

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

March 8, 2006

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

Consensus from the Commission that Commissioner Andersen would chair the meeting due to the absence of Chairman Trujillo and Commissioner Gentry.

1. The meeting was called to order by Commissioner Andersen at 5:06 PM.
- 2. Commissioner Andersen asked Marlene Feuer to lead the Pledge of Allegiance.**
- 3. Approval of Agenda**
Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Public Requests
William Dean said he would like to make a correction on the February 17, 2006 meeting. The data provided that the Middle Rio Grande Conservancy District irrigation water is too costly to farm with. This is not correct. Fact, it costs the farmer \$2,800 per year to irrigate 100 acres and you can call the District to verify this information. Mr. Dean said water rights has nothing to do with the Conservancy.

5. Discussion (Non-Action) Items
Mr. Trujillo announced that the Older American Program hired Joe Compos and he will start on April 3, 2006.

Tina Gallegos, County Clerk gave the oath to those giving testimony at tonight’s public hearing meeting.

6. Public Hearing Items:
a. Ordinance 2006-___, Relating to Public Works, Amending Section 1404 of the Solid Waste Collection & Disposal Ordinance Deleting the Sunset Clause – Mike Trujillo (See Exhibit A)
Mr. Trujillo said it was brought to his attention that a few years back when adopting the solid waste collection disposal ordinance, the Commission put a sunset clause in the ordinance, it seems the County was seriously considering developing their own landfill. We are at a stage to where the sunset clause would cancel all franchise agreements for solid waste pick up collection and disposal of solid waste in the County effective March 31, 2006. This ordinance repeals that language within Section 1404-04 that would have a sunset clause. We would need to have an emergency clause in this ordinance as our next Business Meeting is April 7, 2006.

Marlene Feuer, Waste Management, said they have been one of the County's franchise haulers for many years. The franchise they are paying to the County is around \$79,000.00 a year. They service about 6900 residential accounts including commercial accounts. They pick up about four million pounds of trash not including Conejo Transfer Station on an annual basis.

Commissioner Andersen asked if there were more public comment and there was none.

b. Ordinance 2006-___, Relating to Planning & Zoning, Amending in the part of the Valencia County Subdivision Regulations, Section 6.1 Summary Review Procedures & Requirements; & Amending the Administrative Fees Article – Cynthia Wimberly (See Exhibit B)
Ms. Wimberly said in December this Commission approved a change to the summary review procedure requirements. The change relaxes the fact the way the summary review procedure was set forth. It defines the types of subdivision that will go through a summary administrative type review process versus those types of subdivision that would go through a full blown plat review process. The full blown process goes through Planning and Zoning Commission and then comes before the County Commission.

c. Ordinance 2006-__, Relating to County Roads; Setting Design Standards; Procedures for Working in, Disturbing & Repairing County Property & Rights of way; Courtesy grading; Acceptance for Road Maintenance; Vacation Procedures of Public Roads; Speed Humps & Setting forth penalties for violations – Mike Trujillo (See Exhibit C)

Mr. Trujillo said this ordinance sets procedures and sets road design standards. It establishes criteria for use in the design of paved and unpaved road and street systems and related features to promote consistently sound design of roads or streets having acceptable performance characteristics. Mr. Trujillo discussed the changes within the ordinance.

Steve Crawford, Civil Engineer said roads are a subject that gets discussed around the office, the scale of urban versus suburban versus rural. Mr. Crawford said it put a chill down his spine when they said they copied Los Lunas and Belen. These are cities, and Valencia County is a rural area and it is important that we try not to put a city stamp in a rural area unless it is a suburban area. The idea is on small lots that are put together that look suburban, those types of standards are appropriate. On one acre lots it tells him it is an aesthetically match to apply urban development standards to one of the lots and he finds this to be a mismatch. Mr. Crawford said another comment he would like bring up is, beware of sidewalks. Discussion ensued.

