

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

July 13, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Pinkston, 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 led the Pledge of Allegiance.

Approval of Agenda

Mr. Trujillo asked that item 7, County Manager's Report be deleted, as he will be leaving the meeting early. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

Public Requests

None

Discussion (Non-Action) Items:

None

County Clerk, Tina Gallegos read the oath to the public giving testimony on tonight's items.

Public Hearing Items

Amend the Master Plan from Residential to Commercial – Blk. 1, Unit 2, Lot 1-A – Kim Gardner/Ruben Chavez

Mr. Chavez said this request is to amend the master plan from residential to commercial. Mrs. Gardner owns the above-mentioned property and would like to rezone her property for the purpose of coming into compliance with the existing business. The Gardner's operate a plumbing business. Previously a building permit and zoning approval were granted by the County for Rio Grande Landscaping. The Planning and Zoning Commission listened to this request and voted to recommend approval of 4-0. Mrs. Gardner was present. Mr. Chavez recommended approval. **Exhibit A**

RR2 to I2 – Tr. 1 Lands of Larry Miller AKA 599 Jarales Rd Belen – Larry Miller/Ruben Chavez

Mr. Chaves said this request is to amend the zone maps from rural residential to industrial. This case was heard a year ago and as our ordinance states, after such time an applicant is allowed to reapply. Mr. Miller owns the property and would like to rezone his property for the purpose of putting railroad tracks and a feed storage facility. Mr. Chaves said the site plan has been revised. The Planning and Zoning Commission took testimony and recommended approval with a vote of 4-0 with the condition a 100-foot buffer with a 30-foot landscaping buffer on the west. **Exhibit B**

Larry Miller presented a map for the Commissioners to review. He owns Big River Grain in Belen and is family operated. Mr. Miller said he is a farmer from Illinois and moved his family to New Mexico in 1986 for his health. Mr. Miller explained how he started his business when viewing a truck delivering grain from Kansas and he thought why not deliver it using the railroad system. Mr. Miller got together with the dairies, grain companies, and the railroad officials to put this into place. It took a year to get the organization set up. Mr. Miller said in 1991 is when the deliveries started. In the fourteen years Mr. Miller said his business has grown and now has three semi-trucks delivering feed and leases four rail cars from the railroad. The railroad has stringent laws that state unloading has to be done within 48 hours and if they go longer than the allotted time a stiff demurrage is in place. Mr. Miller said he has had to pay over \$15,000 in demurrage costs. Mr. Miller said they have bought twelve acres for his business but is zoned residential and would like to change it to industrial I2. Mr. Miller said that P & Z approved it with conditions that he fence in 100 ft along the south and east and 30 ft along the west for a landscape. He has figured that out to three acres, which is 25% of his property to be fenced off. That would take water, and how could it be maintained? If P & Z would have measured that off they would agree that it is a little too much. They have revised their plans to show a buffer zone and added 25% more trees. Mr. Miller said if this zone change is approved he will move the operation indoors. It will reduce the noise level and will eliminate the need for explosives. He has used explosives in the past because the grain will not flow out of the rail cars

and he has developed a safe way to use explosives to loosen the grain from these cars. Mr. Miller said he does have a federal explosive license. It will be clean and will not blow the grain around. It will be better to control the rodent problem inside. Mr. Miller said being inside will be safer. Mr. Miller read supportive recommendations from different businesses that he deals with.

Commissioner Gentry asked if the request that Mr. Miller was presenting now, was the same that had gone before the Planning and Zoning Commission? Mr. Miller said he is recommending that we alter the buffer zones. Commissioner Gentry said if we do not alter Planning and Zoning's request would Mr. Miller have a problem with this. Mr. Miller said he would. Commissioner Gentry said this put them in an awkward position for him to go through the process and get down to the final presentation to the Commission that it is different. Maybe the Zoning Commission would have voted differently if these items were presented.

Chairman Andersen asked Mr. Chavez to explain what the Zoning Commission wanted there. Mr. Chavez said the presentation is basically the same but the applicant is asking to modify the condition. What the Zoning Commission wanted him to do is a 100 foot landscaping barrier on the south and east of the property, a creation of a 30 foot landscaping barrier on the west of the property, that the landscaping barrier be established with vegetation so it provides a year round visual.

Leon Stock from the Estancia Valley said he purchases feed from Mr. Miller. It has saved him a lot of money and is very beneficial to him and he is in support of this request for zone change.

Robert Chavez, 575 Jarales Road said he is Mr. Miller's neighbor. Mr. Chavez said he is in opposition to the use of the property as it is being planned to use. He does not like the type of business coming in. Mr. Chavez said the plan that Mr. Miller is giving tonight is different than the Planning and Zoning meeting to where they made the alteration or condition. What P & Z wants will take about 30 years to put in that type of buffer. This will be an open sore and will take a lot of years for these trees to grow. The chief concern is being zoned industrial and he wants this property to remain rural. Mr. Chavez said that Mr. Miller's business has grown with the trucks, there are more of them now and a concern is the explosives. Mr. Chavez said his property value will go down because nobody will want to buy in an industrial area.

Albert Carrillo, 580 Jarales Road asked if there is any accountability for the Planning and Zoning people, do they have to answer to anyone? Chairman Andersen said the ultimate decision comes to the County Commission. Mr. Carrillo said he did not get the answers he was looking for and things left out of the minutes. Chairman Andersen asked how does this affect this item tonight? Mr. Carrillo handed out a copy of last year's Zoning Commission minutes to each Commissioner for review. Mr. Carrillo asked why did the two Zoning Commissioners change their minds because the minutes reflect them voting against the request.

