

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

January 14, 2009

PRESENT	ABSENT
Pedro G Rael, Chairman	
Donald E. Holliday, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Georgia Otero-Kirkham, 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 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Medina moved for approval. Seconded by Commissioner Holliday. 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)

Chairman Rael said there are seven hearings to be heard with many testimonies, exhibits and it would be lengthy, so for this reason public comments will not be heard.

5. Discussion (Non-Action) Items

None.

6. Public Hearing Items

a) **Requesting to Amend Zoning Map from C-2 to PD to allow for future single family residential development on the subject property; T5N, R2E, Sections 15 & 16, NMPM; Rio Del Oro, Unit 64 Blocks 22, 23 & 24, Lots 23-1, 24-1, 22-1, 22-2; Zoned C-2; Valencia County, NM – James Aranda/ Valley Improvement Assoc. Mike McCartney**
County Clerk Sally Perea administered the oath to those wishing to speak at tonight's meeting.

Mr. Aranda presented the applicant's request. This was heard at the November 26, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning Commission voted 3-1 recommending approval. The zoning of this property was changed to C-2 in 2007, which was part of the Rio Communities area zone change. At that time he had talked to Valley Improvement Association (VIA) and they did not express any objection to changing the zone from PD to C-2. Over the last six months there has been an interest to use subject properties for potential residential development and they have expressed an interest in correcting it and getting it back to PD.

Mike McCartney, on behalf of VIA, stated when the map was rezoned to correct some of the map, it had been a mis-communication on his part with Mr. Aranda. They were not aware that it was C-2 until 2 ½ months ago when some people expressed interest in buying the property, which is located by La Merced School. They checked with the county on the zoning and that's when they became aware of it. Basically, what Valley Improvement Association is trying to do is fix the mistake.

Mr. Aragon a resident of Meadow Lake requested Valley Improvement not be allowed to change the zoning until all back taxes are paid.

Chairman Rael said the Board will make a decision next Business Meeting.

b) **Requesting an Amendment to Zoning Map from RR-2 to RR-1 to allow for the subdivision of the 11.55 acre subject property into four 1 acre lots and one 7 acre lot; T4N, R2E, Sections 5 & 6, NMPM; Land of Ladis & Leova Romero, Tract 5-A-1;**

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consisting of 11.55 acres; Zoned RR-2, Valencia County, NM – James Aranda/ Ladis R. Romero

Mr. Aranda presented the Applicant's request that was heard at the November 26, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning Commission voted 3-1, recommending approval of this request.

Commissioner Medina asked if this request had been presented to the Commission before. Mr. Aranda said not that he is aware of.

Commissioner Kirkham asked the lots sizes of properties located in front of the subject property. Mr. Aranda deferred to Mr. Romero. Mr. Romero said the properties are 1 acre.

Commissioner Holliday asked if family members own those lots. Mr. Romero said some were sold and family members owned others.

Commissioner Medina asked Mr. Romero's intentions with the other acreage. Mr. Romero said he wants to keep it for farming.

Chairman Rael asked if anyone opposed Mr. Romero application.

Nick Cordova neighbor of Mr. Romero said if this was approved he had concerns on the additional traffic this would bring, crime rate, drug dealers, complaints from neighbors when bailing hay and irrigating late at night. He requested that the commission vote no on this matter.

Commissioner Holliday asked Mr. Cordova if the subject property is farmable. Mr. Cordova said there is a part of the land that could be farmed but it's never been farmed and there are no water rights to the land.

Commissioner Kirkham asked Mr. Cordova if Mr. Romero cannot farm the subject property what would he suggest. Mr. Cordova suggested they keep the present laws in place which is keeping two acre tracts.

Commissioner Medina asked Mr. Cordova if he would then not have a problem if the land was split into two acres. Mr. Cordova said that to be honest with them it was hard to see his beloved Jarales going the way it was going and he is opposed to the whole proposal.

Suzy Cordova landowner next to the proposed site is opposed and asked the commissioners to consider the green belt. She said it is important to protect the land and keep it beautiful.

Anthony Carreon opposes Mr. Romero request. This area has been studied for over a year and it was recommended the two acres minimum remain in this particular area.

Chairman asked if the RR2 that is currently zoned allows for 2 acres. Mr. Aranda said that is correct.

Martin Campbell who has 4 acres and borders Mr. Romero's property said the two acre minimum should be adhered to, that's in the best interest of his neighbors and anybody who inherits the property.

