

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**Public Hearing Meeting**

**June 8, 2005**

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
	Paul Edward Trujillo, Member
Ron Gentry, Member	
Lynette Stublefield, Member	
	Michael R. Trujillo, County Manager
Wimberly Law Firm, County Attorney	
	Tina Gallegos, County Clerk
Press and Public	

Chairman Mary Andersen called the meeting to order at 5:00 PM.

**Chairman Andersen asked Ruben Chavez to lead the Pledge of Allegiance.**

**Approval of Agenda**

Commissioner Gentry moved for approval. Seconded by Chairman Andersen. Discussion. Commissioner Stublefield asked to change a non-action item to an action item in reference to the resolution pertaining to fire danger. Chairman Andersen said she did not want to change a precedent that has been working well for this Commission. Commissioner Gentry agreed. Commissioner Kirkham said she did not have a problem with it due to the essence of time. Chairman Andersen called for the vote on the approval of the agenda as stands. Commissioner Gentry voted yes. Chairman Andersen voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted no. Motion carried 3-1.

**Public Requests**

Robin Arthun, Molina Rd in Peralta spoke on a concern with dump trucks coming down his road. He would like to see a restriction on this because they are tearing up the road and are a nuisance. Mr. Arthun said he followed one of the trucks and spoke with the driver and was told he saves fifteen minutes going that route. This is from La Ladera to Molina Rd and to Hwy 47. Mr. Arthun said his concern is the people living in that area.

Commissioner Trujillo arrived at 5:10 PM.

Sally Perea, Chief Deputy Clerk gave the oath to the person or persons giving testimony on tonight’s public hearing meeting.

**Discussion (Non-Action) Items**

**Public Hearing Items:**

**Ordinance 2005- \_\_\_,”An Ordinance Relating to Motor Vehicles and Traffic – Mike Trujillo Prohibiting the use of engine retarders (Jake brakes) in designed locations, providing an exemption and setting forth penalties”**

Cyndi Wimberly spoke on behalf of County Manager, Mike Trujillo. At a previous meeting this Commission requested staff to prepare an ordinance regarding Jake brakes and this was done. The Commission did have changes and those changes are reflected before you. The ordinance was published and now ready to be heard. Commissioner Gentry said this accomplishes what he wanted. This ordinance reflects the restrictions and is very well drafted. **Exhibit A**

Dorothy Duncan said the trucks that Mr. Arthun was speaking of are using Jake brakes all the time and this causes a nuisance.

**Resolution 2005\_\_\_, Relating to Fire Dangers, Declaring Extreme or Severe Drought Conditions in the Unincorporated Area’s of the County & Declaring Restrictions on the Use & Sale – John Cherry**

Charles Eaton, Deputy Fire Marshal for Valencia County said this is an issue that the Fire Marshall’s Office has considered for four weeks. Mr. Eaton said they approached administration three weeks ago in regard to this issue. Mr. Eaton said administration had ample time to get it on the business agenda meeting of June 3, 2005. It had been put on tonight’s public forum agenda so the public could have input. Mr. Eaton said there was a breakdown in how the format or process is done in regard to a public meeting where they are only non-action items that are heard. This is unfortunate because public safety is at hand and public procedure is only hampering the safety of this County. There are misconceptions of city ordinances versus county ordinances. Mr. Eaton asked if the Commission would reconsider and take action or if not this would be a dead issue. **Exhibit B**

Andrew Camillo, Code Enforcement Director, spoke on reconsideration of the Commission's process to take action on this issue. Mr. Camillo said if we do not enact a resolution as the largest land mass entity, we will not be able to take advantage of what appears all entities within the County are moving towards and that is to ban certain aerial fireworks. Mr. Camillo said as per the National Weather Service, we are still in a drought.

Chairman Andersen said this issue has come before the Commission every year since she has served on this Commission. What we should be doing is not a resolution but an ordinance and make it a permanent ban on fireworks in the County. The fire danger just doesn't happen on July 4<sup>th</sup>. Chairman Andersen said this Commission will not take action on this issue tonight.

