

#### September 14, 2011

Agenda

5:00 p.m. Public Hearing Meeting Valencia County Commission Chambers 444 Luna Avenue Los Lunas, NM 87031

Board of County Commissioners

Georgia Otero-Kirkham, Chair District II Mary J. Andersen, Vice-Chair Lawrence R. Romero Ron Gentry

District I District III District IV Donald E. Holliday District V



- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda

#### **SWEARING IN OF PARTICIPANTS**

# Georgia Obershudhand

#### PUBLIC HEARING ITEM(S):

- 4) Consideration to amend the Zoning Map from RR-2 to C-2 on the subject property defined as: T6N, R2E, Section 20, Map 87; NMPM; Zoned RR-2; Tract 87A1 & 87A2; Filed in Book 365, Page 2940; of the office of the Valencia County Clerk. Eric Zamora / Jacobo Martinez
- 5) Consideration to amend the Zoning Map from C-1 to C-2 on the subject property defined as: T6N, R2E, Section 20. Map 87; NMPM; Lands of Robert M. and Irene J Lee; Tract 13A2A; Zoned C-1; Filed in Book 344, Page 4552, of the office of the Valencia County Clerk; also known as 19712 Highway 314 Los Lunas, NM. Eric Zamora / Jacobo Martinez

#### PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

#### NEXT COMMISSION MEETING:

♦ September 21, 2011- Business Meeting @ 9:30A.M. Valencia County Commission Board Room 444 Luna Ave. LL, NM

#### ADJOURN:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.

Please Silence All Electronic Devices — Thank You!

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#### VALENCIA COUNTY BOARD OF COMMISSIONERS

#### **PUBLIC HEARING MEETING**

#### **SEPTEMBER 14, 2011**

PRESENT	
Georgia Otero-Kirkham, Chair	
Mary J. Andersen, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Donald E. Holliday, 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 Madam Chair Otero-Kirkham at 5:00 P.M.
- 2) Madam Chair led the Pledge of Allegiance.
- 3) Approval of Agenda

Commissioner Holliday moved for approval of the agenda. Seconded by Commissioner Romero. Motion carried unanimously.

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

#### **PUBLIC HEARING ITEM(S)**

4) Consideration to Amend the Zoning Map from RR-2 to C-2 on the Subject Property Defined as: T6N, R2E, Section 20, Map 87 NMPM; Zoned RR-2, Tract 87A1 & 87A2, Filed in Book 365 Page 2940 of the Office of the Valencia County Clerk – Eric Zamora / Jacobo Martinez.

County Planner Jacobo Martinez stated the purpose for the zone change request is to open a small car sales lot to sell classic trucks, cars and horse trailers. Packets were handed out for department review on July 1, 2011, Code Enforcement stated that the building will need to be permitted if one is to be constructed and at this time there are no code violations on the subject property. The Public Works Department, the Sheriff's Department and the Fire Department had no issue but need to be contacted prior to any occupancy of a building if one is to be built. The Planning and Zoning Board heard the request in a public meeting on July 20, 2011 and voted 5-0 to recommend approval of the zone change. The Planning & Zoning Commission found that the proposal change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan and the proposed change is appropriate concerning the surrounding land uses, the density and pattern of development in the area as well.

Mr. Wilmur Gabaldon did get an approved easement from the state to the property.

Madam Chair asked if there was anyone present that wanted to speak in favor or against the zone change request. There were none. (See Exhibit A)

5) Consideration to Amend the Zoning Map from C-1 to C-2 on the Subject Property Defined as: T6n, R2E, Section 20, Map 87 NMPM; Lands of Robert M. and Irene J. Lee, Tract 13A2A, Zoned C-1, Filed in Book 344 Page 4552 of the Office of the Valencia County Clerk also Known as 19712 Highway 314 Los Lunas, NM – Eric Zamora / Jacobo Martinez.

County Planner Jacobo Martinez stated according to the applicant Marlin Frettem and agent Sean McMullen the purpose for the zone change is for a retail establishment of 19,000 sq. ft. Because the C-1 designation does not allow for a building greater than 5,000 sq. ft and the applicant is planning to build a 19,000 sq. ft. retail establishment, a zone change is required to C-2. The retail establishment will be open seven days a week from 7:00 A.M to 8:00 P.M. and 9:00 A.M. to 6:00 P.M. on Sundays. The applicant will need to work with NMDOT (New Mexico Department of Transportation) for access into the site. The subject property faces Highway 314 and is surrounded by a mixture of C-1, C-2, and I-1 and R-2 properties. The subject property is approximately 4000 ft. north of the Los Chavez Fire Station and 2,000 ft. north of Dennis Chavez Elementary School. Packets were delivered on July 1, 2011 for review and there were no immediate concerns or

Minutes of September 14, 2011 Public Hearing Meeting

issues by the departments. If the applicant is awarded with the zone change and moves forward with a site plan, the departments will be involved in permitting and review.

