

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

December 9, 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	
Theresa Sanchez County Clerk Chief Deputy	Sally Perea, County Clerk
Press and Public	

1) The meeting was called to order by Vice-Chairman Donald Holliday at 5:00 P.M.

2) Vice-Chairman Donald Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Kirkham moved for approval of the agenda. Seconded by Commissioner Medina. 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).**

Meadow Lake resident Bob Gostischa thanked Commissioner Holliday and County Manager Eric Zamora on the informative meeting that was held at the Meadow Lake Community regarding the road improvement issues in his community.

According to Sue Moran, Sheriff Rene Rivera, who instituted a new community policing program, has assigned Officer Emily Montoya to her area finds her very effective, very responsible, has been out to their community a number of times and is very helpful. This is a step in the right direction, she said.

5) DISCUSSION (NON-ACTION) ITEMS:

Commissioner Kirkham asked County Manager Eric Zamora where they were at with the one time pay for employee's and were there any problems with it in Santa Fe? Mr. Zamora said they have met resistance with DFA (Department of Financing Administration) because they want clarification as to the purpose of the pay increase and what's intended for. He does plan on meeting with DFA on Tuesday. Commissioner Kirkham then asked if maybe they would be able to get something from the state by the end of the year.

County Attorney Adren Nance said we hope so, but basically this issue was anticipated and discussed it at length. Department of Finance Administration relies on Cisco McSorley's Attorney General Opinion which was specifically referenced to the resolution. The Cisco McSorley Attorney General's opinion states that you cannot retroactively give a pay increase, so they drafted the resolution with that in mind saying the county is not giving out a retroactive pay increase, certain criteria was set that staff had to meet. Mr. Nance feels they are legally in the right and just have to have a sit down with them and hopefully work it out.

Vice Chairman Holliday asked Sheriff Rene Rivera if he had hired the three deputies for the Meadow Lake, El Cerro Mission and south Rio Communities areas. Sheriff Rivera said "yes, coverage also includes Jarales, Highland Meadows and the Los Chaves area."

Commissioner Medina recommended to Sheriff Rivera that he inform his deputies if there are other concerns besides law enforcement, such as animal control issues, that they should inform the county.

6) Swearing in of Participants

County Clerk Chief Deputy Theresa Sanchez administered the oath to those persons wishing to speak at tonight's Public Hearing Meeting.

7) PUBLIC HEARING ITEMS:

a) Ordinance 2009___, Fair Housing – Ruben Chavez

Mr. Chavez presented Ordinance 2009___ for re-adoption and to be approved at the next Regular Business Meeting.

b) Amend The Zoning Map From RR-1 to C-1 to Allow For Use For a Tortilleria- And A Small Community Store On The Property –Jacobó Martínez/Lionel Molinar/Elisha Pohl.

Zoning Director Jacobo Martínez stated the subject area is a residential property, approximately about ½ acre and is zoned RR-1. This property is located on the NW corner Molinar and Santa Cruz Road. This zone change request to amend to C-1 Commercial designation is requested by Mr. Lionel Molinar. This request was heard at the Planning and Zoning Hearing on October 28, 2009 in which the Planning and Zoning Commission voted 5-0 recommending approval for this request.

Commissioner Kirkham asked Ms. Pohl what type of services this commercial enterprise was going to provide. Ms. Pohl, representing her father, stated the main purpose is going to be a community grocery store, the quick and easy items to get from a grocery store. A 3' x 5' self contained tortilla maker will be installed which will produce fresh tortillas. Her parents feel this area is ideal for a community grocery store to serve the people in this area.

Commissioner Kirkham said she had concerns with Molinar Road being a private road and not maintained by the County. Santa Cruz Road is constructed of dirt and maintained by the county and feels that road could be impacted more being a dirt road.

County Manager Eric Zamora said that's a concern from a Public Works standpoint, when it comes to traffic impact your two highest traffic producing type functions are, for example, a fast food restaurant and a gas station /convenience store. This project doesn't have the gas station element to it. So the number of trips generated to this facility would be less than that combined use. There is a big concern that access is a dirt road, not graveled, not paved and the amount of traffic that could be generated by a facility like this.

