



VALENCIA COUNTY PLANNING & ZONING COMMISSION

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M-I-N-U-T-E-S
Tuesday April 25, 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 (Joined Via Zoom/Telephone @ 3:07 pm	
Sue Moran, Member	
	Mark Aguilar, Member
Cindy E. Nevarez, Community Development Administrative Assistant	
Ryan Baca, Land Use Planner	
Melissa Jaramillo, Community Development Director	
Gabriel Luna, Safety & Compliance Manager	

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Also present were: Margorie McConnel, Juan Hernandez, Cimarron Gonzales, Carson Boingas, Charlene Boingas, David Sanders, Dorie Sanders, Angela Romero, Racheal Baxter, Luke O., Boisy Ramirez, Jose Ramirez, David Sanders.

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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 Community Development Director Melissa Jaramillo 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

APPROVAL: Motion to approve Agenda.

MOVED: Commissioner Freeman

SECONDED: Commissioner Sublett

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

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➤ **Commissioner Trujillo joined the meeting @ 3:07 pm**

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29 **4) APPROVAL OF MINUTES March 28, 2023 County Planning & Zoning Minutes.**

30 **APPROVAL:** Motion to approve Minutes as presented.

31 **MOVED:** Commissioner Freeman

32 **SECONDED:** Commissioner Sublett

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

36 **5) STAFF REPORT:** Land Use Planner Ryan Baca updated commissioners on the approval status of the
37 Zone Change requests that have gone before the BoCC. Matters of the county were discussed among
38 Commissioners and Staff.

39 **6) SWEARING IN OF PARTICIPANTS**

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

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42 **7) ACTION ITEM(S)**

43 **A. Zone Change #2023-022 (District V, P&Z Commissioner Trujillo, BoCC Aragon)**

44 Maria Eva Herrera requests a Zone Change from Rural Residential 2 District (RR-2) to Rural
45 Residential 1 District (RR-1) to split the property into 2 lots. Legal Description: Subd: LAS
46 PALOMAS ACRES Lot: 20 2.49 ACRES MAP 71 1995 AMENDED VV ALSO SWMH; Located at 11
47 Palomas Rd, Los Lunas, NM 87031; UPC 1-012-038-475-445-000000; Zoned Rural Residential
48 2 District (RR-2)

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50 **Background:** Maria Eva Herrera requests a Zone Change from Rural Residential 2 District (RR-2) to Rural
51 Residential 1 District (RR-1) to split the property into 2 lots. Based upon the application and all available
52 supporting information, this request does appear to meet all the applicable standards and criteria for a
53 zone change within Sections 154.061 of the Valencia County Zoning Code.

54 **Discussion ensued/P & Z Line of Questioning:** Commissioner Trujillo requested that this action item be
55 tabled due to a member of the public with standing who is in opposition not being able to attend. The
56 Commissioners continued with hearing Ms. Herrera's Zone change request. Ms. Herrera explained that
57 she is presenting for her mother who is presently ill in the hospital and is in need of continuous care. Ms.
58 Herrera stated they were never informed that the zoning of their land had changed, previously they
59 were able to construct a secondary residence stated. Current zoning does not allow for this which leads
60 to this zone change request so she may subdivide the land and later build a home per her deceased
61 father's wishes. Commissioner Moran mentioned the option of a Conditional use 2nd dwelling as an
62 option to care for her mother, Mrs. Herrera is not interested as this would only allow for temporary use.
63 Commissioners discussed road access, ownership history, parcel size, setback requirements, septic
64 systems, and the impact on water. They also discussed the time frame to construct a new home and the
65 zoning of the surrounding properties. There were members of the public present in favor of and in
66 opposition of this request with standing present.