Charles Eaton said we failed to adequately represent this issue and he will make it a point that come July 5<sup>th</sup> within 60 days, an ordinance will be drafted for consideration and mirror what the City of Belen has already done.

**Amend Zone Maps from – Ruben Chavez**

**I1 to I3, Tract 35-A-AKA 3543 Hwy 116 Belen, NM – Georgia Scovill**

Mr. Chavez said this issue is a request to amend zone maps from I1 to I3. Mrs. Scovill owns the property and would like to rezone her property to an I3, so that she can come into compliance with the existing wrecking yard. However, that permit terminated long ago and Mrs. Scovill is attempting to resume operation. The Zoning department cited Mrs. Scovill for running an illegal salvage yard. Mrs. Scovill submitted an application for a permit and is in compliance today. Planning and Zoning Commission took testimony and recommended a denial with a vote of 3-0. **Exhibit C**

Georgia Scovill said she is trying to comply with the County and does not do a wrecking yard business there any more. She does have about twelve to fifteen vehicles stored on her property and this is what she wants.

Christina Parker said she lives across the ditch bank and directly behind the wrecking yard. Ms. Parker said there are more than twelve cars on her property at this moment. Ms. Scovill has not addressed clearly what her intent is. Ms. Parker said she attended last October's meeting and she was amongst one of the persons that spoke on the issues of burning of materials. Ms. Parker said she would not like to see it go from I1 to I3 because it would pave the way for others to come in and do a highest nuisance also. If she is allowed to continue she needs to get the proper license.

Richard Chavez said he lives north of the Scovill property and he was here to object to the wrecking yard but she has since changed her mind and now wants a storage unit. Mr. Chavez said he just wants to be known as being against it being zoned an I3.

Chris Maestas said he lives across from Ms. Scovill. Mr. Maestas said that Ms. Scovill is a very nice lady but doesn't feel she knows what she wants on her property. Since she changed to only storage for a C2 and not an I3 he really would not want C2 either because he sees it as an excuse to continue doing what they are doing. Mr. Maestas said this business runs all night with traffic running all hours of the night. This property is an eye sore, trash everywhere and sometimes it lands on his property and he does take it to the landfill paying for it himself. Mr. Maestas said they shine the lights directly into his house and this is a nuisance. They crush cars and burn toxic materials there on the property. Mr. Maestas said his property value goes down with this type of property by him.

Rachel Maestas said she wants to reiterate what her husband, Chris Maestas just spoke of. Ms. Maestas said this property is an eyesore, this is a farming community and the value is going down on everyone's property.

Commissioner Trujillo asked Ms. Scovill's permission to do a site visit and she answered that they may.

Jim Duncan said he is neither pro or con on this issue but did operate Valencia Auto Salvage for thirty years in Valencia County. There are expressed state laws for auto dismantlers and feels that while Mr. Scovill was alive he probably had this type of license. There are specific rules and regulations that must be followed to the letter. The County should look into enforcing these state regulations.

**RR2 to RR1, Tract 2, AKA 04 Vista Hermosa, Peralta, NM – David/Roberta Sanchez**

Mr. Chavez said this issue is a request to amend the zone map from RR2 to RR1. Mr. Sanchez owns the above-mentioned property and would like to rezone his property so that he could split his property and create two lots. Planning and Zoning Department took testimony and recommended a denial with a vote of 4-0. **Exhibit D**

Gerald Salazar, 18 Vista Hermosa lives two lots over from where this split is proposed. Mr. Salazar bought his property three years ago and stated he is against the split of this property. On this property they propose to put a modular home but the majority of the property are built homes. Mr. Salazar presented a petition of the surrounding neighbors against the split. The road entry is too small and this area was not designed for this, plus there is no fire protection for that area. Mr. Salazar said his concern is property depreciation and a concern with the septic system.

Javier Sanchez said he is Mr. Salazar's neighbor at 16 Vista Hermosa and he also is against the split of this property. He would like to see it remain rural and kept this way in the future.