Mr. Zamora was sworn in by County Clerk Chief Deputy Theresa Sanchez to confirm that everything stated by him were true.

Commissioner Kirkham stated her concern is placing a commercial enterprise in a residential area. Ms. Pohl said this is will be a small family owned store.

Commissioner Gentry asked if notification was given to all the adjoining neighbors. Mr. Martínez said notification was sent to the 100' buffer around the area and no negative response was received.

Commissioner Medina asked Mr. Zamora "who owns the private road." Mr. Zamora said it's owned by the lot owner's abutting that road easement. Commissioner Medina then asked, wouldn't they have to get permission from the adjoining property owner if they're going to use that road? Counsel stated it depends how the access is written on the plat.

Planning and Zoning Director Jacobo Martínez said he believe's the plat indicates a public easement, but will double check. Counsel said as long as it indicates public, it should be fine as far as access goes, but if there's some restriction on it that the county is not aware of then of course there may be an issue.

Commissioner Holliday asked if there are any intentions of including a gas station and that the building will have to be built to meet commercial standards.

Mr. Martínez said this is a C-1 request and the purpose of a C-1 district is to provide limited commercial services. On a C-1 you'd have to go for conditional use for a gas station. Also the process was discussed with Mr. Molinar on commercial type's architectural drawings, engineering, grating and those types of process that he would have to go through to make sure the site design does meet required standards.

Commissioner Medina was concerned that there was a septic tank on the property and what was on the property prior to this request.

County Clerk Chief Deputy Theresa Sanchez administered the oath to Mr. Molinar.

Minutes of December 9, 2009 Public Hearing Meeting

Mr. Molinar stated there was a trailer on the property for a period of six months and had never used it so he had it removed.

Commissioner Kirkham asked if that septic system that was there for residential use was enough to maintain this store. Mr. Martinez said he spoke with David Torrez of the New Mexico Environmental Department and he did say because they are not having people stay and it's not going to be a sit down restaurant, that septic system would be sufficient. This system will be grandfathered in.

Vice-Chairman Commissioner Holliday asked if there were any public comments on this issue.

County Clerk Chief Deputy Sanchez administered the oath to Jim Lane.

Jim Lane said before they make their decision the commission might want to know what Planning and Zoning based their decision on. They were told that there was no other convenience store within eight miles. That's part of the reason they saw a need to grant the approval for this. He believes Ms. Pohl stated it was within half of mile. He just wanted to inform the commission before they make their decision.

Commissioner Gentry asked Mr. Lane, if there was another grocery store within a block of this, would you have turned it down? Mr. Lane said "probably would not have, as they saw it was a low impact to the neighborhood and were under the assumption that it was a public road."

EXHIBIT A

8) NEXT COMMISSION MEETINGS

The next Special/Regular Meeting of the Valencia County Board of County Commission will be held on December 21, 2009 at 8:30 A.M. in the County Commission Room at the Valencia County Courthouse.

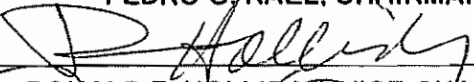
9) Adjournment

Commissioner Kirkham moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Time 5:35 P.M.

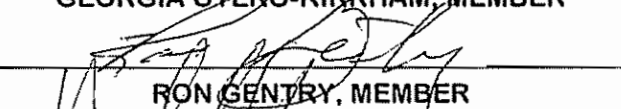
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the December 9, 2009 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G. RAEL, CHAIRMAN

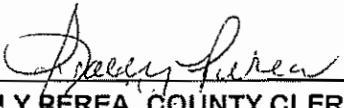

DONALD E. HOLLIDAY, VICE-CHAIRMAN


GEORGIA OTERO-KIRKHAM, MEMBER

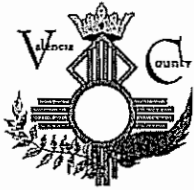

RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

12-21-09
DATE



VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Jacobo Martinez

Individual Making Request: Lionel Molinar

Presentation at Meeting on: December 9th, 2009

Date Submitted: November 25, 2009

Title of Request: Request to amend the Zoning Map from RR-1 to C-1 (Request made by Lionel Molinar) Application #: ZC(09002)

Action Requested of Commission: The applicant is requesting to amend the Zoning Map from Rural Residential-1 (RR-1) to Community Commercial (C-1) to allow for use for a tortilleria and a small community store on the subject property.

