

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Public Hearing Meeting

**December 10, 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	
Adren Nance & Dave Pato, County Attorneys	
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**

Commissioner Medina moved for approval. Seconded by Commissioner Pinkston. 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)**

Bob Gostisha member of Meadow Lake Residents Association reminded everyone to remember the holiday season with giving hearts by donating time or money for those who are in need.

**5. Discussion (Non-Action) Items**

None.

**a) Ordinance 2008-\_\_, “Valencia County Sex Offenders” – Georgia Otero-Kirkham**

County Clerk Sally Perea administered the oath to Commissioner Kirkham and Amanda Malizia.

Commissioner Kirkham presented an incident of a sex offender living near an elementary school and the importance of approving the ordinance. She asked fellow commissioners for their support in passing the ordinance.

Amanda Malizia had concerns after the matter was brought to her attention by two police officers who have regular visits with a neighbor who is a sex offender. During their visit the police officers had a perfect view of her children playing in their swim suits from the sex offender's home. Ms. Malizia shared her concerns of children walking to and from school which according to the State of New Mexico students are required to walk or provide their own transportation if a student lives within a one mile radius from the school. Ms. Malizia contacted Commissioner Kirkham who cared enough to take and start action on passing the sex offenders ordinance. She requested approval of the ordinance for the safety of all children.

County Clerk Sally Perea administered the oath to Cindy Brown.

Cindy Brown resident of Valencia County is in favor of the sex offender ordinance and requested a memo of understanding also be placed with the enforcement agencies and municipalities to take responsibility if any resident calls in. Ms. Brown shared concerns of sex offenders living near bus stop and children in jeopardy. She said Valencia County residents need to work with schools and assure children's safety at bus stops.

Commissioner Kirkham said once this ordinance is approved then we can go to other municipalities, bringing the schools and municipalities together.

Bob Gostisha commended Commissioner Kirkham for getting the ordinance in place. Commissioner Kirkham said the county has full support from the Sheriff's Department and District Attorney.

Chairman Rael said the matter will be considered and voted on the next business meeting.

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**b) Request to Vacate Summary Subdivision Plat known as Land division of West ½ of Lot 4, Block 6 Mesa Estates; T7N, R3E, Section 26, NMPM; Zoned RR-1; filed in the Cabinet B, Page 196 of the Office of the Valencia County Clerk, Valencia County, NM – James Aranda/ Connie Gutierrez**  
County Clerk Sally Perea administered the oath to those wishing to speak at tonight's meeting.

James Aranda presented the applicant's request to develop the property into a mobile home park. The owner must consolidate all individual lots of record into single parcel According to section 154.173 (A) (4) of the Valencia County Zoning Code.

Connie Gutierrez said she requested approval to vacate for a mobile home park. Chairman Rael clarified that her requests is to vacate only. To add a mobile home park she would have to go through the Planning and Zoning Commission. Ms. Gutierrez said she understood the process.

Chairman Rael said this matter will be decided on the next meeting.

**c) Appeal of Planning & Zoning Commission approval of request for a Conditional Use; Home Occupation for application #CU08015 (Applicant #APL08002); Legal description of the subject property on which the appeal is based is as follows; T5N, R2E, Section 20, NMPM; Land of Safewaste, Inc., Tracts 115C1 & 115D1; consisting of 2.35 acres and 2.00 acres respectively; zoned AP; filed in Book 359, Page 21995 of the office of the Valencia County Clerk; also known as 18 Don Quixote Rd. Belen, Valencia County, NM – James Aranda/ Gabriel E. Marquez**

James Aranda presented the appeal on behalf of Mr. Marquez. Mr. Aranda stated the appellant is requesting the Commission reverse the Planning and Zoning's approval of Troy Roger and Diana DeBlan's Home-Occupation application. Mr. Aranda stated Mr. Roger had originally applied for a Home Occupation license because Code Enforcement required this in order to issue a business license. The subject property is zoned Agricultural Preservation. Mr. Aranda explained agricultural activities are permitted uses which include cultivation, harvesting of crops, raising, breeding and management of livestock. Mr. Toby Sanchez stated his concerns of his private road (Flora Lane) being accessed illegally. Mr. Aranda stated, for the record, that Planning and Zoning Commission understood Flora Lane was a county road. It was later revealed that it is a private road. Mr. Aranda said the question is whether the Planning and Zoning Commission had the authority to act on this particular condition.

Chairman Rael asked how the subject property is being used. Mr. Aranda said the property owners are running an equine veterinarian service.

Gabriel and Liz Marquez, husband and wife, live across the street of the subject property. They shared their concerns of safety due to traffic congestion, internal circulation and parking and the approval of more than one business of the subject property. Chairman Rael asked Mr. Marquez to clarify the events that occur during competitions. Ms. Marquez said there is a mobile vet clinic and the ranch horse competition business includes roping, training, boarding and different activities once a month.

Commissioner Kirkham asked Mr. Marquez if he is opposed to all of it or just the competitions. Mr. Marquez said he is opposed to anything that generates and produces traffic within a residential area.

