

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

November 12, 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	
Dave Pato, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 5:00 P.M.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda –

Chairman Rael requested item 6a be replaced with item 6d for consideration of those whose items are brief. Commissioner Medina moved for approval with the changes. Seconded by Commissioner Kirkham. 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)

None.

5. Discussion (Non-Action) Items

None.

6. Public Hearing Items:

b) Requesting County Commission overturn the Planning and Zoning Commission's decision to deny the applicant's application for a Variance on Side Yard Setback requirements within the RR-2 Zoning District to allow for a storage building to be placed 2 feet from the property line; T5N, R2E, Section 19, NMPM; MRGCD Map 102; Tract 94A; consisting of 1.03 acres; Zoned RR-2, filed in Book 274, Page 7548 of the Office of the Valencia County Clerk; Also Known as: 673 A Jarales Road. Belen, Valencia County, NM – James Aranda/Alfred Gurule

County Clerk Sally Perea administered the oath for those wishing to speak at tonight's meeting.

James Aranda stated this item was heard at the Planning and Zoning hearing, July 23, 2008, and the Commission had voted 3-1 with 1 abstention to deny the variance request. The applicant submitted his appeal on August 8, 2008 within the 15 day appeal period.

Commissioner Medina asked for clarification on who owned the property behind the proposed site and if the applicant was placing a storage unit against the fence line? Mr. Aranda said that is correct. Mr. Aranda also said the Fire Chief had reviewed the issue and found no concerns of health or safety hazards.

Chairman Rael asked if the trailer homes were on the proposed site before the regulations became effective. Mr. Aranda said the applicant did provide evidence and are legally non-conforming.

Mr. Gurule said he inherited the property from his mother and has owned it for thirty years.

Commissioner Medina asked what the dollar amount was that he has invested to build the shed and Mr. Gurule said more than three thousand dollars.

Chairman Rael thanked Mr. Gurule and said this would be decided at the next business meeting.

c) Requesting an Amendment to the Zoning Map from RR-2 to R-1 to allow for the Subject Properties to be split into (3) equal parcels to be distributed in accordance to the Will and Testament of the applicant's mother; T6N, R2E, Section 27, NMPM; Tracts 106A1 & 106C2B1A2A2B; MRGCD Map 89, consisting of 1.17 acres

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& 2.11 acres respectively; Zoned RR-2; Valencia County, NM – James Aranda/ Macedonio Marquez

Mr. Aranda gave a brief background. The proposed land split will create three parcels of 1.0933 which is below the 2-acre minimum lot size allowed in the RR-2 Zoning District. Commissioner Medina questioned if the applicant's intention is to continue farming on the proposed site. Mr. Aranda said that is correct. Commissioner Medina asked does the applicant live on the proposed site. Mr. Aranda said the applicant does live next to the subject property.

Commissioner Kirkham asked if the surrounding parcels are one acre. Mr. Aranda stated the surrounding parcels are under one acre and various sizes and what Mr. Marquez wanted to do was to comply with his mother's wishes to split the land between his two brothers and himself.

Chairman Rael asked if there were any objections from the neighbors. Mr. Marquez said not to his knowledge. Chairman Rael asked the public if anyone objected to the division of the one acre tracts. No response from audience.

Commissioner Medina questioned on the right away access. Mr. Marquez answered there will be a right-a-way and will connect into Marquez Lane.

Chairman Rael said the Board will make a decision at the next business meeting.

d Requesting to Amend the Zoning Map from Rural Residential-2 (RR-2) to Community Commercial (C-2) to allow for use of the existing structure on the subject property as a residence/office and to allow for future development of the subject property for commercial purposes; T7N, R2E, Section 26; Lot 72-A; consisting of 1.45 acres; Zoned RR-2 Also known as 20 El Cerro Road, Los Lunas, Valencia County, NM – James Aranda/ Unit P. LLC-Robert D. Becker

Mr. Aranda presented the above item.