Information Background and Rationale: This request was submitted for departmental review on September 18, 2009. Four departments submitted comments. One code Enforcement Officer cited that there was little concern and thought it might be a nice development. Another Code Enforcement Officer had a concern about the size of the lot and the ability to appropriately build on the site. Public Works suggested that the land owner install 24'x20' corrugated metal piping with proper drainage grade with flexible delineators marking ends of culverts at both access with a street number attached. The Sheriff's Department had no noted issues nor did the Rural Addressor.

According to the zoning map included in the Maps & Photos section of your packet, the subject area is a residential property approximately ½ an acre. The closest commercial property is about 1/3 of a mile to the north. All of the properties in Monterey Park are approximately ½ an acre in size. As indicated by the Code Enforcement Officer, there was some initial concern that this proposal for a zone change to a commercial category is appropriate for a ½ parcel.

During our research, we talked with David Torrez from the New Mexico Environmental Department about any issues their organization might have with this use on a half acre parcel. Currently, the NMED requires lots to be at least ¾ of an acre in order to drop a septic system; however, this law did not come into effect until after 1996. Monterey Park was platted in 1986 and therefore would be grandfathered in to allow a septic system on the site, and there is actually a septic system that exists on the property. David Torrez believes that the use described for this zone change did not indicate a need to increase the septic system.

Also, during our research we found that there are approximately 527 parcels that are a half acre or less designated as a commercial use in all of Valencia County. Most of these parcels are found in the municipal limits of Los Lunas and Belen indicating that half acre commercial sites lend themselves to areas of more dense development patterns. Monterey Park is a dense residential development with approximately 450 residences within a half a square mile.

EXHIBIT A

BOOK 068

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The lot is vacant with no existing structure, if this zone were to change and somebody wanted to develop a commercial site the applicant would have to pursue Zoning Ordinance 154.035 for a site design review in which a grading and drainage plan along with other requirements would have to be met. According to zoning ordinance 154.120 Community Commercial, a convenience retail store or a food store cannot exceed 5,000 sq. ft. of floor area. This makes it possible for a development that meets the setback and parking requirements can be placed on the subject property.

It is unfortunate that this site is not quite off of the main road (Monterrey Boulevard) but is on a road driving into a neighborhood. It would be ideal if this request was made for a property located on a main road. However, there is retail that is needed in these areas and this request meets the criteria of Section 154.061 (C) of the Valencia County Zoning Code. The Planning Office will have no adverse opinion to granting an approval of this request.

This request was heard at the Planning & Zoning Commission Hearing. After hearing testimony from the applicant and taking public comments on the matter, the P&Z Commission voted 5-0, recommending approval of this request.

What is the Financial Impact of this Request? A commercial tax status will increase the tax rate and subsequent tax revenues.