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

c) Requesting an Amendment to the Zoning Map from RR-2 to RR-1 to allow for the subdivision of the 2.97 acre subject property into one 1.3 acre parcel and one 1.0 acre parcel; T4N, R1E, Section 12, NMPM; 9AP 109, Tract 56-B; consisting of 2.97 acres; Zoned RR-2; Filed in Book 359, Page 16094 of the Office of the Valencia County Clerk, AKA 1164 South Hwy 116, Belen, Valencia County, NM – James Aranda/ Rogelio Rodriguez

Mr. Aranda presented the applicant's request that was heard at the November 26, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning Commission voted 4-0, recommending denial of this request. Mr. Aranda made note for the record that his office had received a letter of opposition on January 8, 2009 from Ms. Clara Flaig, a neighbor who lives across the ditch from this property.

The applicant, Mr. Rogelio Rodriguez was not present at tonight's meeting.

Mr. Aranda addressed the fact that the proposed split would terminate the road in a forty-five foot radius cul-de-sac. The problem is when you terminate this road it will limit access.

A solution would be to create a turn around and maintain the continuation of that road. This can be addressed during the summary plat review if this is approved.

Chairman Rael asked for any one who supports or opposes this application. No response.

d) Requesting to construct a Wireless Communication Facility (WCF) at the Tome-Adelino Fire Station. Pursuant to Section 154.151 (5) (a), Approval for Placement of a WCF outside of the WCF Overlay Zone is subject to Section 154.061 for quasi-judicial Zone changes; T6N, R2E, Section 28, NMPM; MRGCD Map 89, a portion of Tracts 102- A-2 & 102 C-2; zoned C-1; Valencia County, NM – James Aranda/ Verizon Wireless-Les Gutierrez

Mr. Aranda presented the applicant's request that was submitted for department review on September 29, 2008. Four departments responded, none citing any concerns. This request was heard at the October 22, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, the Planning and Zoning Commission decided, for a lack of input from the Tome Adelino Fire Chief, that both the height and location of the proposed 125 feet tower would not make the setback requirements. Mr. Aranda said after the hearing the applicant met with Fire Chief Charles Eaton, Chief Jack Dickey and Ruben Chavez to address the Fire Department's concerns regarding the proposed Wireless Communication Facility. The applicant agreed to lower the height of the Wireless Communication Facility to 80 feet and relocate it to the center of the property which would allow setback requirements.

Les Gutierrez who represents Verizon Wireless stated that by the request of the neighbors the tower was lowered by height from 125 feet to 80 feet. It is designed to be a slim line pole and would be painted to blend in with the area. This particular area has dropped calls and the cell site would help with coverage. Income to the county would be \$300,000 to \$350,000 over the life of the lease. The lease is typically five years with four to five year renewable options with a total of twenty five years.

In answer to Commissioner Kirkham's questions there was no other place the tower could be placed.

Fabian Padilla, president of the Tome Historic Neighborhood Association said they are trying to preserve their farmlands, greenbelt, culture and the language. They are opposed to this location and any other location Tome is trying to preserve.

Rita Padilla also is opposed to the tower and said it is not feasible for Tome, a historic region.

Bob Gostisha said there is plenty of room in Meadow Lake for a tower. Mr. Gutierrez said this tower is not designed to cover Meadow Lake, it is designed to cover the UNM area, Highway 47 and a two mile range from the tower structure. Verizon will work with Tome to have the tower concealed and blend in.

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

e) Requesting to Amend the Zoning Map from RR-1; to C-1 with a Conditional Use to allow for the operation of an existing auto and truck repair garage on the subject property; T7N, R3E, Section 26, NMPM; Mesa Estates Subdivision; Tract A-1-C-4-A; consisting of 2.12 acres; zoned RR-1; Valencia County, NM – James Aranda/ Jess & Merietta Mestas