Commissioner Kirkham asked for zoning classification of the two existing commercial buildings across from the proposed site. Mr. Aranda said the commercial properties are C-

Chairman Rael asked Mr. Becker if he lives on the proposed lot. Robert Becker said no, he lives in Albuquerque but is familiar with the surrounding lots. Chairman Rael asked if anyone objected to the request and Jackie Hatter, a resident of 17 Blue Bonnet, who lives near the proposed site shared her concerns on Mr. Becker's intentions for the property because he was not clear on what he intended to do. Mr. Becker said his intentions are to have a residence/office and allow for future development. Chairman Rael requested that Mr. Aranda list the permitted uses in C-2 district. Mr. Aranda read the following permitted allowances for a C-2 District:

- Shopping centers
- Hotel or motel
- Tavern bar or lounge
- Farm equipment
- Green houses, plant nurseries or landscaping
- Indoor recreational facilities
- Veterinary hospitals with outdoor facilities
- Lumber sales
- Gas stations and repair
- Animal feed stores; without side storage facilities
- Essential public utility structures
- Dwelling in conjunction with a commercial use.
- Accessory uses
- Retail stores – incidental to the retail operation products may be manufactured, compounded, processed, assembled or distributed to retail, including carpentry, ceramics, fabric cutting and sewing, furniture making, upholstering, sign making, decorating, catering, baking, confectionary making.
- Automobile, truck, trailer sales provided that a solid wall or fence is 6 feet high.
- Auto, trailer and truck rental, services, sales, storage, provided the lot is graded and surfaced with paving or other pervious material.
- Trucks and trailers parked outdoors for rental sales or storage, provided stored or inoperable vehicles shall be screened and subject to the site design review criteria.

Chairman Rael said the Board would make a decision at the next business meeting.

a) Requesting an Amendment the Zoning Map from OD to C-2 with a Conditional Use to allow for the operation of Motorsports Facility; T6N, R4E, Section 7, NMPM; The Northeast ¼ and East ½ of the Northwest ¼ and Lots 1 and 2; Consisting of 326.1 Acres; Zoned OD; Valencia County, NM – James Aranda/ Route 66 Community Multiplex, Inc. Anthony Williams, Agent

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Mr. Aranda presented the applicant's request again for the following reasons: On August 12, 2008 Planning and Zoning was contacted on an issue with the public notice, the legal description on record was incorrect.

Three subsequent Planning and Zoning meetings have taken place for this request.

- August 27, 2008 Planning and Zoning Hearing. The attorney for the Cordova family requested more time to review the file.
- August 12, 2008 the applicant's request was tabled to give more time for negotiation.
- September 24, 2008 Planning & Zoning Commission voted 3-2 with two abstentions to deny the request.

Commissioner Gentry asked if the Motorplex was approved would the zoning go back to OD? Mr. Aranda said if approved it remains a C-2 property.

Chairman Rael asked if the airport in operation was next to the proposed site. Mr. Aranda said an FAA (Federal Aviation Administration) approval has been issued for an air strip.

Anthony Williams, attorney with Route 66 Community Multiplex Inc., gave a general description of the subject property and air strip property. The land is described as section between (section is a square mile) the air strip is at a diangle and is greater than a mile from the end of that property and to the proposed site. There is a fifty foot elevation between the airstrip and the proposed site. FFA documents suggest a 1 ½ percent gradient from the end of the runway. Attorney Williams stated Motorplex facility should not interfere with the airstrip and would be engineered and designed to meet all national requirements for any racing events. He presented letters of support and Commissioner Medina noticed that municipalities and letters were dated in 2005. He asked if the people knew the location of the Motorplex when signing the petitions or were just supporting the site not yet identified. Mr. Williams believes the people were supporting the effort.

Chairman Rael asked is this non-profit? Mr. Williams said the organization/applicant is 501(c) 3, a non-profit.

Chairman Rael asked by a show of hands who was in favor of the Motorplex. The majority of the audience expressed in favor with a show of hands. Those opposed were three.

Chairman Rael requested those who were opposed to speak.