TRACT 7

TRACT 8

TRACT 9

TRACT 10

TRACT 11

SANTA CRUZ RD

MOLINERO RD

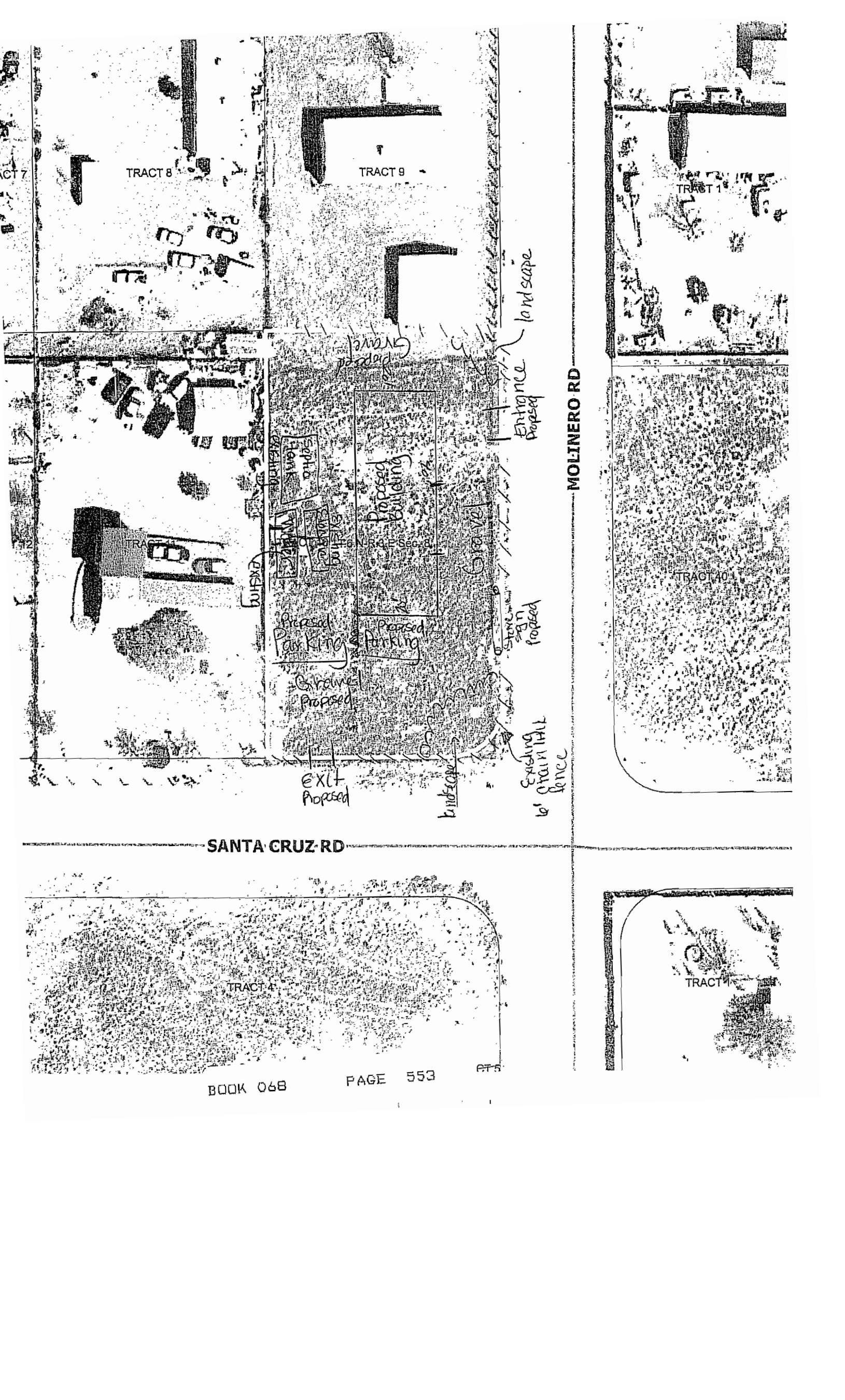
TRACT 12

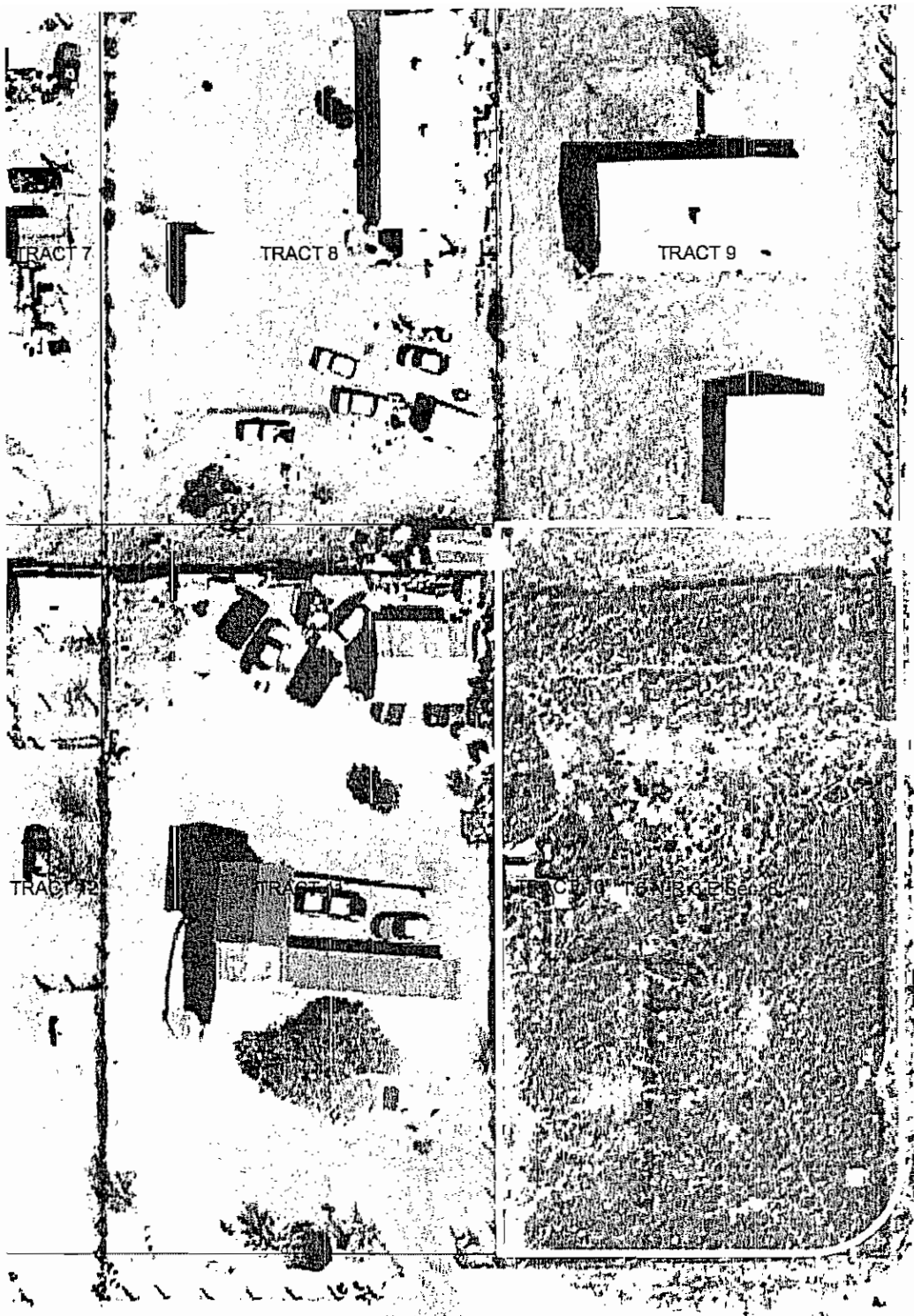