Mr. Aranda presented the applicant's request that was heard at the August 27, 2008 Planning and Zoning Commission Hearing. Planning and Zoning recommended denial of the applicant's request. The applicant withdrew the application prior to the BOCC Public Hearing and submitted a new zone change application, RR-1 to C-2 for the operation of existing auto/truck repair garage. Again the applicant withdrew the application and revised it. This revision reduced the scope of the application only for the parcel with the existing auto garage. This request was heard at the November 6, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning voted 4-0 recommending conditional approval of this request. The conditions of approval are 1) the existing mobile home must be removed from the subject property with two years of approval; 2) a 6 foot tall fence shall be built on the north and east sides of the property within two years; 3) all access to the subject property must be from Meadow Lake Road and 4) no more than a total of sixteen vehicles can be stored on the subject property at any given time. The applicant agreed to the above conditions. Mr. Aranda said after the hearing an appeal was filed by Pamela Law, who lives adjacent to said property, who stated an inconsistency in the acreage. She also stated the application should not have been processed because the application form itself was not submitted until the deadline had passed. Ms. Law's application to appeal has

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not been processed because the fee has not being paid and no action will be taken until a decision has been made. When a decision is made they will deal with the appeal request.

Commissioner Kirkham asked does the applicant have merit to that appeal. Mr. Aranda said no, the only problem was the applicant needed to make an amendment on the form itself and somewhere this was forgotten to be submitted back to him. Mr. Aranda had a substantial piece of the application in hand, fees were paid therefore he allowed this to go forward. Public notices were made based on the request in a timely manner.

Mr. Mestas said he bought the fifty acre property in 1975. He had subdivided those pieces into 1 acre lots and sold. Originally it was five acre tract where he had a salvage yard set up. He has always kept up with his business license, paid his taxes. Mr. Mestas said in 1996 Valencia County changed the zoning and when they did this the county changed his zoning to RR-1. He had not realized this and so he is here requesting the zone change to commercial property.

Commissioner Gentry said in 1999 the county went through a complete comprehensive plan and re-did the planning maps. In the last four years the county has had to address many pieces of existing commercial business properties when in 1999 a comprehensive plan was done without a lot of notification.

The Los Lunas Salvage & Trucking business has been there since 1975. Chairman Rael asked if this business has been continuously running until the present time. Mr. Mestas said yes. There is a shared well with three households on the subject property and he does not live there.

Commissioner Holliday asked Mr. Mestas if he had any problems with the conditions of moving the mobile home. Mr. Mestas said he does not have a problem moving it but it is on a permanent foundation and could be used as a business office.

Commissioner Gentry said some things seem irrelevant, to have had a business approved like it was and been there prior to 1999. There has not been a lot of significant changes so to go in and remove an existing mobile home that can be used, as part of the approval, is irrelevant. Chairman Rael said they could address this when deliberating on this matter and ask the attorney for advice.

Commissioner Medina agrees with Commissioner Gentry because he also has been encountering this in his district. There are businesses that have been there for twenty five, thirty years that have been considered residential so this needs to be addressed. There are a lot of businesses shown as residential that have permanent structures and if the commission is going to require one individual to do this then the commission will open up a can of worms. He believes that if a business has been there or whatever has been on the property, he does not think that the Commission has a right to do this.

Pamela Law is opposed of the zone change but if approved she requested the limit of cars to ten and be specific with the conditions, to build a fence within three months along with a security bond. Her biggest complaint are non-operatable cars that are considered junk.

Chairman Rael asked Mr. Aranda if this is rezoned to C-1 does this allow storage of vehicles for repair services only. Mr. Aranda said the ordinance does not specify whether vehicle storage is allowed, although, if it does appear vehicles are being stored, it will fall under the salvage.

Michael Jaramillo spoke on behalf of his father in-law Jess Mestas, and clarified that everyone pays usage of the water through a meter system. Their intentions have been honorable and the vehicles parked there are from owners who are trying to find ways to pay for their repair. The family is willing to work with the conditions.

Commissioner Kirkham's concerns would be the usage of the water, but realizes that the business is not going to consume as much as a residential would.

Commissioner Rael said the Commission will be making a decision on the next business meeting.

The Commission took a ten minute break.

f) Requesting to Amend the Zoning Map from OD to MR with a Conditional Use to allow for the establishment of a sand & gravel mining operation on the subject property; T6N, R4E, Sections 9, 10, 11 & 12, NMPM; the Northwest ¼ & Lots 1 & 2 of Section 11, the Northeast ¼ & Lots 3 & 4 of Section 11, the East ½ Northwest ¼ & Lot

2 of Section 12 the North ¼ & Lot 3 & 4 of section 12 of consisting of 1,726.81 acres; Zoned OD; Valencia County, NM – Development, LTD, Mike Kiehne-Agent

Mr. Aranda presented the applicant's request that was heard at the October 22, 2008 Planning and Zoning Commission Hearing, after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning Commission voted 4-0 to recommend approval. Mr. Aranda's office received a letter from New Mexico Department of Transportation (NMDOT) stating they could not approve the applicant's Traffic impact Analysis (TIA). The letter listed nine items that needed to be addressed. The applicant is in the process of updating their TIA to address NMDOT's concerns. Mr. Aranda's recommendation is if the application is approved that it be done under the condition that all of the items detailed by NMDOT are satisfactory addressed within a reasonable time period.

