



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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M-I-N-U-T-E-S
Tuesday January 24, 2023 @ 3:00 pm
Valencia County Administration Building
Commission Chambers
444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Phillip Sublett, Chair	
Ralph Freeman, Vice Chair	
Mark Aguilar, Member	
Sue Moran, Member	
	Gabe Trujillo, Member
Melissa Jaramillo, CDD Director	
Ryan Baca, Land Use Planner	
Cindy E. Nevarez, Community Development Administrative Assistant	
Wendy Wallace, Probate Judge	

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ALSO PRESENT WERE: Casey Carmona, Christine Lucero, Leroy Lucero, Angela Chavez, Raymond Herrera, Ona Porter, Sam Devine, Mark B., Celia Dittmaier, Mathew Chavez, Emily Ashford, Patrice Pena.

1) CALL THE MEETING TO ORDER

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

2) PLEDGE OF ALLEGIANCE

B. Chair Sublett asked Probate Judge Wendy Wallace to lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

3) APPROVAL OF AGENDA

C. Planning & Zoning Commissioners reviewed the Agenda

➤ Action Items B & C combined and presented together

APPROVAL: Motion to approve agenda as Amended

MOVED: Commissioner Freeman

SECONDED: Commissioner Sublett

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



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31 **4) APPROVAL OF MINUTES** December 13, 2022 County Planning & Zoning Minutes.

- 32 **APPROVAL:** Motion to approve Minutes as presented.
33 **MOVED:** Commissioner Aguilar
34 **SECONDED:** Commissioner Sublett
35 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner**
36 **Moran – YES; Commissioner Aguilar – YES; Commissioner Freeman –**
37 **YES; Commissioner Sublett - YES).**
38

39 **5) STAFF REPORTS** Matters of the county were discussed among Commissioners and Staff.

40 **6) SWEARING IN OF PARTICIPANTS**

- 41 • Chair Sublett swore in participants who would be speaking during hearing.
42

43 **7) ACTION ITEMS(S)**

44 **A. Re-Organization of the County Planning & Zoning Commission**

- 46 • **County Planning & Zoning Commission Oath of Office – by Probate Judge Wendy Williams.**
47
48 • **Election of Chair and Vice Chair – (Chair - Commissioner Sublett; Vice Chair – Commissioner Freeman).**
- 49 **APPROVAL:** Motion to reelect Chair Sublett & Vice Chair Freeman.
50 **MOVED:** Commissioner Moran
51 **SECONDED:** Commissioner Aguilar
52 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**
53 **(Commissioner Moran – YES; Commissioner Aguilar – YES;**
54 **Commissioner Freeman – YES; Commissioner Sublett - YES).**
55
- 56 • **Adopt Open Meetings Act for 2023**
- 57 **APPROVAL:** Motion to Adopt Open Meetings Act
58 **MOVED:** Commissioner Moran
59 **SECONDED:** Commissioner Freeman
60 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**
61 **(Commissioner Moran – YES; Commissioner Aguilar – YES;**
62 **Commissioner Freeman – YES; Commissioner Sublett - YES).**
- 63 • **Adopt Robert’s Rules of Order**
- 64 **APPROVAL:** Motion to Adopt Robert’s Rules of Order
65 **MOVED:** Commissioner Aguilar
66 **SECONDED:** Commissioner Freeman
67 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST**
68 **(Commissioner Moran – YES; Commissioner Aguilar – YES;**
69 **Commissioner Freeman – YES; Commissioner Sublett - YES).**
70



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- 71 • **Adopt 2023 County Planning & Zoning Commission Schedule**
72 **APPROVAL:** Motion to Adopt 2023 County Planning & Zoning Commission Schedule
73 **MOVED:** Commissioner Freeman
74 **SECONDED:** Commissioner Aguilar
75 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
76 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
77 **YES; Commissioner Sublett – YES).**

78 ➤ **Action Items B & C Combined and presented together.**

79
80 **B. Variance #2022-122 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

81 Casey Carmona requests a 5’ variance to backyard setback to build a workshop. Legal Description:
82 Subd: CORDOVA ESTATES D-5-20 Lot: 10 D-5-20 1999 REV, located at 8 La Mirada, Belen, NM
83 87002, UPC 1-008-027-375-205-000000, Zoned Rural Residential 2 (RR-2).
84