TRACT 13

BOOK 068

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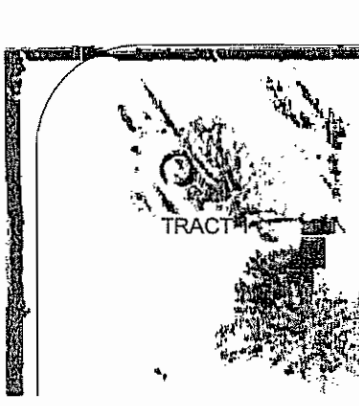
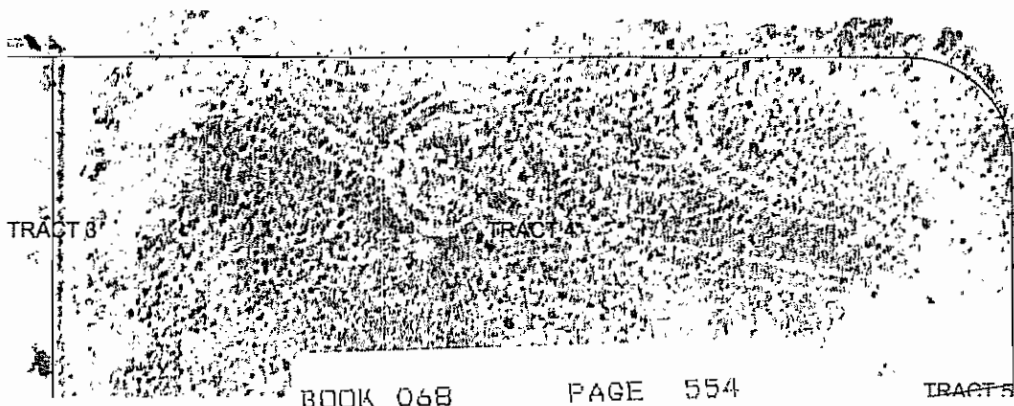
PT 5