Max Kiehne resident of Los Lunas gave a presentation for a sand & gravel operation with text, maps and photos. Mr. Kiehne said the applicants and Lafarge North America, Inc are committed to Valencia County and requested a zone change.

Terry Brown Traffic Engineer of New Mexico Transportation Department presented the Traffic Impact Study.

Commissioner Kirkham asked how many trucks will be traveling per day. Mr. Brown said his traffic study assumes no more than four hundred a day.

Commissioner Holliday asked Mr. Brown the safety of school buses traveling the same road. Mr. Brown said it is recommended in the traffic study that Meadow Lake road be widen west of Manzano beyond the school and the residential access and near the hill. Mr. Brown stated the weight of trucks will be taken into account with the design, the pavement will have to be a thicker pavement.

Carolyn Loader manager for Lafarge gave past numbers of when Lafarge was located in Los Lunas. Gross receipts paid to Los Lunas was \$232,000 in gross receipts tax, back to Los Lunas was \$63,000. and the state kept \$170,000. The economic situation now is not at its peak but this could be up to a fifty year operation in terms of quantity of material so using our ready mix operation we're looking at 2.5 million to 6 million just in gross receipts tax. Property tax would be paid directly to Valencia County, assuming a 10 million dollar investment on the equipment on site. Right now its zoned OD which is the lowest zoning for property tax and would be converted to MR in terms of taxable value. Ms. Loader said she would present a spread sheet of the taxes. If the economy goes well and we're doing 10 million in sales, we have a demand for that market, a ready mix site, and a high enough demand for an asphalt site, at this point, she would say 80% could stay in Valencia County.

Engineer Gary Richardson, who designs water well sites and had done the drainage plan for the proposed site, said it consist of two permanent diversions to divert the surface water around the mining area to the north and south. These diversions are designed such as they have the same length and the same width as the original channels that they replace. There are two important reasons for this; 1) we want the replacement to be able to transport the water and the sediment that comes to them in the same fashion as the original channel so that we don't induce any cycles of erosion or deposition that would be out of the ordinary for the natural channels; 2) is to maintain the recharge capacity. This project is located between the manzano mountains in the east of the mountain front and the hobble spring fault which is some distance to the west. This project is not going to alter the the ground water recharge capacity of the area from what it was before and the replacement channels will be stable from an erosion stand point.

Commissioner Gentry requested the spread sheet be presented by noon Friday, January 16, 2009 and requested the record to be left open only for this issue.

Chairman Rael asked if anyone opposed this request. Jim Lane was not opposed but had not heard mention on the asphalt. According to Mr. Herro this would be presented to the commission in the future. Ms. Loader's understanding was that asphalt was not a permitted use and they would have to come back and ask the commission for permission to do asphalt.

Mr. Kiehne submitted a letter of support from Tony Williams.

Chairman Rael stated the record will remain open for the report.

Commission took a short break.

g) Requesting an Amendment to the Zoning Map from AP to RR-2 to allow for the subdivision of the 40-acre subject property into a 15-lot residential subdivision; T6N, R2E, Projected Section 30, NMPM; Land Division of Franklin & Whisenant, Tracts

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A & B; MRGCD Map 90; consisting of 17.98 acres & 11.36 acres respectively; Zoned AP; and Land of Dale Jones, Tract C-2; MRGCD Map 90; consisting of 10.31 acres; Zoned AP; Valencia County, NM – James Aranda/ John Whisenant & Elias Barela-Consensus Planning-Agent

Mr. Aranda presented the applicants request that was heard at the November 26, 2008 Planning and Zoning Commission Hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning and Zoning Commission voted 4-0, recommending denial of this request. Mr. Aranda stated that there were a significant amount of public comments, the majority of them were opposed and the amount of correspondence Mr. Aranda's office received prior to the meeting were sixty-four calls, forty-two e-mails and a petition request of eighty-four signatures associated with the 2006 zone change.