The Planning and Zoning Board heard the request in a public meeting on July 20, 2011 and voted 5-0 recommending approval of the zone change. The Planning and Zoning found the proposed change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan and is appropriate considering the surrounding land uses, the density and pattern of development in the area. Mr. McMullen or Mr. Frettem were not present to answer questions.

Commissioner Holliday asked what kind of retail business are they planning on and Mr. Martinez said they wouldn't specify.

Madam Chair said she would like to know their intent and Mr. Martinez said he would definitely ask and get back to her as soon as possible.

Madam Chair asked for any comments, for or against the zone change request. There were none. County Attorney Nance suggested keeping the record open until that information is provided. Madam Chair said on the advice of counsel the record will be kept open until that information is obtained. (See Exhibit B)

#### **PUBLIC COMMENTS:**

Those making comments at tonight's Public Hearing Meeting were county residents Mike Wood, Bob McKay, Brian Benoit, Alice Torwrit, Clarke Metcalf, Jack Aragon, Hoss Otero, Sue Moran and Mary Wood.

Commissioner Romero said he, as a mediator, and Madam Chair had met in Albuquerque with the Valencia Health Commons and felt that they had resolved the issues and the biggest issue being the hospital location. Come to find out it wasn't because he feels it was a decision that was already made. It wasted his time and wasted the time of the people from Valencia Health Commons to attend this meeting which was not a genuine meeting. The reason he says this is because the issues that were brought up was location which they were going to place an addendum in the contract and were not going to make a new contract because he was afraid if they tried to get that going it would be tied up for 4-5 more years and he guarantees he will not be here in 4-5 years from now. Commissioner Romero announced that he will continue to serve his term but will not be running for re-election and the reason he say's is that this is something he just can't handle. As a commissioner the voters tell us what they mandate and if we can't fulfill their mandate, to him this is unacceptable. He even commented in the Journal that if it was a question on location because he owned land in one of the areas being considered, he would abstain from voting but then he also owns land in the Belen area so in Belen he would have to also abstain.

Commissioner Gentry said since we have terminated the contract with the Health Commons and we have no providers, the whole issue of the hospital and the development of a hospital are back before this commission. Commissioner Gentry would like for counsel to develop a legal roadmap of what the commission will have to do to restart the hospital process, go out for bids for providers and what the legal process is step by step so that the commission doesn't make a mistake if they are truly going to go forward. Commissioner Gentry passed out information to his fellow commissioners which will be placed as an action item on the agenda of the next Business Meeting. This has been prepared by the county legal staff and he has been assured that this is the legal and appropriate way to do it. This will be a resolution by this county commission in view of where we're at today with the hospital. It is directing that the Valencia County Hospital Mill Levy not be made and collected for the upcoming tax year. In other words what this does is, because we basically have no use for that money at this point, we have no contract, we have no plan, suspend that tax collection year by year until the commission gets it act together and have a need for that money, knowing that we have about \$12 million in the bank right now that we can't spend any place. He asks for the commissions support to at least give the people some relief for a tax the county is collecting that the commission has no plan on board to spend.

#### **NEXT COMMISSION MEETING:**

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 21, 2011 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

#### 11) Adjournment

Commissioner Holliday moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 14, 2011 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 GÉÓRGIA OTERO-KIRKHAM, CHAIR LAWRENGER. ROMERO, MEMBER DONALD E. HOLLIDAY, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

-21-2011



## VALENCIA COUNTY Board of County Commissioners

### AGENDA REQUEST FORM

Department Head: Eric Zamora/Jacobo Martinez Individual Making Request: Wilmer Gabaldon Presentation at Meeting on: September 14, 2011

Date Submitted: September 1, 2011

Title of Request: Title: Request to amend the Zoning Map from RR-2 to C-2 (ZC 11\_007)

#### Request:

Consideration to amend the Zoning Map from RR-2 to C-2 on the subject property defined as: T6N, R2E, Section 20, Map 87; NMPM; Zoned RR-2; Tract 87A1 & 87A2; Filed in Book 365, Page 2940; of the office of the Valencia County Clerk.

#### Legal Description:

T6N, R2E, Section 20, Map 87; NMPM; Zoned RR-2; Tract 87A1 & 87A2; Filed in Book 365, Page 2940; of the office of the Valencia County Clerk.

#### Information Background and Rationale

For your consideration is a zone change from RR-2 to C-2. According to the applicant, the purpose for the zone change will be for a tenant to open a small car sales lot to sell classic trucks and some cars and horse trailers. The A-frame building has been utilized as a commercial establishment previously. Currently, there are three houses on the parcel aside from the A-frame building. The lot is less than 3 quarters of an acre and building a structure will be costly because of EPA standards for septic. There is question as to whether Mr. Gabaldon will be repairing vehicles on site. There is an elementary school directly across the subject property and there is commercial zoned property to the north.