SANTA CRUZ RD

MOLINERO RD

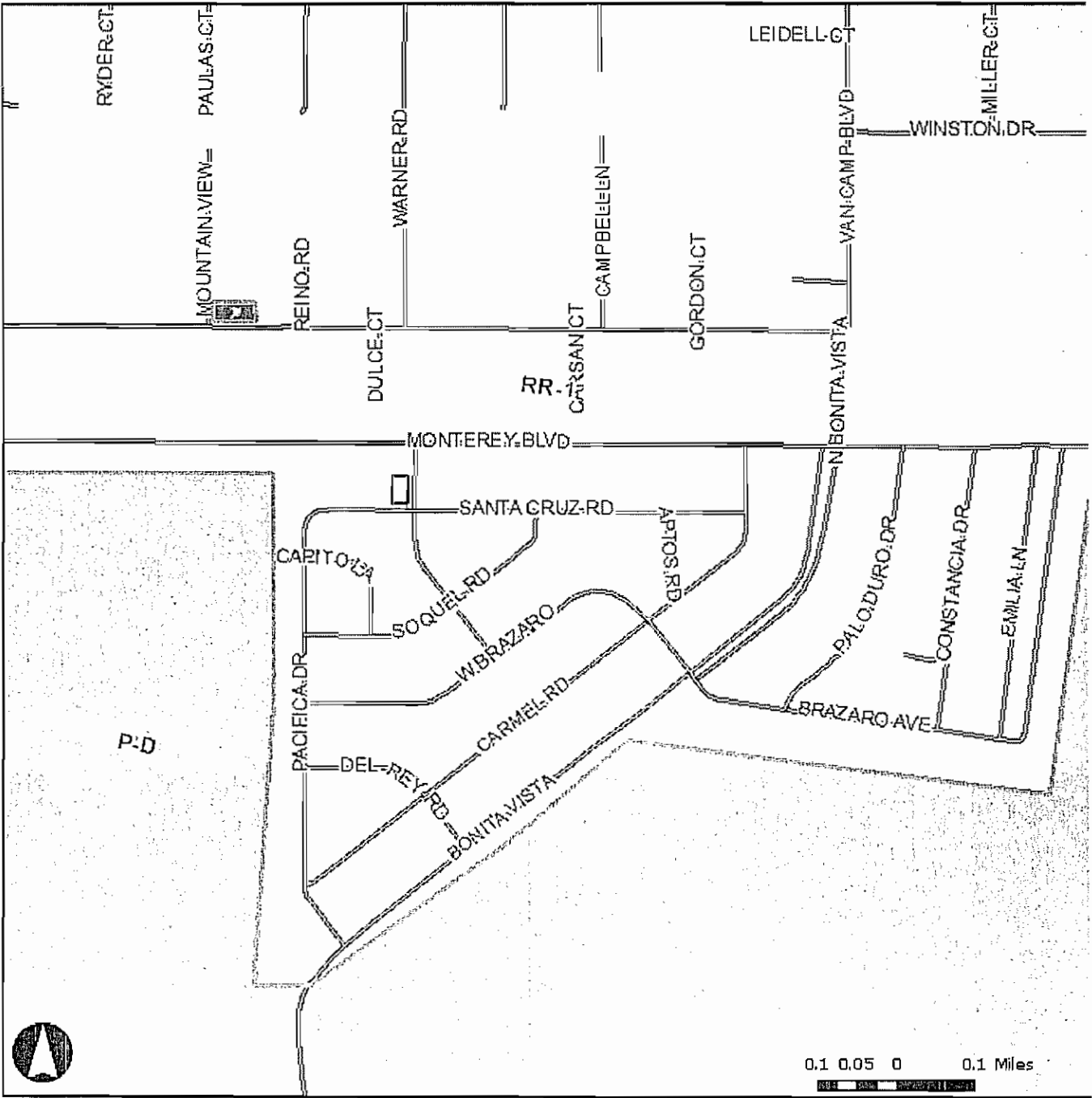


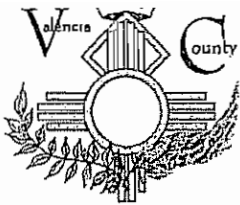
BOOK 068

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TRACT 5

Map





DEPARTMENT TRANSMITTAL SHEET

Application # ZC-09002 Cynthia Miranda/Lionel Molinar

Return to Planning and Zoning By: September 28, 2009

<input type="checkbox"/>	Code Enforcement	<input type="checkbox"/>	P&Z Commissioner, District I
<input checked="" type="checkbox"/>	Public Works	<input checked="" type="checkbox"/>	P&Z Commissioner, District II
<input type="checkbox"/>	Sheriff's Department	<input type="checkbox"/>	P&Z Commissioner, District III
<input type="checkbox"/>	Fire/EMS	<input type="checkbox"/>	P&Z Commissioner, District IV
<input type="checkbox"/>	Rural Addressor	<input type="checkbox"/>	P&Z Commissioner, District V
<input type="checkbox"/>	Code Enforcement		

Comments:

This lot is at the corner of Molinero Rd. & Santa Cruz Rd.

Molinar Rd. is a Privet dirt road which is not maintained by Valencia County. Santa Cruz Rd. is constructed of dirt and is maintained by the County. This lot does not seem to have access or egress. Suggest having land owner install 24"X 20' CMP with proper drainage grade along with flexible delineators marking ends of culverts at both accesses. Delineators should have street address number attached.