Eugenio Padilla, representing Padilla Farms said he lives at 570 Jarales Road in Jarales. Mr. Padilla said this issue has been gone over and over and what you have is a supplement and describes designs for a grain elevator; it explains everything about hazard waste, materials, parts, and grain dust. Mr. Padilla said to put up a building with a grain elevator is considered an I3. Mr. Padilla said he and his neighbors do not want this building because it is too big.

Beatrice Jojola lives north of where the Miller's are planning to put this building. Ms. Jojola said she has small children and her concern is the explosives. She understands they have been eliminated but in the past she has heard them go off and it shakes the windows in her home along with the noise. She does not want to listen to the noise because if she plans to sell her property the values will go down.

Jennifer Carrejo 589D Jarales Road said her property faces north towards Mr. Miller's property. Ms. Carrejo said she opposes this request no matter what decision is made or if it is altered she will still oppose it. Ms. Carrejo said at first the noise was minimal but gradually the noise has been tremendous. It will take about 30 years for those trees to grow to be a buffer. Ms. Carrejo said she wants her property to remain rural and everything was quiet. Ms. Carrejo said if the request is granted there will be rodents and this will be another concern. The big trucks grind their gears going down the road. The grain flying around produces a problem because her son has asthma. Ms. Carrejo said the road conditions are bad also.

Anthony Zimmerman said he lives in the area and finds that the noise is not a problem. The noise that happens in the rail yard, banging of the cars as they switch is louder but you get used to it. There is a lot of traffic within the railroad; they haul their big loaders and wide loads. Mr. Zimmerman said he has known Mr. Miller every since he was nine years old and he is a very particular person, takes care of his equipment, his properties, and you won't see an eyesore in his community. He would improve the property.

Holly Wilbur, partner in HAW Farms thanked the Commission for letting her speak this evening. Ms. Wilbur said HAW Farms had been a customer of Big River Grain for five years. The Miller family is dependable, honest, make deliveries in a timely and cost effective manner and are good neighbors. She lives near the residence not near the facility. She supports Mr. Miller's request for rezoning. Ms. Wilbur handed out a study done by the New Mexico Rural Development Response Council Commission. In April of 2004, using census data from 2000, the study indicates a demand for

secondary agriculture and forestry support activities, which Big River Grain provides, exceeds the supply by four and a half times In Valencia County. Clearly, this small business expansion is helping to meet the demand in Valencia County by creating jobs and generating revenue. She hopes the commission will support this rezoning.

Donald Chavez, 6 Jaramillo road said his property is northeast of the Millers site. His home is about 1000 feet from the site. His main concern is the noise and if he were able to remedy by taking it inside a building and reducing that humming sound, then that would be good for him. He has eleven acres in an agreement with the Fish and Wildlife Service and wants to preserve the peace and quiet. Mr. Chavez said he has planted several hundred cottonwood trees and he is willing to help out in this area.

Michael Gorky said he owns a small business in Bosque Farms and is here tonight as a character reference for Mr. Miller. He has known Mr. Miller for two years and the complaints he has heard tonight especially the property being a eyesore or rundown is not going to happen. He takes great pride in his job and his family. He is community oriented and will do his very best to make sure this does not happen to his property.

Chairman Andersen asked Mr. Miller is his operation all in the open air? Mr. Miller said this is correct. Chairman asked if this is approved will it be enclosed and Mr. Miller said that is right. Commissioner Trujillo asked does this constitute expansion of the existing operation? Mr. Miller answered yes and no because yes, it would include trackage because he has room for four cars and no he would have room for 10 or 15, but as far as more business then no. Commissioner Gentry said if he does do this building according to code then this would eliminate the need for explosives. Mr. Miller said yes and would eliminate the noise and dust contamination.

Greg Gutierrez 589 Jarales Road said Mr. Miller intends to spend all this money and not grow?

RR2 to C1 – Tr A Land of Harley E. Tile, AKA 11 El Cerro Rd Los Lunas, George Parker/Ruben Chavez

Mr. Chaves said this request is to amend the zone map from RR2 to commercial class 1 or C1. Mr. & Mrs. Parker own the property and would like to zone their property for the purpose of reinstating the commercial status to operate a Beauty Shop. On June 15, 2005 Planning & Zoning Commission held a public hearing and considered this request with approval by a 4-0 vote. Mrs. Parker said she always thought this property was commercial and operated it as a business until the last two years.

Exhibit C

Final review – Amendment of Manzerro Plaza of the proposed apartment complex Unit 2 El Cerro Mission located off El Cerro Mission Blvd & Manzano Expressway – Bill Campbell/Ruben Chavez

Mr. Chavez said this item is a request for final review on the amendment of Manzerro Plaza of the proposed apartment complex. The Van Camp investors have previously been approved for the Stage 2 portion of Unit 2 Development. The Board of Commissioners approved this Master Plan Amendment on March 9, 2005. Stage 2 is a conceptual design review of the intended land use proposed by the applicant as outlined in Section 10.3.5 of the Zoning Ordinance. This is a final review of Stage 3. Mr. Campbell presented detail drawing on the gated entrance and explained the drainage issue, provided a detail water and sewer criteria, provide a road detail and a copy of the contractor's bond. **Exhibit D**

Commissioner Kirkham said there was question on this proposed apartment complex and she will ask again, if these are low-income apartments? Mr. Campbell said it is not and is not subsidized at all.

Mary Martinez said she opposed the proposed site because of the structure of the type of apartments because it attracts drugs and prostitution and is concerned with maintenance. Mr. Campbell said there will be a maintenance person on the premises at all times.

The next Business Meeting of the Valencia County Board of County Commission will be held on Friday, July 15, 2005 at 9:00 AM in the Los Lunas Consolidated School Board Room.

Adjournment

Meeting adjourned at 7:00 PM.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 13, 2005 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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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 PINKSTON, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: August 5, 2005