



Thomas M. Aragon
Director

Michael Garcia
Assistant Director

MINUTES
Planning and Zoning Committee Members
Public Hearing
February 5, 2020 1:30 p.m.
Espanola County Complex

- I. Meeting Called to Order:** Meeting was called to order at 1:32 p.m.. by P&Z Chairman, Miguel Trujillo. Introduction of P&Z Committee and Staff Members. Roll call was done, all members were present except for Sam Cordova.
- II. Open Public Hearing:**
Chairman Trujillo opened the public hearing and informed the public of the rules of the hearing and informed all that will give public testimony will be sworn in before they speak. He asked Assistant Director, Michael Garcia to begin with the staff presentation.
- III. Presentation of Staff Report by Michael Garcia.** Mr. Garcia began the staff report with the background and proceeded with findings of fact.

BACKGROUND

Case No: 2020-C002. This application has been made pursuant to the requirements of the Rio Arriba County Design and Development Regulation System, Ordinance 2012-001 (Conditional Use Permit). Applicant Joseph K. Martinez DBA, El Alamo Winery LLC, is seeking approval for the establishment and operation of a Winery and approval of a Wine Growers Liquor License issued by the State of New Mexico Alcohol and Gaming Division. The property is located at 127 County Road 41 Alcalde, New Mexico. A Conditional Use Permit (CUP) for land use category Small Scale Manufacturing is required to establish the proper zoning for the proposed land use.

FINDINGS OF FACT

1. Legal notice for this Public Hearing has been made pursuant to Ordinance 2012-001 by posting a meeting notice placard at the subject property; by sending public hearing notice letters via USPS to adjacent property owners within the 500 +/- foot notice radius and by posting notice on the County website.

2. The subject property is zoned County Rural Agricultural District (CRAD). The entire parcel is within the Irrigated Agricultural Overlay Zoning District (IAOZD). The property is also identified by the County Assessor's UPC# 1-048-128-341-314. The property is not located in a FEMA, Special Flood Hazard Area and does not require additional building restrictions or mitigation.
3. El Alamo Winery LLC, will occupy approximately 900 square feet of work space within an existing remodeled garage with heating, cooling, water and plumbing. The building is currently being used for making wine as a home vintner at less than 200 gallons per year. The proposed activity is to expand the production of wine to commercial quantities of 1000-5000 gallons per year from both home grown grapes and purchased grapes from around the area.
4. A wine tasting room will be opened at the same facility to accommodate sales of wine by the glass or the bottle on Wednesday-Sunday between the hours of 12 noon to 5 pm. A special permit has been issued by Alcohol and Gaming Division for Sunday Sales by the glass or bottle. Parking will be made available on the property for ADA parking and retail guest.
5. El Alamo Winery LLC is applying for a Wine Growers Liquor License through the New Mexico Alcohol and Gaming Division and bonded in New Mexico to produce up to 1000 gallons of wine per year. El Alamo Winery will rely on owner and part time help for harvesting and packaging up to 1100 grape vines on the property.
6. A Public Hearing shall be held by Rio Arriba County Board of County Commissioners to approve or deny the Winegrowers Liquor License use in the County of Rio Arriba, in accordance to State Statue, Section 60-6B-4 of the Liquor Control Act.
7. Based on a site inspection of the property, we find there is sufficient turning radius for emergency vehicles. There is existing building utilities and infrastructure to support the proposed business.
8. New Mexico Environmental Department requires no additional permit for the wine tasting facility. Rio Arriba County Fire Marshal has conducted a site visit and has made recommendations for the wine tasting room safety and operation of the facility. The applicant will abide with these requirements upon opening the wine tasting to the public.
9. According to the applicants, all fruit waste will be utilized as compost and applied back into the vineyards and orchards.
10. The property is served by an on-site drilled water well to be tested for water quality.
11. The proposed winery is consistent with the following goals and strategies of the County's Comprehensive Plan:

Natural Resources - Goal 1: Protect, maintain and strengthen our connection and working relationship with the land and water. Strategy 5: Encourage productive uses of land and water, in order to protect and enhance the viability of agricultural lands within the County.

Economic Development - Goal 2: Identify and promote sustainable agriculture practices, identify new opportunities for new agricultural markets and encourage the construction of agricultural infrastructure to assist new and existing agricultural development and businesses in the County.

Land Use – Goal 2: Inventory and encourage the use of existing facilities and infrastructure such as roads, existing buildings etc. for new development. Strategy 11: Encourage the retrofitting of existing buildings before developing new buildings.

IV. Applicant Presentation: Joseph K. Martinez DBA, El Alamo Winery LLC.

Staff swears in all that are to speak in the public hearing.

Mr. Martinez began his presentation by introducing himself and his background in farming his vineyard. For many years he been producing wine in a smaller scale on his property from his vineyard with approximately 1100 vines. He has the facility and equipment to produce and bottle wine. He would like to expand his production to a commercial level from 200 gallons to 1000 gallons of wine. In the near future he would like to expand his commercial facility and wine tasting to his property near State Road 68 for more exposure for retail sales.

He will obtain a Wine Growers Liquor License to produce and bottle wine, with Sunday Sales Liquor License to allow sales of wine by the bottle or glass on Sundays. He will grow his own grapes and will purchase product from growers in the area. Mr. Martinez will not increase in size at this location, but plans on increasing his product if demand for his product takes off.