Signature: _____

Title: Public Works Supervisor

Pedro G. Rael, Chair, District I Georgia Otero-Kirkham, District II
David R. Medina, District III • Ron Gentry, District IV • Don Holaday, Vice Chair, District V



Valencia County Planning Office

Public Works Department

444 Luna Ave, Room 103 • P.O. Box 1119 Los Lunas, NM 87031

Phone (505) 866-2050 • Fax (505) 866-2424

www.co.valencia.nm.us

DEPARTMENT TRANSMITTAL FORM

Application #: ZC-09002 Cynthia Miranda/Lionel Molinar

Return to Planning Office By: 9-28-09

☐

Code Enforcement

☐

P&Z Commissioner, District I

☐

Public Works

☐

P&Z Commissioner, District II

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Sheriff's Department

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P&Z Commissioner, District III

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Fire/EMS

☐

P&Z Commissioner, District IV

☐

Rural Addressor

☐

P&Z Commissioner, District V

☐

Hoss/Code Enforcement

THERE WILL BE A REQUIRED COMMERCIAL
FIRE INSPECTION IF APPLICATION IS GRANTED.

THIS DEPARTMENT REQUEST A THAT APPLICANT
SUBMIT CONSTRUCTION PLANS FOR OPERATIONS
OF RETAIL FACILITY TO HAVE FIRE AND
SAFETY ISSUES ADDRESSED PRIOR TO
ISSUE OF BUILDING PERMIT.