Commissioner Gentry asked Mr. Aranda if the proposal was in compliance, were there any inconsistency with the request and Mr. Aranda said no, public notice was made in a timely manner and he had followed regulations in the Open Meetings Act that everybody within 150' from the subject property, which exceeds regulations, were notified.

Chairman Rael asked what was the number of acreage, under AP, that is required for each home. Mr. Aranda said the minimum allowed was 5 acres. So now, if it stays zoned like that, a person could build eight homes on forty acres. The request was to convert to a different zoning so that fifteen homes can be built on the same forty acres, that would be 2.5 acres per home but once you put in roads and other utilities easements it takes out of the net acreage.

Mr. Chavez had said this property had not been used for commercial agricultural activity since it was used for livestock management by the Van Tol dairy operation in 1970. He cross referenced it with information from the 2006 application by Mr. Whisenant and it can be confirmed, only, in that there was a statement stating that this property owned by Mr. Whisenant was under limited agricultural use for many years though it was unmanaged. One of the critical aspects of the application is that because there was no commercial activity taking place, this particular criteria under the zone change from AP does not apply.

Steven Chavez attorney of record had a presentation with maps, text and zoning issues.

John Whisenant gave some history of the proposed site and said he purchased the property in 1977 and was requesting the zone change.

Marcel Reynolds employed by Water Conservation District said there was the Los Chavez zoning in the early 1980's that was thrown out because of a technicality on petitions. In 1986 or '87 the launch county zoning was established to include Aguculture Preservation (AP) Rural Residential (RR). A group of people went through the MRGCD maps and defined these agricultural areas that were to be maintained as AP, this was in 1987. Chairman Rael requested that staff verify what was zoned in 1977 and what the acre minimum requirement was at that time. Chair also asked whether or not the irrigation water rights to that property, if any, have been sold or are they still attached to the property.

Elias Barela said in doing research on water rights on this property there is no pre-1907 water rights because this was swamp land but what there is, is Middle Rio Grande Conservancy water rights that were established through use after the farm was established. He does not believe this is AP zoned. Chairman wanted assurance from Mr. Whisenant that if this request was granted what was going to keep him from wanting it zoned again later on. Mr. Whisenant said he had no intentions of doing anything but what was proposed. Attorney Chavez said there were considerably assurance that it would not be changed ever again because, in the commission's authority and in approving this zone change request, they could approve it with the condition that this plan be adhered to, to the letter and that they go through the subdivision review process.

Elias Barela shared the same views and values as many of the folks here and felt very strongly that they should preserve the rural fields in the valley and agreed that AP was for preserved farming but this was not a viable commercial farm. He has read the regulations and they are trying to meet them not only by the letter of the law but in spirit. He would not want anyone to come and want to split 2 ½ to one acre, this is important to him, but he would also like for good folks to be able to afford to live in a good housing area.

James Hewitt professional engineer has designed many water/waste system improvement. The onsite are on shared wells and the onsite water systems would be comprised of septic tanks and alternative disposal systems (mounds, elevated systems, low pressure dose disposal systems and not the traditional leach fields). He has reviewed the site plan and has concluded the water demand per lot will be six to seven acre feet per year, this is for

indoor use only and is acceptable. The waste water/disposal average lot size 2.4 acres per lot (conventional leach system) is not acceptable due to the seasonal high water table which is about 6' in the surrounding area, the soil in this areas are fine sands, but there are other options, one being mounds, elevated systems, evaporative transpiration and other for this development.

Jim Strozier Principal of Consensus Planning addressed the zoning code, which is very specific and the plan design. This area has not been farmed for some time, he said. The drawing of the plan shows the efficient access in and out of the property, have clustered the homes to the center of the property, have created build areas and no build areas for each lot to provide a maximum amount of buffers to the north, south and the west. The front yards have various setbacks in order to not have continuous lines of houses and the trees along the street will be a requirement within the year.

Commissioner Kirkham asked what the square footage of the homes were. Mr. Strozier said 2500 square feet which included the garage.

Marcel Reynolds board member of the Valencia Soil and Water Conservation District is opposed to the zone change. He has always promoted the maintenance of the rural atmosphere, green belt and agricultural in general. The ordinance was accepted and approved in 2000 by the commission on the five acre plat. Mr. Reynolds shared his concerns on the proposed watering system and said five acres is an appropriate least amount of diversion in an agriculture preserved area.

