



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Thursday November 17, 2016 @ 3:00 p.m.

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

Valencia County Courthouse Commission Chambers
444 Luna Ave, Los Lunas, NM 87031

Present

Chairman Michael McCartney

Public Works Director-Lina Benavidez-Presenting

Vice-Chairman LeRoy Baca

Commissioner Frank A. Gurule

Commissioner Robert Q. Louie

Commissioner Sue Moran

1) Call the meeting to order

Chairman McCartney

2) Pledge of Allegiance

Commissioner Louie

3) Approval of Agenda

Motion to approve agenda as is: Commissioner Moran

Motion Seconded by: Commissioner Baca

Motion carries 5-0

4) Approval of Minutes

October 25, 2016

Motion to approve: Commissioner Gurule

Motion Seconded by Commissioner Moran

Motion carries 5-0

5) Swearing in of participants

Chairman McCartney

6) Action Item(s)

A) Request for Conditional Use-Second Dwelling

Application: CU #2016407

Applicant: Peter & Serena Weh and Sallie Van Curen

Location: 420 Cordova Road, Los Lunas, NM 87031

Purpose: Remodel of garage for temporary second dwelling to allow for care of elderly mother and disabled sister.

Legal Description: T6N, R2E, Section 8, Map 81; N.M.P.M.; Land of Estate of Rosita S. Cordova; Tract: 3; 2.00 Acres; Filed in Plat Book K, Plat Number 1468, in the office of the Valencia County Clerk; also known as 420 Cordova Road.

This property is located North of Cordova Road off of Diaz Road off Hwy 314

This property falls within District V

County Commissioner Jhonathan Aragon ♦ P&Z Commissioner Robert Q. Louie



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mrs. Benavidez: This is a request for Conditional Use 2nd Dwelling by Peter and Serena Weh. In your packets you should have all the required information pertaining to the application for the Conditional Use Permit. Packets were first handed out for department reviews on November 2, 2016. The applicant is requesting Conditional Use in an RR-2 zoning to remodel half of a detached garage for 24 hour care of disabled family member(s) living next door, until no longer needed. The applicant will then convert the dwelling back into a storage facility. The applicant cannot move a mobile home in due to the dimensions of the property not allowing her to bring one in properly. RR-2 allows for a conditional use of a temporary mobile home.

Mr. Weh: My name is Peter Weh and I am a resident at 420 Cordova Road, Los Lunas, NM. Myself, my wife, and my mother-in-law are the applicants on the request for today. I will introduce my family and allow my mother-in-law to do the majority of the speaking since she has the most information about my younger sister-in-law who we would be providing care for. My wife and I have been residents of the county for a long time. My wife is a graduate of Los Lunas High School and I moved down here with her once we were married in about 1995 and I have been a resident of the county since that time. During that time I have come to know my mother-in-law very well and my younger sister-in-law who is disabled, and over the years we have been very involved as a family. We are a very loving, caring and nurturing family. Now as we are all growing older the time to be more concerned for the ongoing care of my younger sister-in-law...I love my mother-in-law and would like to keep her around forever, but she won't be, so we have to look forward and look ahead to providing a solution for my younger sister-in-law's long term care. My wife is the co-guardian of my younger sister-in-law. My wife is Serena Weh who came up in case she could add any information I may forget to add. I think my mother-in-law would like to speak next.

Mrs. Van Curen: Thank you for having us. My name is Sally Van Curen. My daughter who will be 37 years old soon, she is 36 years old now, has a developmental disability, a medical diagnosis of Cerebral Palsy. In 2002 her father died of a massive heart attack and her world went upside down because she couldn't process what happened. Things changed quickly after her dad died, and my daughter Serena here suggested it might be a good idea for us to get into a stable situation close to them so that when I die she will not have to go through that again and they can continue caring for her. Ted and I had applied for guardianship for Kelly when she was 18 and included Serena on that knowing that there would be a third person in case something happened. We were looking for property that already had a mother-in-law's quarters on it and when we bought the property I began to do some research. I looked into putting a mobile home on the property and two things happened. One, the way the gate is aligned coming into the property, made it impossible to get the mobile home in. The second thing is that a mobile home is already over one-hundred thousand dollars, and I prefer not to leave a debt like that over Kelly or Serena's head. That is why we are in this process and hope that we get approval for it.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mrs. Weh: My name is Serena Weh and I am Kelly's co-guardian and I plan on taking care of her for the rest of her days, or my days, whichever comes first. I am here in case you have any questions for me.

Commissioner Louie: On your drawing that you presented to us...

