

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Public Hearing Meeting

November 14, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Pedro Rael at 3:30 P.M.

2) Chairman Rael led the Pledge of Allegiance

3) **Approval of Agenda** – Chairman Rael called for approval of the agenda. County Planner James Aranda informed Chairman Rael that the parties for Item 6 (b) were not present yet. Commissioner Pinkston suggested that they wait until they got to that item before they tabled it. Commissioner Medina moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

4) **Public Comments – At the discretion of the Chair.** (For Information Only – limited to two minutes per person on subjects not on this published agenda.)

Mark Carrillo supported the Rio Communities development phase but had environmental concerns on where the county was going to get water from and gave a history of water rights of large cities and the effects of population growth. He also said that with the proper engineering the Rio Communities Plan could be considered.

5) **Discussion (Non-Action) Items**  
None

6) **Public Hearing Items**

a) **Comprehensive Legislative Amendment to Zone Map for Rio Communities area Application #ZC07014 – James Aranda**

County Clerk Sally Perea administered the oath to Mr. Aranda and those wishing to give testimony.

Mr. Aranda presented the above item and the proposed rezoning of properties in Rio del Oro for residential and commercial. He stated that changing the plan development would create a new standard that could be enforced by Planning & Zoning.

The Planning and Zoning Commission had concerns on how it would impact property taxes and after meeting with the County Assessor, Mr. Aranda assured them that tax assessments are a uniform rate and until there are any improvements on properties, this particular zone change would not have any effect on it. Commissioner Kirkham confirmed that the properties that were presented were in conformity. (See Exhibit A)

b) **Amendment to the Rio Communities Master Plan to allow for phased development for phased development of a maximum of 1,300 single family homes, an 8,000 sq. ft. community center, 5 parks and a 2.7 acre neighborhood commercial tract; T5N, R2E, Sections 22 & 23, NMPM; Enchanted Mesa, units 3, 4, 5; consisting of 241 acres; Zoned PD; Valencia County, NM – James Aranda/Sunchase Builders/Mark Goodwin**

Mr. James Aranda, County Planner presented the above request to amend the Rio Communities Master Plan that had been in effect since 1987. He believed that it would establish new guidelines and also the reason for the amendments is because some of the uses are outdated.

The engineer and agent for this property, Mr. Mark Goodwin clarified that the original master plan from 1987 has sixty-four acres that is mixed residential and commercial and wanted to put sixty-four acres of commercial property. Mr. Goodwin informed the commission that the property is 228 acres and sits between two existing developments, Chamisa, which is located on the East side and the West Side, an older section of Rio Communities. Mr. Goodwin stated the primary uses were going to be residential. He also stated that there are 2.5 acres of commercial property that might be considered as a daycare and 8,000 square feet Community Center put out on the Manzano Parkway. Mr. Goodwin shared that their concerns, and everybody else's, is the water and sewer availability. He said that they have been negotiating to acquire service for both water and sewer from New Mexico

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Water Company. He also stated that there is confusion with The New Mexico Water Company and that the State Engineer's Office is experiencing difficulties and questioning the amount of lots have been built and how much commitment has been made. They are in the process of fixing this confusion, and so until they have a favorable opinion from the State Engineer's Office they will not be bringing their first preliminary plat to the board.

Commissioner Kirkham asked Mr. Goodman if any restrictions were in place and what the square footage of a family unit would be. Mr. Goodwin replied that the homes would be defined as to the types of houses built in this project and that the single family homes range from 1200 square feet to 2500 square feet, prices would range from 150,000.00 to 250,000.00 and there would not be any modular homes built.

Commissioner Medina's concerns were that Mr. Goodwin had mentioned "water was descending" and asked what that meant? Mr. Goodwin informed him that until New Mexico Water Service Company and the State Engineer's Office confusion is cleared of what has been promised, to other projects and commitments from twenty years ago, they would have to wait. Mr. Goodwin used an example, to answer Commissioner Medina's concerns, by stating The New Mexico Water Services has x-amount of water rights and there are homes using five hundred acre feet of water, however, the additional remaining five hundred acre feet that have been promised to other projects, and yet has not seen any actions taken, is part of the confusion that needs to be clarified by The New Mexico Water Services. He stated that this project has had a commitment since 1996 from Rio Grande Conservancy to provide for one hundred homes that have not yet been built. (See Exhibit B)

