRES M-596; Located on the NE corner of Morris Rd and Shawn Dr. in Los Lunas, NM 87031; UPC 1008037270291; Zoned Rural Residential District 2 (RR-2) **Item Tabled** (see motion in agenda item 3)*

### **C. Zone Change #2023-083 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

*LEMAR Properties LLC requests a Zone Change from Planned Development District (P-D) to Community Commercial District (C-2). Legal Description: Subd: RIO DEL ORO Lot: 8 Block: 51 Unit: 63 .25 AC +/-; Located at the corner of Sutherland Blvd and Highway 47, in Belen, NM 87002; UPC 1-009-029-380-355-000087; 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:** Maria Marez a representative of LEMAR Properties, LLC stood before the board requesting the approval for a zone change, this property is listed for sale, an independent truck driver planning on relocating from Rio Communities plans on purchasing the full acre to build his home and operate his business, he will be parking two semi-trucks and two trailers on lot 8. The lot is not zoned for future use, if the lot is rezoned to C-2 the proposed use will comply with county ordinance for resale of this property. The actual size of the property is .47 acres almost at .50 acres, the property is equipped with access driveways, access point is from Hwy 47 to Sutherland Blvd. east, first lot on the south side of Sutherland Blvd. Lot 8. Electricity directly north of Sutherland 100 ft. Septic and well will come from the 3 adjacent lots 5,6 and 7. Natural gas is on the Hwy 47 directly west of lot 8 an option offered to the owner to use if needed. There will be a minimal impact of noise, because diesel trucks drive down Hwy. 47 daily, no odors, low traffic and no health impact. This property owner can operate his private trucking for key accounts. He will have his two trucks and trailer safely parked on lot 8 which is next door to his future home, lots 5,6 and 7. Ms. Marez also mentioned there are three commercial businesses within a few hundred feet of lot 8 and they have not negatively impacted the area.

**P & Z/Public Line of Questioning:** Commissioners discussed in detail Maria Marez's request for a zone change. There were no members of the public present in favor or in opposition of this request. The discussion was pertaining to the size of the property, point of entrance access on the property for semis and tractor trailers, binding Real Estate Contract and Zoning clarification. **Sublett** opens with a question to Maria, why was there no indication in the application showing that the property was going up for sale as a full acre the combination of 4 lots? and asked if there is a contract between the buyer and the seller? **Maria** in response, the sale is pending the board's final decision for her buyer to get approval to



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build a home and run his business before the contract is signed. **Sublett**, mentioned if the acreage is large enough to build a home and park his vehicles and what happens if the land does not sell, then remains a sliver of land under C-2 a permanent zoning. **Maria** in response, If the sale does not go through then it will be put up for sale as commercial. **Sublett** in response, selling the land at that quarter piece of land would be hard to sell as commercial. **Maria** mentioned she wanted to follow rules of the county for her buyer to build a home and run his business and not have a code violation. **Sublett** directs to staff a question of clarification on the current zoning and If the buyer is not running a business, is he allowed to park his vehicles on the property? **Staff** in response, the property is zoned PD and if there was a home on the property, the buyer would be allowed to park his work trucks, however in this situation this is not identified as a dwelling. What is presented is for the buyer to park his trucks first on this quarter acre then later build a home. **Maria** mentioned the reason for this request is because he needs to sell his home in Rio Communities first before he can build a new home. **Aguilar** directs a question to Maria, what size of home does the buyer plan on building? **Maria** in response, there are no specifications on size of home. **Aguilar**, where will the house be located at? **Maria** in response on the quarter acre lot, the vehicles will be located at the front of property and the home will be in the back of the property. **Sublett** makes a suggestion to Maria to look into changing the zoning to C1 and not C2 it is too abroad, if the sale fails. **Freeman** questions if the boundary survey is correct at a quarter acre. **Maria** in response, yes all the plots are quarter acres. **Montoya** suggests the acreage be at a half acre it makes it more feasible for both parties, business and residential if it gets sold, then it can be more enticing to a bigger business. **Staff** clarifies the acreage is a little more than a quarter acre it is 0.49 acres. **Aguilar** mentions the tractor trailer size is 72ft. in length by approximately 18ft wide. **Maria** requests to table her request for a later date to provide more information. **(No more discussion on this item)**.

### APPROVAL:

Motion to Table Zone Change# 2023-083

**Approved**

**MOVED:** Commissioner Sublett

**SECONDED:** Commissioner Aguilar

**CARRIED:** Motion approved on a Vote of 5

**FOR and 0 AGAINST (Commissioner Moran – YES;**

**Commissioner Moran – YES; Commissioner Montoya – YES;**

**Commissioner Aguilar - YES; Commissioner Freeman-YES;**

**Commissioner Sublett-YES).**

**8) Next Meeting:** Tuesday November 28, 2023 at 3:00 p.m.

**9) Adjournment:**



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233        **MOVED:**                      Motion to adjourn made by Commissioner Freeman  
234        **SECONDED:**              Motioned second by Commissioner Aguilar  
235        **CARRIED:**                    Motion PASSED on a Vote of **5 FOR and 0 AGAINST (Commissioner**  
236        **Moran - YES; Commissioner Aguilar- YES; Commissioner Freeman –**  
237        **YES; Commissioner Sublett – YES; Commissioner Montoya-YES).**