Mrs. Van Curen: The floor plan?

Commissioner Louie: It's a floor plan. It shows 25 feet wide by 56 feet long. Is this in an "L"? What kind of structure is there now?

Mrs. Van Curen: It's a four bay garage, they are massive bays. One of them has an RV in it that belongs to me and is big enough to hold it, and it is a thirty-eight foot motor home. We are taking two of the bays for our residence. We did have to narrow it down a bit because of the structure and building itself.

Commissioner Louie: The "L" that extends out in one way...I am looking at two...

Mrs. Van Curen: Two bays and the underneath of a loft area that is in there.

Commissioner Louie: This all single level that you are showing me here?

Mrs. Van Curen: Right.

Commissioner Louie: You have two bathrooms?

Mrs. Van Curen: Yes.

Commissioner Louie: Kitchen?

Mrs. Van Curen: Laundry too.

Commissioner Louie: What are your plans for your septic system?

Mrs. Van Curen: The system is already in. We had already started that when we were getting the mobile home. They just have to re-arrange how it was set up. I do have a copy of the permit with me. It's already done.

Commissioner Louie: How many square feet are we talking about here?

Mrs. Van Curen: The original one was about eighteen hundred and is probably down to about fifteen hundred square feet.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Commissioner Louie: This will be twenty four hour care?

Mrs. Van Curen: Yes.

Commissioner Louie: And who is going to do that?

Mrs. Van Curen: I am doing it right now until I die and then she will.

Commissioner Moran: I don't have a question of the applicant's I just have a technical question. Conditional Use Permits are good for how long?

Chairman McCartney: That is up to this Board. Normally the maximum allowed is two years and then they can renew. We can make it a year, but the maximum is two. All they have to do to renew is comply with the Planning & Zoning Department, provided there are not any problems. This application, based on the situation, I think it would be pretty much a simple renewal. That is the way the Ordinance reads.

Commissioner Moran: Thank you.

Commissioner Baca: I have one question. Is it handicap accessible and has it already been approved?

Mrs. Van Curen: No because Kelly is mobile. She walks, She is out in the community today with the community support person. Here major issues are her language and her mental capacity.

Commissioner Gurule: As far as the address, is the address going to be different from the residence, or will you need a different address?

Chairman McCartney: I would think that it would be addressed separately, correct?

Mrs. Benavidez: Based on the review by Rural Addressing, "there are not any issues regarding addressing or E-911 services for this area. The change will not have an impact on traffic of the area. There will need to be an address assigned to the remodeled residence for emergency response purposes. This will be done during the building permit application".

Commissioner Gurule: Thank you.

Chairman McCartney: Mrs. Van Curen, you and your daughter are co-guardians?

Mrs. Van Curen: Yes. The guardianship papers are my husband Ted, myself and Serena.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Chairman McCartney: If I understand the application correctly, it is you and your daughter Kelly because you are her primary care giver?

Mrs. Van Curen: That is correct.

Chairman McCartney: And Mr. Weh, are you going to be doing the construction or are you going to contract out?

Mr. Weh: I am not a construction expert. I can drive a nail and I can run a screwdriver, so I will help, but I will not be at the forefront of it. We will be hiring professional assistance.

Chairman McCartney: What kind of time frame are you looking at?

Mr. Weh: Well, I believe upon approval we are looking at beginning construction immediately and until completion which I don't think would take more than a couple of months at the most.

Chairman McCartney: Thank you sir. Are there any more questions from the Commission? (There were none). Is there anybody who would like to speak on their behalf? (There was nobody). Is there anybody who would like to speak against this? (There was nobody). Mr. Foster I saw you raise your hand when you were sworn in. What would you like to add?

Mr. Foster: They know what they need and are fine.

Chairman McCartney: Any discussion by the Commissioners?

Commissioner Louie: Limitations.

Chairman McCartney: Two years is max. And then they come up for renewal which Kerrie will take care of. Based on any response or disagreements or any problems. If there are none they just come back before this Board and renew it again.

Mr. Foster: The applicants have noted in the paperwork that upon the death of both parties the structures will be removed so it will come back into compliance with one dwelling per property. That is one of the reasons we have that statement in there so they know about that part.

Chairman McCartney: Thank you Mr. Foster. Any other discussion?

Commissioner Louie: Is that granted as a temporary?



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Chairman McCartney: When you have a conditional use on a second dwelling, it can be renewed multiple times. In case of the death of the applicant then everything is null and void.

Commissioner Louie: Then it reverts back to the original and you don't have to make that in your motion?

