

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

October 11, 2006

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

1. The meeting was called to order by Chairman Paul Trujillo at 5:03 PM.

2. Chairman Trujillo asked Marcel Reynolds to lead the Pledge of Allegiance.

3. Approval of Agenda

Chairman Trujillo stated he had a request on Item C to be moved after Item D. Commissioner Andersen moved for approval of the agenda as amended with the above change. Seconded by Commissioner Pinkston. Motion carried unanimously.

4. Public Requests

Jim Rickey, 3480 Sun Mesa St, Los Lunas, said his reason for coming before the Commission today is the road situation in the El Cerro and Meadow Lake areas. He is a volunteer with Meals on Wheels and it is difficult to navigate around the area with the road situation. Mr. Rickey said he is here on his own, no one from Meals on Wheels is connected to his comment. Commissioner Kirkham asked Mr. Rickey to get a list of the roads that he travels to the Road Department and County Manager. We could possibly do a courtesy grading or find out how these roads are maintained. .

5. Discussion (Non-Action) Items:

a. Presentation of Rio Abajo Conservation Area Project Valencia Soil & Water Conservation District – Marcel Reynolds

Mr. Reynolds said over the past 2 1/2 years he has come before this Commission to describe an opportunity to provide to the County a public facility for wildlife viewing and conservation education south of Belen. Particularly in the areas of migratory bird stopovers habitat and restoration of the Bosque. They have conducted tours of the site for many State, Federal and County entities including members of this Commission. Mr. Reynolds said they will reduce the Bosque fire risk by thinning and restoring cottonwood in the Bosque and through salt cedar removal. They will protect the habitat and maintain open space by restricting any future development. Mr. Reynolds said they will improve access over BNSF Railway’s crossing for the public to visit the area. Commission thanked Mr. Reynolds for this update.

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

6. Public Hearing Items:

a. Request to amend zone maps from AP to RR2 for the purpose of a land split Tr. A2 of Lands of Trinidad Romero, MRGCD Map 85 located on Romero Road, Los Lunas – Ruben Chavez/Dianna S. Romero (Exhibit A)

Mr. Chavez requested to amend the zone map from AP to RR2. Mrs. Romero lives in California and has most of her adult life. Now she is left alone and attempting to dispose of her estate. Mrs. Romero would like the flexibility of offering several different selling options. That is to be able to either split her land in half or two acre minimum sizes. Mr. Chavez said Planning and Zoning Commission heard this request at their public hearing meeting and voted 4-0 in favor of the zone change. Commissioner Kirkham asked Ms. Romero it sounds like she is not sure of what she is doing with the land. Ms. Romero said what she is not sure about is how she is going to split the land because she doesn’t know what the real estate market is going to do.

b. Request for Final Plat approval for Sierra Madre Unit 1 Subdivision Tr. 8 of Sierra Vista, Westerly portion of Rio Del Oro, Unit 19 – Ruben Chavez/Steven L. Chavez (Exhibit B)

Mr. Chavez requested for final plat approval of phase one for Sierra Madre Subdivision. This is 120 lots. During the preliminary plat process, there was changes discussed. Mr. Chavez said that Mr. Crawford was present to answer any questions that the Commission may have. Mr. Crawford said the Sierra Vista master plan area was under contract with homebuilders Centex Homes and unless he was misinformed that purchase agreement did not happen so he is back to his original client Curb, Inc.. We recently went through the preliminary plat Sierra Madre Unit II, Sierra Madre Unit I

was approved two years ago and the preliminary plat would expire on November 17<sup>th</sup> if we didn't move forward with the final plat on Unit One. Prior to the 17<sup>th</sup> we would have to ask for a 12 month extension of the ordinances. Mr. Crawford discussed the map showing street lights, these were not  
**Minutes of October 11, 2006 Public Hearing Meeting**

addressed in the preliminary plat of Sierra Madre Unit One. The street lights were addressed for Unit Two to incorporate with Unit One. This is all proposed in the preliminary plat. The construction plans are complete for this project. There was an issue brought up by the previous County Manager that a maintenance cycle be done on the Manzano Expressway. Mr. Crawford discussed roads, water and restrictive covenants. Mr. Crawford said the last subject he wanted to discuss with the Commission is the mechanism for financially guaranteeing the required improvements of this subdivision. The proposal has not been reviewed in detail by your County Attorney which is a mortgage instrument. There is two million dollars worth of improvements, the engineers estimates are in the Commissioner's packets, required to uphold these streets, roads, water and sewer lines in the project area and around the project area. The proposed mechanism for financially guaranteeing those so that the plat can be filed prior to their completion is a mortgage. Technically, that would be a municipal lien concept to where there is a lien on the property in favor of the government. The advantage to this type of guarantee is that it does not expire ever. Discussion ensued.