Commissioner Gentry said this Board does not have legal jurisdiction if Flora Lane and Don Quixote Road are privately owned. Mr. Aranda said the appeal itself is challenging and the Commission has the authority to review and determine the request for properness, validation and to rectify the problem.

Commissioner Medina said he did not see Don Quixote Road mentioned in the P & Z minutes under testimony, so then how was it determined. Mr. Aranda said it was determined when the applicant assumed it was a county road. It was referred to as a county road south of the subdivision and this is where the assumption began.

Chairman Rael asked County Manager Eric Zamora if the county has public records of Don Quixote road. Mr. Zamora said the 2007 historic road map shows Don Quixote road is a private road and Flora lane is not on the map.

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Commissioner Kirkham asked Mr. Roger if the access road gets any damage and if he has equipment to repair the road. Mr. Rogers said he has equipment to repair the road but there was never an issue with the road. Commissioner Kirkham asked how many homes are there. Mr. Rogers said five. They purchased the property in 2005 and had started the horse competition late last year. The Veterinarian Clinic is the primary income and Planning and Zoning had made the decision that Don Quixote Road could be used because each homeowner owns it.

Commissioner Gentry said, the fear that people have is, the events could get large and asked how many trailers can be parked at one time. Mr. Roger said fifteen trailers maximum.

Commissioner Medina asked what average dollar amount is charged for competitions. Mr. Roger's said an average of \$100.00 to \$120.00 which includes – cattle, judge's fee, five classes, and part of the money goes toward awards.

Mr. Mrs. Jay Hellman who reside across from the Roger's and the Marques's, and, Sue Duran who lives on Jaramillo Road, are in favor of the request.

Chairman Rael said the Board will make a determination if this is in violation with regulations and zoning at the next meeting.

**d) Request for Preliminary Plat approval (application #PP08001) The Vistoso Ranch, Unit 1 Subdivision; a type 2 Subdivision consisting of 99 residential lots; T5N, R2E, Sections 14 & 15, NMPM; a Tract of Land situate within the Tome Grant; all of Block 6, Unit 65, Rio Del Oro; Tract A, Enchanted Mesa, Unit 23; being all designated on said plat filed in Cabinet J, Folio 216 of the Office of the Valencia County Clerk Valencia County NM – James Aranda/ Sunchase Builders, LLC-Mark Goodwin & Associates, PA- Agent**

James Aranda presented the application which was initially submitted in February 2008. The plat application was reviewed by various State and County agencies. The State Engineer did not give a positive opinion based on the information provided. The office could not determine if the subdivision could furnish water in quantity to fulfill the maximum annual water requirements. Mr. Aranda said according to the applicant, the water supply for the proposed subdivision was initially secured in 1997 for a previous subdivision. The New Mexico Water Service Company has confirmed the necessary infrastructure and water supply to serve the proposed 99-lot subdivision for the next hundred years.

Engineer Scott Medina, representative of Sunchase Builders, requested plat approval for Vistoso Ranch. Mr. Medina said verbiage was added to the covenants to allow for water conservation but has stayed with the master plan. The only revision was alternating the property boundary to allow a greater clearance. A major roadway was added to the property to allow and to handle all property access off Manzano Mesa. Sunchase Builders has a conditional approval from the New Mexico Department of Transportation for all the road improvements, information is being added to the traffic study.

Chairman Rael said the Board will make decision on this matter at the next business meeting.

**7. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on December 17, 2008 at 5:00 PM and next Organization Business Meeting will be held January 7, 2009 in the County Commission Room at the Valencia County Courthouse.**

County Manager Eric Zamora reported the property tax collection total is 11.6 million dollars and revenues are up from 2007.

Commissioner Gentry commented the federal government stimulant package is seeking a list of projects to increase jobs, construction and spin off business. He requested that the Board, by consensus, have the County Manager draft a fifty million dollar request for the federal stimulant package for a rural hospital in Valencia County.

Chairman Rael asked each Commissioner if they agree to the consensus. Commissioner Pinkston agrees. Commissioner Kirkham agrees but does not want to be tied down to any contracts. Chairman Rael agrees but does not want to be tied down to any contract or one location and also wants to leave options open for other medical care. Commissioner

Gentry agrees. Commissioner Medina agrees. Chairman Real requested information on the federal government stimulant package limits/requirements.

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**8. Adjournment**

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


**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 10, 2008 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

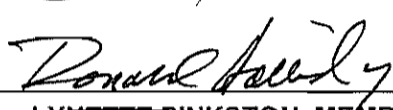
**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
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PEDRO G RAEI, CHAIRMAN

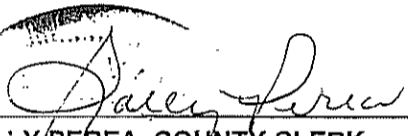
  
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GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
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DAVID R MEDINA, MEMBER

  
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RON GENTRY, MEMBER

  
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~~LYNETTE PINKSTON, MEMBER~~  
*Donald Holiday*

ATTEST:

  
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SALLY PEREA, COUNTY CLERK

