

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

June 14, 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	

1. The meeting was called to order by Chairman Paul Trujillo at 5:02 PM.

2. Chairman Trujillo asked Ruben Chavez to lead the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Pinkston moved for approval of the agenda. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Public Requests

None

5. Discussion (Non-Action) Items

None

Tina Gallegos, County Clerk read the oath to the interested public who wished to give testimony at tonight’s meeting.

6. Public Hearing Items:

a. Amend the zone map from PD (Planned Development) to C2 (Commercial Type 2) for the purpose of a small wood processing facility & welding, 1 Unit G Lots 2,3,4,11,13 Tr. A Subdivision Lands of Rio Grande Estates, aka 09 Prairie Wind Lane, Belen, NM – Ruben Chavez/Donald Hertzler (Exhibit A)

Mr. Chavez requested to amend the zone map as stated. Planning & Zoning Commission recommended approval of this request on a 5-0 vote based on the following criteria. The proposed change fits with the plan of Horizon Corporation because it is in the vicinity of their designated commercial district. The existing density of the area is low, therefore limiting the interference of the use with neighboring properties. The proposed change enhances economic development. Mr. Chavez said that Mr. Hertzler is in the audience. Mr. Hertzler said this zone change request is to allow small family operation, namely small wood processing facility (shavings for bedding, pallet lumber and shop for storage and welding). The shavings will be used primarily for horse paddocks and the pallet lumber will be only the strips of lumber that make a pallet. The area is south of Rio Communities off of Hwy 47 (Rio Communities Blvd). There is not a lot going on there. There are 20 homes out in this area and we are out in no man’s land. Mr. Hertzler stated that all the neighbors that live in the area are in favor of this request.

Commissioner Kirkham asked Mr. Hertzler what is his access road to his property? Mr. Hertzler said Turbine Road off of Hwy 47 near Rio Communities. What kind of trucks will be used, semi-trucks? Mr. Hertzler said just regular trucks right now, one or two trucks a day.

Commissioner Andersen asked how far off of Hwy 47 is the property located? Mr. Hertzler said you take the first road off the right, 700 or 800 ft off of Hwy 47.

Commissioner Gentry asked Mr. Hertzler if he is located off of Turbine Road? Mr. Hertzler said you take Turbine Road off of Hwy 47. Commissioner Gentry said you turn down a residential street and then another residential street to get to your property and back. Mr. Hertzler said yes. Commissioner Gentry asked what is going to be the stock pile size? Mr. Hertzler said he is not operating yet but it should be 12 ft high and 100 ft long. Commissioner Gentry asked if this type of milling machine is intrusive to your next door neighbor that has a residential home next to you? Mr. Hertzler said there is nobody there and it is difficult to buy property out in that area. Commissioner Gentry said there are homes being built out there and his concern is a industrial application in the middle of a residential area. Commissioner Gentry said in the planning and zoning minutes there was an offer of a home occupation which says you can do your milling business when there is nobody around and when the community grows the business gets downsized to comply with the residential setting. Commissioner Gentry asked if this would be acceptable to Mr. Hertzler. Mr. Hertzler said in building the shop it would be too much money under the circumstances.

Commissioner Gentry said if you have two trucks a day in a residential area so the concern comes back to the Commission if we are doing anything consistent with the master plan in a residential area.

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Commissioner Andersen asked if the forest service is thinning next to the property? Mr. Hertzler said yes and Commissioner Andersen said she doesn't see that going on forever.

Larry Miller said he is Mr. Hertzler's neighbor to the southeast. He is probably the closest neighbor and he is in favor of this request. Mr. Miller said that Mr. Hertzler is not a slacker, he is a producer, has a family and wants to make a living. Mr. Miller said they like working with their hands and work with their families as much as they can and would prefer a job that would allow them to do this. It helps to maintain their faith to work with their families. It would be in the best interest of Valencia County to allow this change.

Merle Yoder said he is Mr. Hertzler's neighbor. He said he is not in the same unit but three miles down the road. Mr. Yoder said he can appreciate Commissioner Gentry's concerns but if anything is happening out there is so much better than what is out there now. Mr. Miller said that Mr. Hertzler is doing the right thing in developing the land, he built himself a home and anyone adjoining him would be satisfied that he has made a contribution. Mr. Miller said he is for this request and said that Mr. Hertzler is making a viable contribution to the community and his neighborhood.

Tim Miller said he is south and east of Mr. Hertzler's property and he is in favor of this request. This would be a contribution to the neighborhood and community.

Anthony Yoder spoke on behalf of Mr. Hertzler in favor of this request. Mr. Yoder said Mr. Hertzler is a hard worker and this would be a contribution to the area.

Commissioner Gentry said the option is open for Mr. Hertzler to come back on Friday with a home occupation proposal in lieu of the C2 zoning change. Chairman Trujillo said this would be permissible.

b. Appeal of a decision made by the Planning & Zoning Commission on request for variance to the zoning ordinance as identified in Section 11.8 Mobile Home Standards, T7N R2E, Section 24 & 25, Blk D, Unit 2, Lot 1, Valle Valencia Ranchitos, aka 45 Avenida Valencia, NM (Exhibit B)

Mr. Chavez said this request is to reverse a decision made by the Planning and Zoning Commission for variance to the zoning ordinance as identified in Section 11.8 Mobile Home Standards. On May 17, 2006 the Planning and Zoning Commission held a public hearing and at that hearing heard a request for a variance to place a RV as a permanent residence. The Commission voted on this request with a denial vote of 5-0. The applicant is Ruth Perea.

Commissioner Kirkham asked why there has not been electricity?

Mr. Chavez said she parked the mobile home there without getting a permit and his zoning officer stopped by and tagged her for having a limited use.

c. Resolution 2006-___, Regarding the New Mexico Historic Women Marker Initiative Honoring the contribution that Women have made to the History of New Mexico and making a recommendation for inclusion in the scenic roadway markers of this State – Mike Trujillo (Exhibit C)

Mr. Trujillo said at the last meeting the Commission was asked to submit three names of outstanding women in Valencia County in a historical perspective to be placed on the marker initiative. The recommendation was to have this item brought up at a public hearing for public comment. If the Commission has any names, the list has to be submitted by July 31, 2006.

d. Ordinance 2006-___, Amending in Part the Interim Comprehensive Zoning Ordinance, Inserting a Public Facilities Definition, Redefining Department consistent with County organization, and providing that public facilities shall be a permitted use in all zones – Cyndi Wimberly (Exhibit D)

Ms. Wimberly said this is a proposed ordinance that would include public facilities as a permissive use in all of the different zones in the County. The public facilities would be a building, park, machinery, equipment or works owned by a public school, public school district, the County, the state, an institution of the state, another political subdivision of the state, or the federal government. The only conditional change was Section 6.2.3 that made a conditional use being a park or playground owned and operated by a governmental agency so we are striking the governmental agency part and would be a private park and then the public use would be permissive uses. This would also update the Valencia County Zoning Department and would be the Code Enforcement Department for organizational purposes.

7. The next Business Meeting of the Valencia County Board of County Commission will be held on June 16, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Pinkston. Motion carried unanimously. Adjournment time 6:14 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the Public Hearing Meeting of **June 14, 2006** (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

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: July 7, 2006