**d. Request to amend zone maps from RR2 to I2 for the purpose of storing heavy equipment & construct a large garage & residence, Tr. A Lands of Michael Postlethwait MRGCD Map 76, corner of NM Hwy 47 & Omar – Ruben Chavez/Henry Rosas (Exhibit C)**

Mr. Chavez requested to amend the zone map from RR2 to I2 for the purpose of storing heavy equipment and construct a large garage and residence. Mr. Rosas owns a trucking company. His yard is in Albuquerque but is trying to build a home in Los Lunas. He has currently purchased the subject property on Omar and would like to build a shop on the property. Ordinarily, having a shop is not reason for a zone change, however, Mr. Rosas has expressed an interest in storing a number of trucks and multiple trailers on the property. Due to the level of scale, the procedure of a zone change has been offered to the applicant. Planning and Zoning Commission heard from the applicant and the opposition. The Commission felt that the County already has Industrial Zoned property through out the County and felt that converting the valley land was not in the best interest of the County. The P & Z Commission voted 3-0 against the request with one abstaining vote. Mike Montoya, Agent for Mr. Rosas spoke on his behalf. Mr. Rosas wants to build a 30 x 30 garage primarily to maintain his trucks, there would be no hazardous wastes. Mr. Rosas has a lot on 2<sup>nd</sup> Street in Albuquerque, this is where he keeps his trailers and trucks now. Mr. Rosas has an employee that lives in Los Lunas and now and then when a truck is coming through he would like to be able to keep one or two trucks or trailers on the lot. This would not be for long periods of time. Mr. Rosas has been in the trucking business for the last four years, he owns Rosas Trucking Company. He would like to be able to benefit his business here for the residents of Los Lunas with all of the financial growth that is going on.

James Williams, El Cerro spoke in opposition on this item. Mr. Williams said he is just opposed to industrial going on in a residential neighborhood. Regardless of his intentions, he is not questioning that but he will have that zoning capability to do almost anything he wants to.

**c. Request to amend zone maps from RR2 to RR1 for the purpose of Tr. A1 of Lands of JA & BK Smith, MRGCD, Map 84, AKA 311 La Entrada, Los Lunas – Ruben Chavez/Ann Waterworth (Exhibit D)**

Mr. Chavez requested to amend zone maps from RR2 to RR1 for the purpose of creating two lots. Ms. Waterworth lives at 311 La Entrada. Her current home is situated in a 2.27 acre tract. The property has a structure in the back which used to be a barn or something similar. Throughout time the structure has been modified to an extent the (applicant will claim) can be used for a residence. Ms. Waterworth would like to split the property into two one acre tracts, sell the original house and live in the modified structure. The Planning and Zoning Commission heard this request and voted 4-0 against the request. Phoebe Conway and Michele Palmer spoke on behalf of Ann Waterworth. Ms. Conway said Ms. Waterworth's intent is for the sole purpose to allow her daughter to live in the front property and convert the property on the additional acre into a handicapped accessible home for herself. Then her daughter would have been able to care for her and allow her to exist on her own in a separate residence. The realtor that sold this property to her reported that this was already possible with the zoning that was in place at the sale of the home, which they have learned later this was not the case. With the information the realtor gave them, they proceeded to renovate the back property handicapped accessible to the expended amount of \$155,000. Ms. Conway said if this is allowed she can replat this land and make 2 separate homes on one acre each. She plans to live in the handicapped accessible home and sell off the front home to help pay off the renovation costs that she has incurred. Ms. Conway said Ms. Waterworth is on a fixed income and needs to recapture some of the monies that have been spent.

**e. Ordinance 2006-\_\_\_,Valencia County Airport Encroachment Overlay Zone Ordinance – Cyndi Wimberly/Ruben Chavez (Exhibit E)**

Mr. Chavez asked the Commission how did they want to handle this item being that they have scheduled a workshop to hold an additional public hearing on this item. Commissioner Andersen said since we have some members in the public that wish to speak on this item tonight, we should listen to them. Commissioners concurred. Commissioner Gentry said this is a very technical ordinance and we need to hear the public's input. We will visit with the FAA and at our regular business meeting then we can vote on this issue.

Marv Taylor said he is the initiator of this ordinance and he is in support of this. It is very important for public safety of the operation of this airport that we look at the development that will take place in the future.

***Minutes of October 11, 2006 Public Hearing Meeting***

Kirk Winker spoke in favor of the ordinance. He said he has worked about two years preparing this ordinance to provide both airspace protection and land use compatibility. Mr. Winker presented a brief overview of the ordinance to the Commission.

Pedro Rael spoke on a liability concern with the Commissioners. Mr. Rael said he would be glad to go over with Ms. Wimberly on this concern. The second concern Mr. Rael discussed was the shadowing effect which is not as burdensome as it appears.

Richard Leonardo, President of the Air Park spoke on the noise issue.

**The next Business Meeting of the Valencia County Board of County Commission will be held on October 20, 2006 at 9::00 AM in the County Commission Room at the Valencia County Courthouse.**

**Adjournment**

Commissioners adjourned at 7:45 PM.

<b>NOTE:</b> All proposals, documents, items, etc., pertaining to items on the agenda of the October 11, 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/ by Sally Perea for**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: December 1, 2006**