Signature:

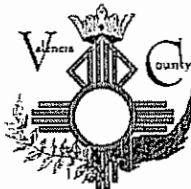
Carl Rael

Title:

Community Fire Chief

Pedro G. Rael, Chair, District I Georgia Otero-Kirkham, Vice-Chair, District II

David R. Medina, District III ♦ Ron Gentry, District IV ♦ Lynette Pinkston, District V



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DEPARTMENT TRANSMITTAL FORM

Application #: ZC-09002 Cynthia Miranda/Lionel Molinar

Return to Planning Office By: 9-28-09

☒

Code Enforcement

☐

P&Z Commissioner, District I

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Public Works

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P&Z Commissioner, District II

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Sheriff's Department

☐

P&Z Commissioner, District III

☐

Fire/EMS

☐

P&Z Commissioner, District IV

☐

Rural Addressor

☐

P&Z Commissioner, District V

☐

Hoss/Code Enforcement

9-24-09 Made site inspection at the property located
at the North West corner of Molinaro Rd
and Santa Cruz Rd in the Monterey area of
El Cerro Mission. This is a vacant lot
with minimal debris on it. I believe
this zone change would help the community
and take a vacant unsightly lot into
a development that would be nice. If the
County would make sure that this development
meet and/or exceeds the standards.

Signature: _____

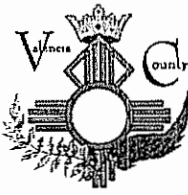
Title: CEA Office

Pedro G. Rael, Chair, District I Georgia Otero-Kirkham, Vice-Chair, District II

David R. Medina, District III ♦ Ron Gentry, District IV ♦ Lynette Pinkston, District V

BOOK 068

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Valencia County Planning Office

Public Works Department

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DEPARTMENT TRANSMITTAL FORM

Application #: ZC-09002 Cynthia Miranda/Lionel Molinar

Return to Planning Office By: 9-28-09

- | | |
|---|---|
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> P&Z Commissioner, District I |
| <input type="checkbox"/> Public Works | <input type="checkbox"/> P&Z Commissioner, District II |
| <input type="checkbox"/> Sheriff's Department | <input type="checkbox"/> P&Z Commissioner, District III |
| <input type="checkbox"/> Fire/EMS | <input type="checkbox"/> P&Z Commissioner, District IV |
| <input type="checkbox"/> Rural Addressor | <input type="checkbox"/> P&Z Commissioner, District V |
| <input checked="" type="checkbox"/> Hoss/Code Enforcement | |

- ① If Approved. TIA, Grading + Drainage Plan
- ② ADA, Handicap spots shall be paved.
- ③ EnvironmentHealth will need to check Septic Tank Set Back & Tank System.
- ④ Property is 2 1/2 To 3' above Road.

⑤ Lot is only 1/2 Ac

⑥ With The Size of Building Will Need Meet The Set Backs.

Signature: _____

Title: _____

Pedro G. Rael, Chair, District I Georgia Otero-Kirkham, Vice-Chair, District II
David R. Medina, District III ♦ Ron Gentry, District IV ♦ Lynette Pinkston, District V

#10-59

**VALENCIA COUNTY
TREASURER'S CERTIFICATION**

NAME OF PLAT: Family Land Division Plat Exemption H
TPS A, B & C of TR 40132 Map 71

NOTE: Taxes for any tax year are the responsibility of the owner of record on January 1 of that tax year.
7-38-7 and 7-38-47 NMSA 1978

This is to certify that the taxes are current and paid through tax year 88-09 on property (s) identified
within the boundaries of the above referenced plat and identified by the following uniform property code
(UPC) numbers:

UPC# (s) provided by: M. Romeo 10/9/09
(Valencia County Assessor's Office) (Date)

ID#	UPC#	TAX YR	ID#	UPC#	TAX YR
<u>140360</u>	<u>1-012-038-325-310-000000</u>	<u>99-08</u>			

THIS IS TO CERTIFY THAT _____ TAXES ARE CURRENT
AND PAID ON UPC'S LISTED ON THIS TAX CERTIFICATE.

ID#	UPC#	Registered Owner
<u>140360</u>	<u>1-012-038-325-310-000000</u>	<u>Robinson Carole + Merrill</u>

Brenda Stephens
PROPERTY OWNER OF RECORD

VALENCIA COUNTY TREASURER'S OFFICE 10-9-09
(DATE)