85 **C. Variance #2022-136 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)**

86 Casey Carmona requests a 5’ variance to side-yard setback to build a workshop. Legal Description:
87 Subd: CORDOVA ESTATES D-5-20 Lot: 10 D-5-20 1999 REV, located at 8 La Mirada, Belen, NM
88 87002, UPC 1-008-027-375-205-000000, Zoned Rural Residential 2 (RR-2).
89

90 **Background:** Casey Carmona has requested to come before the board to requests a 5’ Variance to the side
91 and backyard setback of 15’ to build a workshop.
92

93 **Discussion ensued / P & Z Line of Questioning:** Casey Carmona presented his request for two 5’
94 Variances to the Commissioners. They discussed the purpose of the structure and the reasons for this
95 request. Mr. Carmona stated he would like to store several personal vehicle projects that are pending,
96 to free up the accumulation of vehicles in clear site, and to allow him full access to making a complete
97 full turn with his vehicles on his property. Mr. Carmona stated that due to the county minimum setback
98 requirements of fifteen feet, this building will impose on his placement plan which leads to his variance
99 request. Commissioner Sublett stated that this building exceeds the maximum size of anything set
100 forward. Due to plans that were set forth, concerns from the public, and the possibility the structure will
101 have a commercial use. There were no issues or concerns from public works or fire. There were several
102 members of the public with standing present in opposition of this request.

- 103 **APPROVAL:** Motion to Deny Variance - **APPROVED**
104 **MOVED:** Commissioner Sublett
105 **SECONDED:** Commissioner Freeman
106 **CARRIED:** Motion DENIED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
107 **Moran - YES; Commissioner Freeman – YES; Commissioner Aguilar –**
108 **YES; Commissioner Sublett – YES).**

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111 **D. Zone Change #2022-131 (District V, P&Z Commissioner Trujillo, BoCC Aragon)**
112 Raymond and Theresa Herrera request a Zone Change from Rural Residential 2 (RR-2) to Rural
113 Residential 1 (RR-1) to be able to divide the parcel into 2 lots. Legal Description: Subd: LAND OF
114 VIRGINIA SANCHEZ Tract: 1A2 1.99 ACRES MAP 71, located at 13 Iris Pl, Los Lunas, NM 87031 &
115 15 Iris Pl, Los Lunas, NM 87031. UPC 1-012-038-342-469-000000, Zoned Rural Residential 2 (RR-
116 2).

117
118 **Background:** Raymond and Theresa Herrera request a Zone Change from Rural Residential 2 (RR-2) to
119 Rural Residential 1 (RR-1) to be able to divide the parcel into 2 lots.
120

121 **Discussion ensued / P & Z Line of Questioning:** Raymond Herrera explained to commissioners that he is
122 looking to subdivide his two-acre parcel into two separate parcels. He stated the parcel of land
123 currently has two addresses and they would like to have the second parcel for their son to build a home
124 on. Commissioners discussed lot size, easements, road access and septic. There were no issues or
125 concerns from public works or fire. There were several members of the public with standing present in
126 favor of this request.

- 127 **APPROVAL:** Motion to recommend Zone Change to BoCC - **APPROVED**
- 128 **MOVED:** Commissioner Sublett
- 129 **SECONDED:** Commissioner Aguilar
- 130 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
- 131 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
- 132 **YES; Commissioner Sublett – YES).**

133 **E. Zone Change #2022-134 (District I, P&Z Commissioner Aguilar, BoCC Saiz)** Roy D Mercer LLC
134 requests a Zone Change from Outland District (OD) to Light/General Industrial District 2 (I-2) to
135 develop and represent the property for commercial and warehouse use. Legal Description: Subd:
136 LAND OF HUNING LIMITED LIABILITY LIMITED PARTNERSHIP Tract: PARCEL B 116.30 ACRES PLAT
137 M-305, located 3.75 miles west of I-25 on south side of Highway 6. UPC 1-004-039-210-312,
138 Outland District (OD).
139

140 **Background:** Roy D Mercer LLC requests a Zone Change from Outland District (OD) to Light/General
141 Industrial District 2 (I-2) to develop and represent the property for commercial and warehouse use.