Chairman McCartney: Yes sir.

Commissioner Moran: I am curious. If something happened, as they are certainly going to be putting some money into this dwelling, such as the bathrooms and kitchen and all that, let's say in ten years things change, could they possibly re-design their current home and bring it into the...

Chairman McCartney: They would have to bring it before the Board. Anything is possible.

Commissioner Moran: Ok.

Commissioner Louie: What if they decide it takes more care than they thought and they move out then it would revert back?

Chairman McCartney: Correct.

Commissioner Moran: Well how would you perhaps...

Chairman McCartney: Lina, you periodically review these Conditional Use Permits to make sure that is the same as what it once was when it was approved. They come up periodically, correct Kerrie?

Ms. Maes: Yes sir.

Chairman McCartney: And the Code Enforcement Officers are sent out to review the situation to see if the conditions are the same as when it was approved or not. They keep a record of that. So if say hypothetically speaking, we approved it for two years, then in two years from now it would be checked on.

Commissioner Moran: Sometimes I ask these questions, most of the time I don't know the answer until you tell me, but really for the people to know what their responsibilities are.

Chairman McCartney: I think by them providing this application and coming to this public hearing, they have all the intentions of doing the right thing.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Commissioner Baca: I have one question for Kerrie. How do you...is there a specific date that you guys have to go and check these conditional uses or is it already established in the computer because I know you can put a time frame on the computer to check every single item that you have.

Ms. Maes: Yes sir, with our system, it allows us to time stamp it so that we can then tell the computer that on this date a letter needs to be sent out. We also keep a file in desk drawer so all conditional uses from 2016, that are two year conditional uses, will be placed in a 2018 file for renewal. Or if the Commission wishes in 2018 those applicants can come back in front of the Commission to request a renewal of their conditional use. We have just been doing the renewals administratively, ensuring all the same documentation is there, that there aren't any property violations and that the same use is still applicable. If anything changes, its reviewed by the Director of Planning and Zoning. It is basically up to the Commission if they agree with an administrative approval by the Planning & Zoning Department Director or whether they would like to review these conditional uses every two years.

Chairman McCartney: I think Kerrie, and I am just speaking for me-I think the Commissioners...they don't get charged again a fee to come before this Board on a renewal, correct?

Ms. Maes: Correct.

Chairman McCartney: I think, especially in this day and age, that everything should be above board and transparent and rather than have the Planning and Zoning Community Development Director make a decision, as you have seen in the past few months, some of those decisions are extremely controversial. I think in having minutes to help a family out is a good idea, and I don't know the other Commissioners think.

Commissioner Baca: I feel almost the same way as you do. However, I have noticed going around the area, I see certain trailers that have not been removed that were supposed to be removed and things that they should have done and haven't done. So I think it would be a good idea that any conditional use that we have should be brought up every two years to just make sure that whatever we propose, that we check on it, so that we know exactly what needs to be done and what needs to be corrected or re-visited in any way.

Chairman McCartney: Let's just have a voice vote of the Commissioners. Do you all feel the same?

Commissioner Baca: Yes.

Commissioner Gurule: Yes.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Chairman McCartney: It would be nice to know without putting it on a new administrator to make a decision that could be appealed to the County Commission. This way we have a public hearing and it is a slam dunk. If they have complied with all the Ordinances and everything is the same we just give them a nod and doesn't cost them any money. Does every body say Aye?

All Planning & Zoning Commissioners: Aye.

Chairman McCartney: There you go Kerrie.

Ms. Maes: Thank you Commissioners.

Commissioner Louie: I would like to make a motion to approve the Conditional Use of a 2nd dwelling for two years as presented.

Commissioner Baca: I second the motion.

Roll Call Vote:

Commissioner Moran: Aye

Commissioner Baca: Aye

Commissioner McCartney: Aye

Commissioner Louie: Aye

Commissioner Gurule: Aye

Motion carried 5-0.

Ms. Maes: You will receive a letter in the mail and the date of that letter starts the fifteen day appeal process, if there is anybody who wishes to appeal. After the fifteen days on that letter is the approval date of your Conditional Use.

7) Discussion

Paul Gabriel Luna, Chief Deputy Assessor, was invited by the Planning & Zoning Department to answer questions the Planning & Zoning Commissioners have had.

8) Next Meeting(s):

December 15, 2016 @ 3:00 pm

January 24, 2017 @ 3:00 pm

9) Adjournment

Motioned by Commissioner Moran

Seconded by Commissioner Gurule

Motion carried 5-0