

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

January 09, 2008

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 Vice-Chair Georgia Otero-Kirkham at 3:30 P.M. Commissioner Pedro Rael was tied up in court.

2. Vice Chair Kirkham led the Pledge of Allegiance

3. Approval of Agenda –

Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

4. Public Requests – At the discretion of the Chair.

(For Information Only – limited to two minutes per person on subjects not on this published agenda.)

Rosemary Lebrecht one of the directors of the Meadow Lake Association and on behalf of the association and the residents of Meadow Lake wanted to thank Cyndi Sluder of Tierra Bonita, Ruben Chavez, Charlie Mirabel, Tony Savilla, Eric Kania and all the commissioners for a job well done in 2007.

5. Discussion (Non-Action) Items

Commissioner Gentry said there was an article in the Valencia News Bulletin about the hospital and the advisory board, and he wanted, for public information, to update it. The article said we had requested an opinion from the Modrell Law firm; on whether this commission could go legally into negotiations with the hospital advisory board and start developing a contract in the management of all of the things that come with the financing package. The letter was in response to Chairman Rael and our attorneys said the commission should not even take a small step in any direction on the hospital. Commissioner Gentry wanted the public to know that the county's attorneys have responded by saying they have looked at the court order and the courts temporary restraining order and based on the foregoing, we are of the opinion that undertaking preliminary steps relating to developing a contract between **Valencia Health Commons** and Valencia County is permissible. The steps outlined in Mr. Bob Davey's letter of December 20th would be considered preliminary steps to negotiating a contract and would not violate the court's order. The attorneys do agree that the commission cannot go into a binding contract. Commissioner Gentry said that someone had approached him and said they were afraid that the commission might get sued. The attorneys have said it is the proper method that the hospital board had requested, so it was good news from the legal advisors.

6. Public Hearing Items

a) Request to Amend Zone Map from Planned Development (PD) to Rural Residential -1(RR-1) purpose of creating 1-acre lots for residential development. T6N, R2E, within projected section 25, NMPM; Rio Del Oro, Unit 54, Lot C; containing 10.15 acres; Zoned Planned Development; filed in Book 359, Page 13,019 of the Office of the Valencia County Clerk; Valencia County, NM – James Aranda/Manuel Martinez (See Exhibit A)

Sally Perea administered the oath to those wishing to give testimony at tonight's hearing.

James Aranda presented the above item in which he said had been presented before and denied by the previous commission in 2005. Mr. Aranda said the applicant had appealed the board's decision with the thirteen judicial district court and no hearing was ever scheduled. The applicant's attorney and agent, Sam Herbert, had filed a stipulated court order of dismissal which allowed the county to hear this request. Mr. Aranda said that this request was heard at the December 20, 2007 Planning and Zoning Commission Hearing and after hearing testimony the Planning and Zoning Commission voted 4-0 recommending the approval of this request.

Sam Herbert is Manuel Martinez's attorney. Mr. Herbert said his client has applied for a change from open space to RR1. Mr. Herbert presented a survey plan that was done in March 2003 and demonstrated to the Commission the location of the tracts that are being presented and that his client Mr. Martinez is planning to build on site residential homes on the purposed designated tracts. He has a total of 10 acres and there is a possibility that the larger 5 acre tract would be divided later on. Chairman Rael arrived at the meeting 3:45 P.M.

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Commissioner Medina asked if 5.48 acres were going to be used for commercial. Mr. Aranda said that conversation within the county, and looking at long term, the C-1 five acre tract, would be more beneficial to be used as commercial piece because it fronts two major roads as oppose to residential. Mr. Aranda said he discussed this with the applicant and they would like to entertain the possibility at a future date, but they want to leave their options open. Commissioner Medina said then there was a possibility that the applicant can come back in the future and ask that the other 5 acre tracts be split into 1 acre tracts for residential.