142 **Discussion ensued:** Mr. Mike Mechenbier presented his request to commissioners. He explained that he
143 has several supporting companies interested in developing a warehouse yard or Industrial yard to
144 support the nearby rail park.

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149 **P&Z Line of Questioning:** Commissioners discussed in detail the current use of the property, parcel size
150 and location. The types of future development were also mentioned. Commissioner Aguilar
151 recommended that if this were to be approved he would like Mr. Mechenbier to only excavate the land
152 that is being built on, due to complaints received on other developments of Mr. Mechenbier, he doesn't
153 want to see the entire parcel stripped of all vegetation. There were no issues or concerns from public
154 works or fire. There were no members of the public present in favor of or in opposition of this request.

155 **APPROVAL:** Motion to recommend Zone Change to BoCC – **APPROVED**
156 **MOVED:** Commissioner Aguilar
157 **SECONDED:** Commissioner Moran
158 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
159 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
160 **YES; Commissioner Sublett – YES).**

161 ➤ **Ten-minute recess at 4:58pm**

162 **APPROVAL:** Motion to take a Ten-minute recess – **APPROVED**
163 **MOVED:** Commissioner Sublett
164 **SECONDED:** Commissioner Freeman
165 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
166 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
167 **YES; Commissioner Sublett – YES).**

168 ➤ **Return from Ten-minute recess at 5:08pm**

169 **APPROVAL:** Motion to reconvene – **APPROVED**
170 **MOVED:** Commissioner Sublett
171 **SECONDED:** Commissioner Freeman
172 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
173 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
174 **YES; Commissioner Sublett – YES).**

175 **F. Zone Change #2022-135 (District I, P&Z Commissioner Aguilar, BoCC Saiz)** Roy D Mercer LLC
176 requests a Zone Change from Outland District (OD) to Light/General Industrial District 2 (I-2) to
177 develop and represent the property for commercial and warehouse use. Legal Description: S:
178 22 T: 7N R: 1E LOT - 38 10.00 AC. LOT - 39 10.00 AC. LOT - 43 10.00 AC. LOT - 46 10.00 AC. LOT -
179 47 E1/2 5.00 AC. LOT - 48 10.00 AC. LOT - 49 10.00 AC. LOT - 50 10.00 AC. LOT - 53 10.00 AC.
180 LOT - 57 10.00 AC. LOT - 58 10.00 AC. LOT - 61 10.00 AC. LOT, located 3.75 miles west of I-25 on
181 Highway 6 and approximately 600 feet south of highway 6. UPC 1-004-039-165-165-000000,
182 Outland District (OD).

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185 **Background:** Roy D Mercer LLC requests a Zone Change from Outland District (OD) to Light/General
186 Industrial District 2 (I-2) to develop and represent the property for commercial and warehouse use.

187 **Discussion ensued:** Mr. Mike Mechenbier presented his request to commissioners. He explained that
188 he has several supporting companies interested in developing a warehouse yard or Industrial yard to
189 support the nearby rail park.

190 **P & Z Line of Questioning:** Commissioners discussed within detail the current use of the property, parcel
191 size and location. Commissioners Aguilar requested clarification of our mapping system/mapping
192 information on the individual parcels being presented for a zone change. Land use planner Ryan Baca
193 stated that at this time this request is only for three ten acre parcels, he explained that in a previous
194 meeting that the mapping issues would be resolved through the Assessor's office, that they believe it
195 was a mistake for all of those parcels to be combined as a single tax account. At this current time this
196 correction has not been made therefore the land is showing as one single tax account. Commissioner
197 Aguilar stated that due to the way the Legal description is read he would like to make an amendment to
198 only address lots 38, 39, and 43 for a total of 30 acres total instead of the entirety of approx. 105 acres.