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111 Juan C. Hernandez requests a Zone Change from Rural Residential 2 District (RR-2) to
112 Agricultural Preservation District (AP) for agricultural cultivation. Legal Description: Subd:
113 TINNIN MEADOWS Tract: D1B 5.60 ACRES MAP 90 2004 REV; Located at 12 Tinnin Ln, Belen,
114 NM 87002; UPC 1-007-032-405-240-000000; Zoned Rural Residential 2 District (RR-2).
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116 **Background:** Juan C. Hernandez requests a Zone Change from Rural Residential 2 District (RR-2) to
117 Agricultural Preservation District (AP) for agricultural cultivation. Based upon the application and all
118 available supporting information, this request does appear to meet all the applicable standards and
119 criteria for a zone change within Sections 154.061 of the Valencia County Zoning Code.
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121 **Discussion ensued: Commissioner Freeman recused himself from this action item.**

122 ➤ **Commissioner Sublett Motioned for a break, second by Sue Moran at 3:38 pm to allow the**
123 **opportunity for P & Z staff to obtain direction from Legal regarding Quorums.**

124 **CARRIED:** Motion approved on a Vote of **3 FOR and 0 AGAINST (Commissioner**
125 **Moran – YES; Commissioner Freeman – YES; Commissioner Sublett -**
126 **YES).**
127

128 ➤ **Commissioner Sublett Motioned to reconvene, second by Freeman at 3:47 pm. P & Z staff was**
129 **directed by legal to table this action item due to the lack of a quorum.**

130 **CARRIED:** Motion approved on a Vote of **3 FOR and 0 AGAINST (Commissioner**
131 **Moran – YES; Commissioner Freeman – YES; Commissioner Sublett -**
132 **YES).**
133

134 **P & Z Line of Questioning:** Due to the lack of a quorum this item cannot be heard. Commissioner Sublett
135 motioned to table action item.

136 **APPROVAL:** Motion to TABLE Zone Change - **APPROVED.**

137 **MOVED:** Commissioner Sublett

138 **SECONDED:** Commissioner Freeman

139 **CARRIED:** Motion approved on a Vote of **3 FOR and 0 AGAINST (Commissioner**
140 **Moran – YES; Commissioner Freeman – YES; Commissioner Sublett -**
141 **YES).**
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143 **D. Variance #2023-018 (District II, P&Z Commissioner Freeman, BoCC Richardson)**

144 Gerson Omar Banegas requests a Variance of 12 feet from the side-yard setback of 15 feet to
145 build a shed at 3 feet from the property line. Legal Description: Subd: WEST MEADOWLAKE
146 ESTATES Lot: 11 Block: 1 0.75 ACRE 1998 REV; Located at 21 Cordero Lp, Los Lunas, NM 87031;
147 UPC 1-019-038-161-079-000000; Zoned Rural Residential 1 District (RR-1).
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149 **Background:** Gerson Omar Banegas requests a Variance of 12 feet from the side-yard setback of 15 feet
150 to build a shed at 3 feet from the property line.
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152 **Discussion ensued/P & Z Line of Questioning:** Mr. Banegas received a Code Violation notice regarding
153 unpermitted construction at his property. Mr. Banegas stated that he was unaware of the permit
154 requirements. During the permitting review process, the findings were that a Variance was needed.
155 Commissioners discussed setbacks, the septic system and its location, the structure that was
156 constructed and went over options in modifying the structure in order to meet requirements. There
157 were concerns of the affect that this structure would potentially have on the adjacent property due to
158 the style, location of this structure. During times of rainy weather there would be excessive water run-
159 off that could have an impact on another property. There were members of the public present in
160 opposition of this request.

161 **APPROVAL:** Motion to DENY Variance - **APPROVED.**
162 **MOVED:** Commissioner Freeman
163 **SECONDED:** Commissioner Sublett
164 **CARRIED:** Motion approved on a Vote of **3 FOR and 0 AGAINST (Commissioner**
165 **Moran – YES; Commissioner Freeman – YES; Commissioner Sublett -**
166 **YES).**

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168 **8) Next Meeting:** Tuesday May 23, 2023 at 3:00 p.m.

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170 **9) Adjournment:**

171 **MOVED:** Motion to adjourn made by Commissioner Freeman
172 **SECONDED:** Motioned second by Commissioner Sublett
173 **CARRIED:** Motion PASSED on a Vote of **3 FOR and 0 AGAINST (Commissioner**
174 **Freeman - YES; Commissioner Moran- YES; Commissioner Sublett -**
175 **YES).**