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**RR1 to C2, Tract of Land E & across Chical Lateral of Tr.6-38 & portion of E or Chical Lateral Private Claim #719 Located off Meadowlake Road – Los Lunas – Jimmy/Dorothy Duncan**

Mr. Chavez said this issue is a request to change the zoning from RR1 to C2. Mr. & Mrs. Duncan own the property and would like to rezone for the purpose of removing the mobile home park and placing storage units. Planning and Zoning heard this request and took testimony and recommended approval of the request by a vote of 4-0. **Exhibit E**

Mrs. Duncan spoke and said due to her husband's health problems they would like to rezone this property and will eventually phase out the mobile home park and place storage units. Mr. Duncan said they will benefit the County by not polluting the ground water and removing the septic system in the mobile home park. There are 28 spaces there and they are currently phasing out by not renting out the spaces.

**RR2 to C2 zoned RR1, Unit 8, Blk C, Lot 22 Highland Meadows – Terry Fox**

Mr. Chavez said this issue is a request to change the zoning from RR1 to C2. Mr. Fox, from Cross Country Propane would like to operate a propane business on this property. He believes that operating from this location will not only be more economical but also provide a more reliable service to the community. Planning and Zoning heard this request and took testimony and recommended approval with a vote of 4-0. **Exhibit F**

Terry Fox was not present.

**Amend the Master Plan from Open Space to Residential – Tr C Rio Del Oro, Los Lunas – Manuel Martinez**

Mr. Chavez said this issue is a request to amend the master plan from open space to residential. Mr. Martinez owns this property, which is currently zoned open space that is detailed in Section 6.3 of the interim-zoning ordinance. Mr. Martinez is requesting designating his property to residential in the planned development. Planning and Zoning heard this request and took testimony and recommended a denial with a vote of 5-0. **Exhibit G**

Sam Herbert representing Mr. Martinez spoke on his behalf. Mr. Herbert presented a chronology report for the Commissioner's to review. It contained a history that started with the application to amend the master plan of Unit 54 Rio Del Oro which was filed by Mr. Martinez in 2003. There are findings and conclusion of law from the July 15, 2003 hearing, a letter ruling from Judge Pope, which is dated January 3, 2005, and two pages of the 2004 county ordinance pertaining to this request. The 2004 ordinance is applicable now but last year the 1999 ordinance was in effect. Based on the ordinance specific requirements on pages 110 and 111, Mr. Herbert said they have complied with stages one and two and have submitted all the information to Planning and Zoning. Mr. Herbert presented a site map prepared by Quick Draw dated March 30, 2005. This map designates five lots that are proposed to be rezoned from open space to R1. Mr. Herbert said he believes all the information that was provided on the conceptual plan as well as the memorandum that he has prepared to the P & Z Commissioners satisfy all requirements under the new ordinance with regard to stages one and two.

Chairman Andersen said as she reviews what is before her there was no disagreement with P & Z will all the facts that have been presented. The one thing in question is that the site plan does not have enough detail information for them to be satisfied and the Commission wants to see a plat as if this was a full subdivision. Drainage plans and roads are not on this site map and these are issues that have been brought up before.

Mr. Herbert said the conceptual plan addresses all of those issues. Based on the requirements of the 2004 ordinances conceptually this is all that needs to be provided at this stage. Additional information would be required following the approval. Discussion ensued with Commission review of the site map.

Mike McCartney on behalf of Valley Improvement Association and Las Maravillas said they are not against the development. But what they want is specifics, is it going to be mobile homes, who was going to control the covenants, who is going to control the drainage and what about the fencing? We are where we were three years ago, they are not even sure on the covenants.

Mr. Gabaldon said there is already a trailer on there and it is nothing but trailer trash and asked that the resolution not be passed.

**County Manager's Report**

Mr. Steininger on behalf of Mr. Trujillo said there was no report at this time.

**The next Business Meeting of the Valencia County Board of County Commission will be held on Friday, June 17, 2005 at 9:00 AM in the Los Lunas Schools Consolidated Board Room.**

**Adjournment**

Adjournment at 7:00 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
MARY J. ANDERSEN, CHAIR**

**ss/  
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/  
PAUL EDWARD TRUJILLO, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE STUBLEFIELD, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: June 17, 2005**