199 ➤ **Motion to Amend Item F**

200 **APPROVAL:** Motion to amend to only address lots 38, 39, and 43 – **APPROVED**
201 **MOVED:** Commissioner Aguilar
202 **SECONDED:** Commissioner Moran
203 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
204 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
205 **YES; Commissioner Sublett – YES).**

206 **P & Z Line of Questioning Continued:** In regards to Departmental reviews, Public works stated that the
207 applicant must obtain permits through NMDOT. Commissioners and the applicant discussed road access
208 in detail. Commissioner Aguilar recommended that if this were to be approved he would like Mr.
209 Mechenbier to only excavate the land that is being built on, he doesn't want to see the entire parcel
210 stripped of all vegetation. There were no issues or concerns. There were members of the public present
211 with standing requesting clarification on access roads and any impact on parcels nearby. County
212 Assessor Celia Dittmaier stated that if this is to pass she would have those parcels taken out and
213 separated so that there isn't any further confused. There were no other members of the public present
214 in favor of or in opposition of this request.

215 **APPROVAL:** Motion to recommend Zone Change to the BOcC – **APPROVED.**
216 **MOVED:** Commissioner Aguilar
217 **SECONDED:** Commissioner Freeman
218 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
219 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
220 **YES; Commissioner Sublett – YES).**

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G. Solar Field Overlay Zone #2022-133 (District III, P&Z Commissioner Moran, BoCC Sparkman)

Prosperity Works requests these Solar Field Overlay Zones.

- Legal Description: Tract: PARCEL E1 S: 33 T: 5N R: 1E 1.58 ACRES 1997 REV
- Legal Description: Tract: PARCEL E2 S: 33 T: 5N R: 1E 1.37 ACRES 1997 REV
- Legal Description: Tract: PARCEL E3 S: 33 T: 5N R: 1E 5.20 ACRES 1997 REV
- Legal Description: Tract: PARCEL E7 S: 33 T: 5N R: 1E 1.44 ACRES 1997 REV
- Legal Description: Tract: PARCEL F1 S: 33 T: 5N R: 1E 1.46 ACRES 1997 REV
- Legal Description: Tract: PARCEL F2 S: 33 T: 5N R: 1E 1.27 ACRES 1997 REV
- Legal Description: Tract: PARCEL F3 S: 33 T: 5N R: 1E 1.26 ACRES 1997 REV
- Legal Description: Tract: PARCEL F4 S: 33 T: 5N R: 1E 1.26 ACRES 1997 REV
- Legal Description: Tract: PARCEL F5 S: 33 T: 5N R: 1E 1.42 ACRES 1997 REV
- Legal Description: Tract: PARCEL F6 S: 33 T: 5N R: 1E 1.36 ACRES 1997 REV
- Legal Description: Tract: PARCEL F7 S: 33 T: 5N R: 1E 1.56 ACRES 1997 REV
- Legal Description: Tract: PARCEL G1 S: 33 T: 5N R: 1E 1.55 ACRES 1997 REV
- Legal Description: Tract: PARCEL G2 S: 33 T: 5N R: 1E 1.36 ACRES 1997 REV
- Legal Description: Tract: PARCEL G3 S: 33 T: 5N R: 1E 1.42 ACRES 1997 REV
- Legal Description: Tract: PARCEL G4 S: 33 T: 5N R: 1E 1.27 ACRES 1997 REV
- Legal Description: Tract: PARCEL G5 S: 33 T: 5N R: 1E 1.27 ACRES 1997 REV
- Legal Description: Tract: PARCEL G6 S: 33 T: 5N R: 1E 1.27 ACRES 1997 REV
- Legal Description: Tract: PARCEL G7 S: 33 T: 5N R: 1E 1.43 ACRES 1997 REV
- Legal Description: Tract: PARCEL H4 S: 33 T: 5N R: 1E 1.53 ACRES 1997 REV

located approximately 1.5 miles south of the Belen Airport and west of Plaza Ct.

UPCs: 1-003-025-253-235-000000, 1-003-025-153-235-000000, 1-003-025-117-250-000000, 1-003-025-194-235-000000, 1-003-025-194-266-000000, 1-003-025-174-266-000000, 1-003-025-174-235-000000, 1-003-025-153-266-000000, 1-003-025-150-250-000000, 1-003-025-214-235-000000, 1-003-025-233-266-000000, 1-003-025-214-266-000000, 1-003-025-253-266-000000, 1-003-025-258-250-000000, 1-003-025-233-235-000000, 1-003-025-278-250-000000, 1-003-025-084-235-000000, 1-003-025-104-266-000000, & 1-003-025-084-266-000000 Zoned Outland District (OD).