c) **Zone change from RR-2 to C-2 to allow for commercial usage of an existing warehouse on the subject property. T5N, R2E, Section 6, NMPM; Tract 28B, Lands of Premetivo Gabaldon; consisting of 3.1124 acres; Zoned RR-2; Map 96, Book 309, Page 7809 of the office of the Valencia County Clerk, Valencia County, NM – James Aranda/Lorenzo Romero** James Aranda presented the above item. The request is made by the owner Lorenzo Romero. His request is an existing warehouse that is zoned for residential use that in the past thirty years has used as a distribution center. Mr. Aranda stated that according to the Assessors printout that property is currently being assessed as commercial. Mr. Aranda was assured by both Planning and Zoning and Mr. Romero that there would be no impact on drainage, as there was a concern with a neighbor. Mr. Romero wishes to lease out the property and would like to have the property properly zoned and also assure the board that there will be no problem in parking. (See Exhibit C)

d) **Zone Change from RR-2 to RR-1 to allow for County approval of a court-ordered Claim of Exemption land split, T7N, R2E, Section 36, NMPM; Tracts 1, 3-D-2. 3B, 3C, 6, 5A, 5B; Lands of Estate of Lupita V. Jaramillo; consisting of 79.85 acres; Zoned RR-2; Map 77, Cabinets J & X, Pages 552 & 114 of the Office of the Valencia County Clerk, Valencia County, NM – James Aranda/Lillian J. Otero, Fred P. Jaramillo** Mr. Aranda presented the above item. The applicants, Ms. Lillian Otero and Mr. Fred Jaramillo are the land trustees and are requesting the zone change for inheritance purpose that is court ordered. There are twenty-five heirs who have each inherited a different amount of parcel with some family members inheriting less than two acre parcel. The Planning and Zoning cannot approve land parcels less than two acres without the approval of the board. Ms. Wimberley clarified the court ordered claim of exemption land split and explained the restriction of Planning and Zoning and how it only allows for two acre parcels. Ms. Wimberley also explained if each owner wishes to develop their parcel, they will need to follow the county's restrictions by getting a building permit, going to the rural addressing, road division and planning and zoning. Mr. Jaramillo shared his frustration of the length process with distributing his mother's trust and the need to complete this land split. He stated that they had developed a covenant of restrictions for all the heirs to follow. The covenant of restrictions was presented to the board. Discussion was made over the covenant restrictions that the heirs needed to abide by and questions were asked on who had the right to enforce the covenants.

County Clerk Sally Perea administered the oath to those wishing to speak who had not taken the oath.

Frank Rasavage whose address is 27 Berry Hill Road opposed the zone change.

Bob Gastishua does not live in the vicinity of the discussed property but opposed the zone change.

Joehela Head resides at 7 Berry Hill Road opposes the zone change.

Evelyn Bailey resides at 21 Berry Hill Road shared her concerns of the population density and road access and is against the R2 zone change.

Ronnie Baca said he is not in support or against for the zone change, but is empathetic to the family and their process and feels the family is being treated unfairly with getting this matter resolve and stated that everyone coming to the planning and zoning commission should be treated fairly.

Ms. Lillian Otero, one of the trustees whose legal obligation is to distribute the trust, said the opinion of others did not change the fact that she has an obligation to distribute the land to the heirs according to her mother's wishes and that is court ordered. (See Exhibit D)

7) Next Commission Meetings

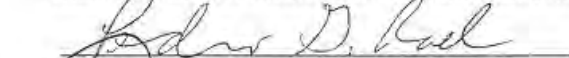
\*November 26, 2007 – the next Regular Business Meeting at 3:30 PM Valencia County Commission Room at the Valencia County Courthouse, 444 Luna Ave. Los Lunas, NM 87031  
\*Rescheduled meeting of November 21, 2007


Adjournment

Commissioner Medina moved to adjourn. Seconded by Gentry. Motion carried unanimously. 5:59 PM.


NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 14, 2007 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS

  
PEDRO G RAELE, CHAIRMAN

  
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
DAVID R MEDINA, MEMBER

  
RON GENTRY, MEMBER

  
LYNETTE PINKSTON, MEMBER

ATTEST:   
SALLY PEREA, COUNTY CLERK

12-5-07  
DATE