Committee member Miguel Trujillo had concerns of ADA parking and ADA bathroom facilities that must meet national handicap regulations and guidelines. Mr. Garcia stated that County Fire Marshal, Alfredo Montoya, conducted a site visit and will make the required recommendations for ADA approval for parking and restroom facilities before allowing general public facility to be used.

P&Z Director, Thomas Aragon recommended a fifth condition of approval based on Committee Member Wilfred Romero comment concerning surface water rights and the use of a domestic water well for commercial use in the winery and the use of the acequia for irrigation of the applicants grape vines. Staff recommends applicant review his domestic water well usage for commercial use in the winery with the New Mexico, Office of the State Engineer. They may require further regulations or possible transfer of surface water rights for change of use from single family domestic use to commercial use. The burden will be placed on the applicant to meet State regulations and local acequia commission requirements. The board wants to be clear that they are not requiring the applicant to irrigate in any particular method or the use of his well is not a requirement of approval of the land use requested. This recommendation by staff and approved by committee members will be added to the conditions of approval for the applicant.

V. General Public Testimony:

There were no others present that wanted to speak for or against the proposed business.

VI. Staff Recommendation.

Mr. Garcia presented the staff recommendations as follows.

STAFF RECOMMENDATION

Based on the Findings of Fact, together with the proposed Conditions of Approval; the Planning & Zoning Department has concluded that Conditional Use Permit No. 2020-C002 is a compatible land use at this location within the CRAD and recommends Approval with the following Conditions.

1. The proposed winery and related business shall be operated in substantial accordance with plans, specifications and representations made and submitted with this Conditional Use Permit application. Any changes in use, volume of production or change of ownership shall be reported to the Planning & Zoning Department for review.
2. Provide to the Planning and Zoning Department proof of approval from NM Regulation and Licensing Department, State of NM Alcohol & Gaming Division for the Wine Grower License and NM Bonding upon approval of the conditional use permit.
3. Schedule a Public Hearing to be held by Rio Arriba County Board of County Commissioners to approve or deny the Winegrowers Liquor License use in the County of Rio Arriba, in accordance to State Statute, Section 60-6B-4 of the Liquor Control Act.
4. El Alamo Winery LLC, shall obtain and maintain a County Business License and keep current the Rio Arriba County Liquor License Tax permitted by Resolution No. 2018-052 and subsequently yearly resolution upon persons holding any State Liquor Licenses, payable in advance on or before July first. The fee shall be paid each year, currently imposed in the amount of \$250.00.
5. Staff recommends applicant review his domestic water well usage for commercial use in the winery with the New Mexico, Office of State Engineer. They may require further regulations or possible transfer of surface water rights for change of use from single family domestic use to commercial use. The burden will be placed on the applicant to meet State regulations and local acequia commission requirements.

VII. Decision on Case No. CUP 2020-C002.

Chairman Trujillo, closes public testimony and calls for the question to approve, deny or approve with condition. A motion to approve was made by committee member Leonard Valerio, seconded by Wilfred Romero, all voted 6-0 to approve case #2020-C002, with staff and committee recommendations.

VIII. Adjournment: Chairman Trujillo adjourns the public hearing at 2:30 p.m.

IX. New Business,

Chairman Trujillo discusses the Chairman position was to be filled by Mr. Trujillo for a period of one year and that time has expired. Committee Member Jose "Coco" Archuleta as Chairman Elect has agreed to fill the position and has accepted the position as Chairman for a period of one year beginning February 5, 2020. Chairman Archuleta asks for nominations for Vice Chairman to fill the position as Chairman Elect after the

one year period expires. Nomination was made for Leonard Valerio a second, all in favor, motion carries for Leonard Valerio as Vice Chairman Elect.

X. Presentation: Cristina Caltagirone, Special Projects Coordinator, Economics Development Department.

Mr. Garcia explained that the County Comprehensive Plan was last updated in 2014 and must be updated every five years. The purpose is to receive any type of federal funding and to keep the county focused on long range planning and the direction of existing and potential growth within the County. Mr. Garcia introduced Ms. Caltagirone, she began her power point presentation concerning the Comprehensive Plan update, overview and process that will be addressed soon.

Ms. Caltagirone, described the Achievements in the County from 2014–2019 in the following categories: Agricultural Development, Commercial Expansion, Infrastructure, Energy, Climate Change, Hazard Mitigation, Oil and Gas Lost Revenues. She explained why the comp plan is revised, how the public can get involved and how the comp plan is utilized. The comp plan in a working document but does not create or change any laws, regulations or requirements, but recommends strategies for achieving goals and identifies gaps in ordinances that need revising. The Economic Development Department and the Planning and Zoning Department will collaborate there efforts to coordinate community meeting throughout the County to gather public input.

P&Z committee members engaged in questions and answers with Ms. Caltagirone concerning future growth patterns for commercial zoning. Committee members had questions concerning future P&Z meeting, Mr. Garcia stated that meeting are generated by applications presented to the department for approval of land use change or other matters that need a public hearings before the commission. If applications are not submitted a public hearing will not be scheduled for that month.

XI. Motion to Adjourn.

Chairman Valerio made a motion to adjourn, all in favor, time was 2:30 p.m.

Planning and Zoning Committee, Chairman Date: _____

Planning and Zoning Department Signature Date: _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____ 20_____,
BY _____

State of New Mexico }
County of Rio Arriba }

Notary Public: _____ Date: _____

Notary Public Commission Expires on _____