Background: Chaberton Energy Holdings Inc. is acting as the agent for Prosperity Works who has requested to come before the board for a Solar Overlay Zone on a property currently zoned Outland District (OD). 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.



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264 **Discussion ensued/P & Z Line of Questioning:** Mark Beverungen presented this request. Chaberton
265 Solar Hidden Mountain LLC project proposes the installation of a solar photovoltaic power generation
266 system on undeveloped land owned by Prosperity Works. Mr. Beverungen went over the design of the
267 project and development phases and noise impact. There will be no impact to air, soil, and water quality
268 with this development. Mr. Beverungen stated the project boundaries will be 31 acres in size. The
269 proposed project is a 5 MW alternating system. This project will also be utilizing the Community Solar
270 program if approved. A site design review would be completed including a grading and drainage plan
271 once the project is approved. Public works does not have any issues with this request but did request for
272 dust control when construction begins. There were no comments in favor of or opposition of this
273 request.

274 **APPROVAL:** Motion to recommend Zone Change to BoCC – **APPROVED.**
275 **MOVED:** Commissioner Moran
276 **SECONDED:** Commissioner Aguilar
277 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
278 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
279 **YES; Commissioner Sublett – YES).**

280 **H. Solar Field Overlay Zone #2022-112 (District V, P&Z Commissioner Trujillo, BoCC Aragon)**
281 TotalEnergies request a Solar Field Overlay Zone. Legal Description: Subd: LAND OF JUANITA
282 SANCHEZ Tract: A, 284.85 ACRES, 2014 REVISION, located EAST of I-25, NORTH OF
283 MEADOWLAKE RD., LOS LUNAS, NM 87031, UPC 1-013-038-414-252-000000, Zoned OUTLAND
284 DISTRICT (OD).

285
286 **Background:** TotalEnergies has requested to come before the board to request a Solar Overlay Zone on
287 a property currently zoned Outland District (OD). Based upon the application and all available
288 supporting information, this request does appear to meet all the applicable standards and criteria for a
289 Zone change. This request was heard and tabled at the October 2022 P & Z hearing.

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304 **Discussion ensued/P & Z Line of Questioning:** Sam Devine presented this request. TotalEnergies is
305 requesting the approval of a Solar Overlay Zone for a community solar project located on approximately
306 285 acres in size. Mr. Devine went over the design of the project and development phases and noise
307 impact. There will be no impact to air, soil, and water quality with this development. Mr. Devine stated
308 the project boundaries will only be 30 acres in size. The proposed project is a 4.2 MW alternating system
309 surrounded by a 6 Ft. chain link barb wire fence. This project will also be utilizing the Community Solar
310 program if approved. A site design review would be completed including a grading and drainage plan
311 once the project is approved. Land Use planner Ryan Baca confirmed that this zone change if approved
312 would be for the entire parcel of land. Public works would like information on the access to the
313 property and request for dust control when construction begins. Fire stated the front main gates must
314 have a 12' wide opening. There were no members of the public present in favor of or in opposition of
315 this request.

316 I **APPROVAL:** Motion to recommend Zone Change to BoCC – **APPROVED.**
317 **MOVED:** Commissioner Sublett
318 **SECONDED:** Commissioner Moran
319 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
320 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
321 **YES; Commissioner Sublett – YES).**

322 **8) Next Meeting:** Tuesday February 28, 2023 @ 3:00 p.m.

323 **9) Adjournment:**
324 **MOVED:** Motion to adjourn made by Commissioner Freeman
325 **SECONDED:** Motioned second by Commissioner Sublett
326 **CARRIED:** Motion PASSED on a Vote of **4 FOR and 0 AGAINST (Commissioner-**
327 **Moran - YES; Commissioner Aguilar – YES; Commissioner Freeman -**
328 **YES; Commissioner Sublett – YES).**
329