Mr. Aranda said approving this would allow the 1 acre minimum allowance and under the zoning ordinance he would have the right to split it into tracts, and also have an option of changing it to commercial later on. Mr. Aranda explained that commercial does not have a minimal lot size and as long they are abiding by the New Mexico Environment Department regulations for septic if there is no water out there, the applicant can take it down to $\frac{3}{4}$ of acre. Mr. Aranda said those are the options that the applicant is pursuing.

Vice-Chair Kirkham confirmed that what was being presented today was a request of the five lots to be changed to RR-1. Mr. Aranda said that is correct. Chair also wanted confirmed that the applicant must first apply and come back to the commission should he decide he wants C-1 to be changed to commercial. Mr. Aranda stated that is correct.

Vice-Chair asked if there were any more comments regarding this matter and there was no response.

b) Request to Amend Zone Map from Planned Development (PD) to Mineral Resource (MR); purpose to allow for Sand and Gravel Mining operation; within projected Section 29, T6N. R4E, NMPM; Rio Del Oro, Unit 22, Block 16; containing 35.42 acres; Zoned Planning Development; filed in Book 35, Page 4796 of the Office of the Valencia County Clerk, Valencia County, NM – James Aranda/ Southwest Rock & Development Corporation (See Exhibit B)

Mr. Aranda presented the above item and said the purpose of this request is to allow the applicant to mine aggregate (sand and rock) from Albert Hill Pit located in the far eastern portion of the County (just north of South Rio del Oro Loop). Valley Improvement Association, the owner of the property has given consent to rezone the property from Planned Development to Mineral Resource. This request had been heard at the Planning and Zoning Commission Hearing on December 20, 2008 and they had concerns with the proposed trucking route that will be used by the applicant although the purposed use would keep traffic off of the Manzano Expressway and circumvent the Las Maravillas community. According to the applicant, the primary route would ultimately utilize Patricio Road in Tome as a connecting route to NM 47. The proposed route would be problematic for a number reasons, for instances of existing high incidences of traffic accidents at this particular intersection as well as negative impacts of heavy truck traffic upon the residents of Tome. These were two main factors that raises Planning and Zoning concerns. Mr. Aranda stated that the applicant did agree to seek alternate trucking route and had a plan to disperse the truck traffic. The applicant had the exhibit today. Mr. Aranda said the Planning and Zoning Commission had approve with a 3-1 vote on the condition that the alternate trucking route is established.

Commissioner Medina commented that the P&Z minutes were not included in their packet and Mr. Aranda replied that they were not done transcribing those minutes at this time.

Vice-Chair Kirkham requested to have the Planning and Zoning Commission minutes before the Commission makes a decision on this matter.

Larry Marshall President of Southwest Rock and Development introduced Mr. Jaramillo, Partner in the operation, David Baker, Environmental Consultant and Engineer, Dick Burton. Mr. Marshall gave the Commission handouts to assist with his presentation and said that the Albert Hill gravel pit is located approximately six miles East of Las Maravillas off South Rio del Oro loop. The Southwest Rock and Development plans at this time are for aggregate mining by surface methods and rock crushing to provide high quality materials for Valencia County for road improvement projects and concrete for commercial and residential projects. Operating standards are set forth in the ordinance and they are committed to follow and operating setback requirements will be met. Environmental standards required by the NM Environmental Department Air Quality Bureau will be met. The initial route south of Las Maravillas will be paved within 6 months of approval and they will be watering those roads for dust control and once they are paved they will perform maintenance to ensure the high quality of those roads. traffic routes will begin approximately $\frac{1}{2}$ mile south of the intersection of Manzano Expressway and South Rio del Oro loop and all trucks will be directed to the Belen Sand & Gravel batch plant on Lalama and State roads New Mexico 263 and Hwy 47. Routes that were chosen which can accommodate heavy vehicle traffic and are the shortest routes to State roads. Mr. Marshall displayed a chart which was based on the maximum number of trips from the Albert Hill pit at full production and the maximum trips estimated were 240 trips per day with a 160 per day average. Mr. Marshall said that Southwest Rock will pave South Rio del Oro (from Albert Hill) and other determined roads connecting one half-mile South Rio del Oro on Manzano Expressway within six months of approval with Southwest Rock Engineer's specifications. Mr. Marshall also included that in the interim the dirt roads will be watered for dust control until paved and once the road is paved Southwest Rock will continue the maintenance. Hours will be restricted from 7am to 7pm Mr. Marshall said they have plans on adding water well, a septic plan and fuel tanks. Southwest Rock has no plan to extend the electricity at this point and time but will be using on site generators to supply power to the crusher into the office. Mr. Marshall said once they obtain water rights, they anticipate in using about 3 feet they would haul it from the interim New Mexico water and the use of