Attorney Kurt Wihl representing the Cordova family gave context of the Cordova's Ranch property and around the proposed site. The water for cattle comes from the south side of the property where they would build this race track. Effectively this could cut off the Cordova's ranching operation. Attorney Wihl described the conditional uses and "similar uses". The applicant contends a drag strip and an oval track are similar to a car track. Attorney Wihl believes the drag strip and oval track are not similar to the factors of the zoning ordinance. Attorney Wihl gave the "similar use" under the C-2 zone:

- Character
- Scale
- Performance
- Noise, order and traffic

Attorney Wihl requested the Board to consider rejecting the proposal.

Commissioner Gentry asked is the proposed Motorplex on the Cordova's ranch? Attorney Wihl said the Cordova family has deeded land on the south side, east side, entire west side and a portion of the north side. The Cordova's have a grazing lease with the state for the remaining portion of the north side. Commissioner Gentry asked does the Cordova family have a water use agreement. Mr. Wihl clarified the Cordova family is not using water off the proposed property; they are using water from the south side of subject property. Commissioner Gentry then asked if the Cordova family is leasing the property. Attorney Wihl said the Cordova family does not need lease in order to graze the property under the New Mexico Fence Out law. Attorney Wihl said the Cordova family did make a proposal of comprise with Route 66 to have access through the property south of Monterey Blvd. This would avoid the issue of traffic into their ranch, roadways fenced, placing cattle guards and bifurcating the ranch.

Commissioner Medina requested a short recess and Chairman Rael called for ten minute break.

Chairman Rael asked for others opposing the Motorplex. James Rickey a resident of Valencia County requested that the Commission carefully exam the petitions on how many signatures were residents of Valencia County.

Attorney Bob McNeill representing Mr. and Mrs. Panozzo presented opposing reasons;

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- The site lay out plan design,
- How the project is to be financed,
- The air strip was officially designated by the FFA and created as "Manzano-Mountain Air Ranch Airport".
- The contract Mr. Panozzo executed two and half years ago which was drafted for everyone to agree upon and includes a provision.

Commissioner Kirkham asked if the Panozzo's were residents of Valencia County and did they have a permit from FAA to build an air strip? Attorney McNeill said it is not a permit to build; it is a letter of determination and shows the existing designation by FAA.

Commissioner Kirkham referred to a letter from Bureau of Transportation stating "in order to avoid placing any unfair restrictions on user's navigable air space this determination is valid until April 1, 2002 to allow for the establishment of this airport". She asked what this meant. Attorney McNeill said it means it does not just go on importunity unless you go on to continue its effectiveness. The FAA NM89 information document is current and it shows this facility is currently authorized and is good standing with the FAA. Commissioner Kirkham asked how long have the Panozzo's owned this property. Attorney McNeill said since 2002.

County Clerk Sally Perea administered the oath to Ron Keller, a licensed pilot who said he has flown over the area and it was difficult locating the air strip. He confirmed the airstrip is a designated FAA air strip NM89. Also the air strip is on an aeronautical chart. Mr. Keller described the air strip as a wide spot on pre-existing dirt road and appeared a grader was used. The estimation of the air strip is a mile in length and approximately forty to fifty feet wide. Mr. Keller used his electronic aviation equipment and through the data base he verified the distance and direction and felt confident this was the airstrip and attests that it runs on a northeast, southwest alignment. Chairman Rael asked Mr. Keller if he would land his airplane on the airstrip and Mr. Keller said he would not as it has quite a bit of vegetation. The air strip would need work to make it useable. Chairman Rael asked were any hangers or buildings in the area and all Mr. Keller saw was a partial fence line on the southwestern end. The northeastern side had a few posts standing up on end without any fence.

County Clerk Sally Perea administered the oath to Mr. Max Kiehne, a resident of Los Lunas who said the air ranch is not an approved platted subdivision. Mr. Kiehne and Mr. Rick Panozzo entered into sales contract to buy the proposed land and the plan was to get started with the air park right away. 9-11 twin towers happened and the airpark was then put on hold. Mr. Panozzo intends to proceed with the air ranch.