Commissioner Andersen asked if there were any more public comment and there was none.

d. Request to Amend Zone Maps

1) AP to RR-2 for the purpose of development with low density residential housing, all of Tract A & southerly 8.7 acres, Tract B located off John Road – Ruben Chavez/John Whisenant (See Exhibit D)

Mr. Chavez requested to amend the zone change designation from AP (Agriculture Preservation) to RR-2 (Rural Residential) for the above description. Mr. Chavez said John Whisenant, who is represented by Steve Crawford is attempting to create a small 12 lot subdivision. Small in the number of lots not the size of each individual lot. If the Commission grants this request, the applicant would still have to come before the Commission for the subdivision approval process. A preliminary sketch plan is before the Commission for review which has been revised from the original presentation tabled by the Planning and Zoning Commission. The P & Z Commission felt under the original proposal of just cookie cutting the land made no effort to retaining the characteristics of the surrounding area. The applicant then revised his plan and resubmitted it for consideration. Planning and Zoning heard this request and after hearing testimony from the public they recommended approval with a 3-0 vote.

Mr. Crawford said the P & Z recommendations were discussed but he felt they missed one and wants to make sure that it is included. The creation of Homeowners Association is mandatory to maintain and police that the conservation easement stays green. There needs to be deed restrictions to reinforce the conservation of the open space conservation easement. There needs to be a conservation easement filed as a separate document. The Homeowners Association has to be the person coordinating the irrigation with the MRGCD. Discussion ensued.

Toni Barrow, Edmundo Road, said she has lived there for 38 years. When Mr. Whisenant bought that property a few years ago, he bought almost 100 acres and at the time he told several neighbors that he was going to turn the acreage into a mini village and over the years he has managed to do this. Through the years, Ms. Barrow said they have objected to the subdividing because they felt they were in a green belt. Ms. Barrow said why do we have a green belt designation because it is never honored. Ms. Barrow said she is against the request.

William Dean said he is representing over 60 property owners some of which are present tonight who live within a half mile of this planned development. P & Z have sent letters out to the contiguous property owners around the planned development and asked for comment via letter or phone. Many of the property owners called the P & Z Department and could not get an answer, all they got was an answering machine. Several property owners contacted him and he told them to attend the 2:00 PM January 18, 2006 P & Z meeting. The meeting lasted past 8:00 PM. The item L was tabled until February 3, 2006, we had a community meeting to discuss the problem. The result was over 65 letters to Planning and Zoning and they were presented on February 3, 2006. The letters were ignored. The property has been irrigated with conservancy water for many years by Mr. Whisenant. We would like to see 6 nice large homes and only 6 wells on Mr. Whisenant's property. The water problem is getting very serious. Mr. Dean handed out property petition signatures for Commission review. Discussion ensued.

Marcel Reynolds, Valencia Soil & Water Conservation District, discussed the need to maintain open space. Mr. Reynolds said we want to discourage development in the green belt within those areas zoned agricultural preservation. In 2004, the Commission reduced the requirements on the agricultural preservation from 10 to 5 acres with the understanding that for large landowners or farmers that they would be penalized by selling larger lots. The entire area where the adjacent property is in two acre lots and it looks like there is five lots, looking at the conservancy map. The remaining property owners range from that 2 ½ acres to 18 acres. Mr. Reynolds said it is misleading to say that the surrounding area is two acre lot properties.

Commissioner Andersen asked if there were any more public comment and there was none.

2) AP to RR-1 for the purpose of creating smaller lots, Tract 10-B, Land of Carlos Castillo-Heirs, located off of Don Felipe Road – Ruben Chavez/Lester Garcia (See Exhibit E)

Mr. Chavez said this request to amend zone maps from AP to RR-1 for the purpose of creating smaller lots. Mr. Garcia owns property off Don Felipe Road. The surrounding area is partially zoned AP (Agriculture Preservation) however; the majority of the land is already split into one acre parcels. Mr. Garcia owns almost three acres and would like to split it in two separate 1.4 acre parcels. Planning and Zoning heard this request and after hearing testimony from the public recommended 3-0 in favor of the zone change.

Commissioner Andersen asked if there were any more public comment and there was none.

7. County Manager's Report

None

8. The next Business Meeting of the Valencia County Board of County Commission will be held on March 17, 2006 at 9:00 AM at the Los Lunas Consolidated Schools Board Room.

9. Adjournment

Meeting adjourned at 6:24 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 8, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PAUL EDWARD TRUJILLO CHAIRMAN**

**ss/
RON GENTRY, VICE-CHAIRMAN**

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

**ss/
GEORGIA OTERO-KIRKHAM, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 21, 2006