recycle rain water and appropriate federal environment quality permits will be obtained for each site. Mr. Marshall gave the positive and negative impacts. Mr. Marshall stated that particular

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consideration has been given to the residential neighborhoods and that they have also spoken with the Los Lunas School board on December 18, 2008 and have not received any objections and the only concern was the safety of the students and they are currently working with the Transportation department of Los Lunas Schools to minimize truck traffic, on common bus routes, during peak time. Commissioner Rael asked if the gravel is going to be for retail or wholesale and Mr. Marshall said wholesale.

Mr. Aranda asked what type of trucks will be used and the enforcement will be covered and these are questions from the audience. Mr. Marshall said they are required by DOT to cover the trucks at all times Southwest Rock has a scale on site to make sure the weights are according to Department of Transportation standards.

Mr. Aranda asked Mr. Marshall if Southwest Rock maintain their own truck or do they contract out and how do you enforce policy and regulations. Mr. Marshall said they are subject to the Department of Transportation to insure all their drivers and they use a mixture of both (in house and contract out). Mr. Marshall said that the trucks are inspected before leaving the site and the managers of the pit will provide a traffic flow and scheduling to the drivers and any trucker that is not complying will be terminated.

Vice-Chair Kirkham requested Mr. Marshall to explain peak hours.

Mr. Marshall said peak hour are typically 7:00 A.M thru 9:00 A.M and 3:00 P.M thru 5:00 P.M.

Mr. Marshall said the actual site is five miles East of Las Marvillas and the truck route will be South of Las Marvillas and Los Lunas Schools and Las Marvillas will have zero impact from our operation.

Mr. Aragon a member from the audience shared his concerns with loose rocks hitting windshields.

Mr. Marshall said that every load has to be covered by Department of Transportation and the trucks do have built in covering. Southwest Rock has repaired windshields when we are at fault and we want to be good neighbors.

7. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

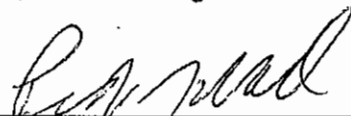
None.

8. The next Regular Meeting of the Valencia County Board of County Commission will be held on January 16, 2008 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

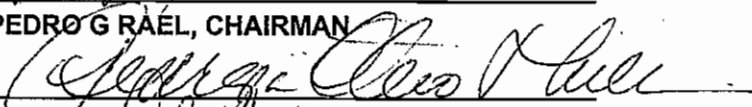
9. Adjournment

Commissioner Rael moved to adjourn. Seconded by Commissioner Medina. Motion carried unanimously.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, January 09, 2008, Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.



PEDRO G RAEI, CHAIRMAN



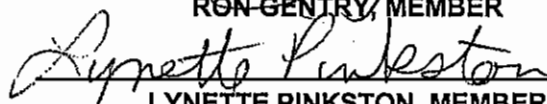
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN



DAVID R MEDINA, MEMBER



RON GENTRY, MEMBER



LYNETTE PINKSTON, MEMBER

ATTEST: 

SALLY PEREA, COUNTY CLERK

2/9/08
DATE