Mr. Kiehne said Bob Hammer contacted him as a real estate broker to find a piece of land for the Motorplex. They entered into an agreement, which has been extended. Mr. Kiehne said this is a grass root organization and they are working hard to achieve a dream and believes the Motorplex and the air ranch are compatible because the distance is adequate. The closest point is over a mile from the end of the runway on a down slope next to the three hundred acres of land. Mr. Kiehne's intention is not to violate any agreement he has with Mr. Rick Panozzo and believes Air Park will go forward.

Chairman Rael asked how this would effect the ranching operation. Mr. Kiehne said the cattle would be fenced to keep off the proposed property. Mr. Kiehne said the water would come from an existing commercial well from Meadow Lake or from the three that are drilled in their land. Another option is to drill one on an already reserved 5 acre track. Liquid waste would be handled by the NMED (New Mexico Environmental Disposal) and it would be provided by the facility. The roadway will be improved to meet the standards in order to facilitate the project.

Commissioner Medina asked what happens to the proposal of comprise accessing Monterey Blvd. Mr. Kiehne stated the Manzano Expressway beneficial impacts. First Manzano expressway is closer to the utilities they would need. They looked at cooperative efforts that can provide jobs and recreation. It makes sense to go through the state land that we already have permission to do and is easier to build a road on and less difficult to get to.

Commissioner Medina asked if they have permission from the state. Mr. Kiehne said an application for access to this property was made some time ago. The Cordovas' requested they fence off the road to keep the cattle from being hit by vehicles. This is our intention and we have already begun with half of the fencing and extending water from the south side, Mr. Kiehne said.

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Chairman Rael asked does Route 66 have an option to buy the proposed Motorplex property. Mr. Kiehne said they entered into an agreement that granted them an option for one year to buy the property. The contract was extended another six months and we are in the six month extension.

Chairman Rael asked Attorney Williams if the applicant has standing to apply for a zone change if he does not own the property. Attorney Williams said within the application package there is a section to disclose the owner and also to have their permission.

Attorney Wihl said anyone who has sufficient interest in the property can request a zone change. County Attorney Dave Pato read the ordinance's details; "persons of out standing, for beneficial reasons, can apply for such action". It is up to the Commission to decide whether or not this applicant is impacted efficiently and beneficially.

Chairman Rael said the Commission will make a decision at next business meeting.

7. The next Finalizing General Election 2008 meeting will be held on November 14, 2008 at 1:00 P.M of the Valencia County Board of County Commission Room. The next Business Meeting will be held on November 19, 2008 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

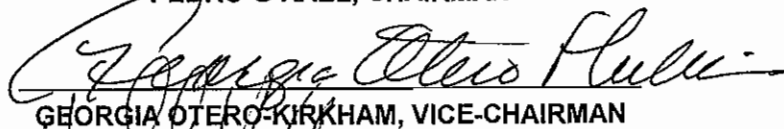
8. Adjournment

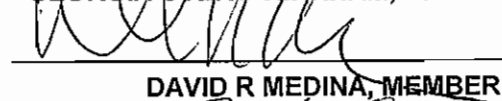
Commissioner Medina moved for approval. Seconded by Commissioner Kirkham. Time 8:17:21 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 12, 2008, Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

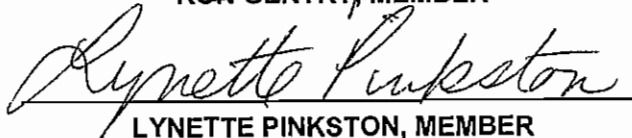
VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAE, CHAIRMAN

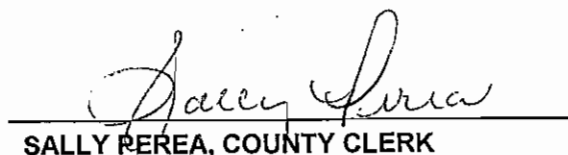

GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R MEDINA, MEMBER


RON GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

12-3-08
DATE