Dr. Smith de Cherif who lives in the El Cerro area and is a board member of Valencia Soil and Water Conservation District is also opposed to the zone change. The Valencia Soil and Water Conservation was involved in drafting the comprehensive plan and specifically states preserving and protecting lands for agriculture purposes within the county.

Mike Padilla a resident of El Mundo Road and who farms six and a half acres opposes the zone change. If this development happens he has concerns of no fire hydrants, they have speed humps and this makes it difficult for EMS, increased traffic since 1993, problems of irrigation with the additional of fifteen homes and the rural area is becoming more congested.

David Gabaldon President of Los Chavez Community Association and a citizen of Los Chavez since 1992 lives on four acres and farms three of them. He said we either have rules that stand for something or we don't, and the rules are very clear, easy to find and easy to understand. The rule states five acres in AP and the association is trying to maintain the green belt and the AP zone.

Lisa Chavez a resident of Peyton Road in Los Chavez for twenty-six years is opposed to the zone change. The neighborhood feels strongly against the zone change and she quoted all the calls, e-mails and petitions that planning and zoning had received and asked the commission to consider the feelings of their constituents. This is our culture and heritage that is being lost, she said. She brought up the fact that a state representative was before them asking for a favor and requested the commissioners give them the same consideration. She also requested that Commissioner Kirkham recuse herself from voting on this issue being that she was a relative of the person requesting the zone change.

Commissioner Kirkham stated this had been a concern for her as well. She talked to the county attorney's and their opinion was that this was not immediate family, she was not making money on this and so she would be voting on the issue.

William Dean a resident of Los Chavez gave a two minute presentation on the Los Chavez preservation which has been placed in harms way. Petitions and phone messages have been submitted to protect the greenbelt; families choose this area for the tranquility of the area. The conservancy watering schedule is extremely tight and adding a subdivision would be difficult.

Toni Barrow who lives on El Mundo Road farms forty acres. She had concerns of farm lands being split into smaller portions and losing the farming communities.

Jim Woods who owns twenty acres north of the subject property said the land is already stressed and this needs to be addressed before more population moves into the area. He is in favor of keeping the greenbelt.

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Anthony Carreon completed a study in waste water for Valencia County and has determined this will become a city instead of country. The area will be over populated and the greenbelt will eventually be eliminated. There has to be a time when the county needs to say no, the greenbelt needs to be maintained.

Cynthia Bency-Witkin a resident of Los Chavez owns five acres and lives next to the proposed site. She shared her concerns of irrigating and how difficult it is to irrigate a portion of her land because of the lack of support of getting the water. This would be a hardship to her and the community if an additional fifteen homes are added.

Mr. Chavez said the focus that they tried to present was that they've satisfied the criteria in the zoning ordinance. The zoning ordinance provides a process to change zoning, it is just as lawful to change the zoning as it is to keep the zoning. They were requesting that if the commission approves the zone change that they attach the condition that the plan be adhered to and all the restrictive covenants be adhered to.

Chairman Rael said this will be decided at the next business meeting.

7. The next Regular Meeting of the Valencia County Board of County Commission will be held on January 21, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

8. Adjournment

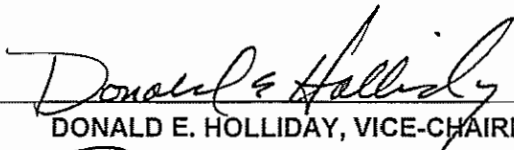
Commissioner Holliday moved to adjourn. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 11:07:06 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 14, 2009, 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 RAEI, CHAIRMAN



DONALD E. HOLLIDAY, VICE-CHAIRMAN



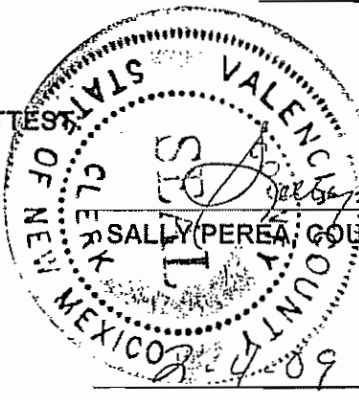
GEROGIA OTERO-KIRKHAM, MEMBER



RON GENTRY, MEMBER



DAVID MEDINA, MEMBER

ATTEST

SALLY PEREA, COUNTY CLERK
DATE