Packets were handed out for department reviews on July 1, 2011. Code enforcement stated that a building will need to be permitted if one is to be constructed. Also, there are no code violations on the subject property. The Public Works Department has no issues. The Sheriff's Department has no issues. The Fire Department has no issues but needs to be contacted prior to any occupancy and opening a facility of inspection. The Rural Addressor will not address a site without a building or a home.

The Planning and Zoning board heard the request in a public meeting on July 20, 2011 and voted 5-0 to recommend approval of the zone change. The Planning and Zoning Commission found:

The proposed change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan;

The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area

(EXHIBIT A)

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## APPLICATION # ZC 11.007

## VALENCIA COUNTY ZONE CHANGE/AMEND MASTER PLAN REQUEST APPLICATION

CHECK TYPE: AMEND ZONING MAP (ZENE CHANGE): From: RR2 To: Commercial C-2
AMEND MASTER PLAN
Applicant Name: Wilmer Gabaldon
Agent (if Applicable):
Mailing Address: 75 Square Deal Rd.
Mailing Address: 75 Square Deal Rd. Belen, NM 87002
Phone Number: 505 - 864-7958
Property Address (Site Location):
Property Owner(s): Wilmer Gaba Idon
Brief Description of Request: Just retired, would like to
Sell classic trucks trailers for extra income
Legal Description: Township: O(o N Range: O2 E Section: 20 Map: 87  Book/Cabinet: 365 PG 2940 Page: 2946
Lands of (if applicable):
Tract(s): 87 A1 + 87 A2 or
Subdivision (if applicable):
Block: Lot(s):
Zoning: Property ID#: 1-000-033-77/2-013
Present Use of Property: Vacant
Applicant Signature: (Miner Catalogo Date: 6.1.1
Application Received By: JACOSO MARTINE Date: U 1
P&Z Hearing Date: County Commission Hearing Date:
*Application must be accompanied by a non-refundable Review Fec of \$250, a Site Plan, Proposal Letter, a printout from the County Assessor's Office, and a current Assessor Map showing the property and general vicinity.
BOOK 72 PAGE 6



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#### DEPARTMENT TRANSMITTAL FORM

Application #: ZC 11-007 Wilmer Gabaldon

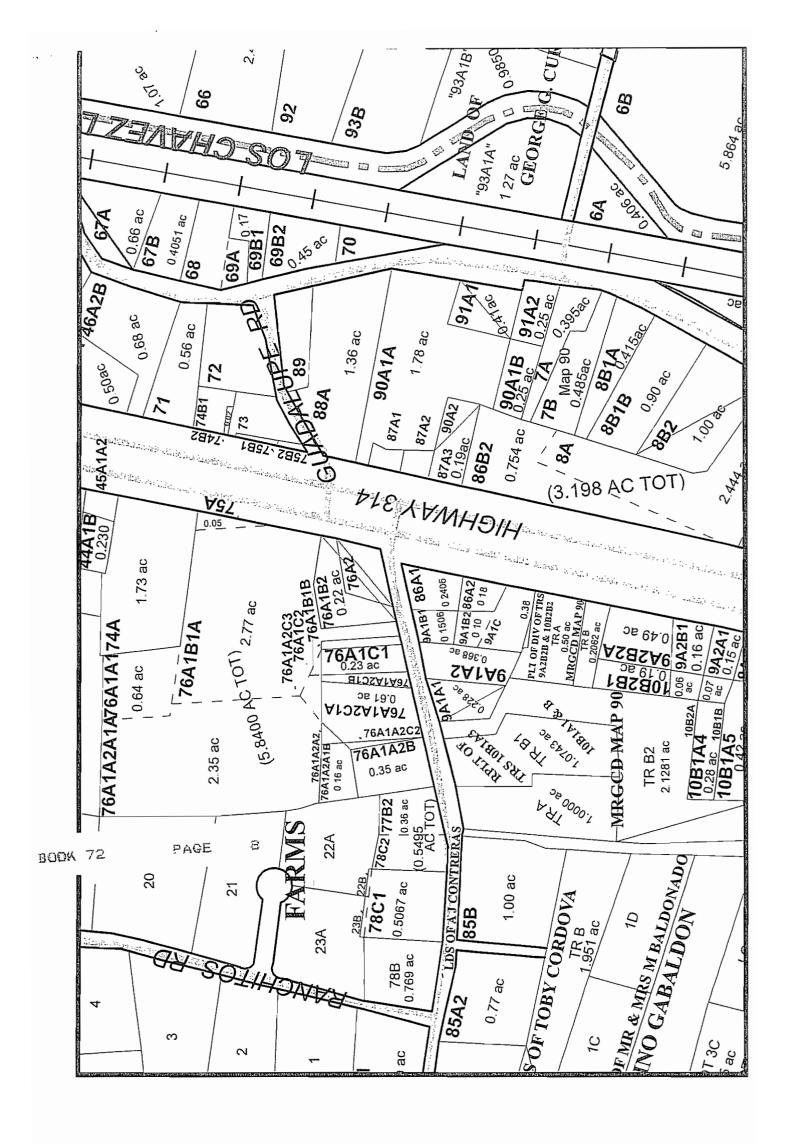
Return to Planning Office By: JULY 15, 2011 Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega Code Enforcement-Hoss Foster Fire Department-Casey Davis Public Works-Bill Chavez Rural Addressor Sherriff's Department Signature:

BOOK 72

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Georgia Otero-Kirkham, Chair District II  $\diamond$  Mary Andersen, Vice-Chair District I Lawrence R. Romero, District III  $\diamond$  Donald E. Holliday, District V  $\diamond$  Ron Gentry, District IV





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Return to Planning Office By: JULY 15, 2011 Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega Code Enforcement-Hoss Foster Fire Department-Casey Davis Public Works-Bill Chavez Rural Addressor Sherriff's Department Acres Permit shall Be From The STote Harl If Appound, a Business Lic shall Be Rogained From Valencia Co. Signature: Title: C< RA

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#### DEPARTMENT TRANSMITTAL FORM

Application #: ZC 11-007 Wilmer Gabaldon

Return to Planning Office By: <u>JULY 15, 2011</u>
Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
Code Enforcement-Hoss Foster
Fire Department-Casey Davis
Public Works-Bill Chavez
Rural Addressor
Sherriff's Department
this Site will Also Need to Know to open. wer will Also Need to Know it Owner is planning to do Repairs or Responding on Site please Advise
Signature:
Title: Fice Marshal

Georgia Otero-Kirkham, Chair District II 💠 Mary Andersen, Vice-Chair District I Lawrence R. Romero, District III ♦ Donald E. Holliday, District V ♦ Ron Gentry, District IV

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Title:

#### Valencia County Planning Office Public Works Department

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Return to Planning Office By: JULY 15, 2011 Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega Code Enforcement-Hoss Foster Fire Department-Casey Davis Public Works-Bill Chavez Rural Addressor Sherriff's Department Public Works has NO issurs Signature:

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### Valencia County Planning Office

**Public Works Department** 

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Application #: ZC 11-007 Wilmer Gabaldon

	Return to Planning Office By: JULY 15, 2011
	Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
	Code Enforcement-Hoss Foster
	Fire Department-Casey Davis
	Public Works-Bill Chavez
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	No Concerns From LAW ENFORCEMENT.
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	BQQW 72 PAGE 12
	Georgia Otero-Kirkham, Chair District II 🐧 Mary Andersen, Vice-Chair District I

Lawrence R. Romero, District III ♦ Donald E. Holliday, District V ♦ Ron Gentry, District IV



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Application #: ZC 11-007 Wilmer Gabaldon

Return to Planning Office By: JULY 15, 2011

Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
Code Enforcement-Hoss Foster
Fire Department-Casey Davis
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Georgia Otero-Kirkham, Chair District II 💠 Mary Andersen, Vice-Chair District I Lawrence R. Romero, District III 💠 Donald E. Holliday, District V 💠 Ron Gentry, District IV



## VALENCIA COUNTY Board of County Commissioners

### ACENDA REQUEST FORM

Department Head: Eric Zamora/Jacobo Martinez

Individual Making Request: Marlin Frettem/Sean McMullen (Agent)

Presentation at Meeting on: September 14, 2011

Date Submitted: September 1, 2011

Title of Request: Title: Request to amend the Zoning Map from C-1 to C2 (ZC11 008)

Request:

Consideration to amend the Zoning Map from C-1 to C-2 on the subject property defined as: T6N, R2E, Section 20, Map 87; NMPM; Lands of Robert M. and Irene J Lee; Tract 13A2A; Zoned C-1; Filed in Book 344, Page 4552, of the office of the Valencia County Clerk; also known as 19712 Highway 314 Los Lunas, NM.

Legal Description:

T6N, R2E, Section 20, Map 87; NMPM; Lands of Robert M. and Irene J Lee; Tract 13A2A; Zoned C-1; Filed in Book 344, Page 4552, of the office of the Valencia County Clerk; also known as 19712 Highway 314 Los Lunas, NM.

#### Information Background and Rationale

For your consideration is a zone change from C-1 to C-2. According to the applicant, the purpose for the zone change will be for a retail establishment of 19,000 square feet. Because the C-1 designation does not allow for a building greater than 5, 000 square feet and the applicant is planning to build a 19,000 square foot retail establishment, a zone change is required to C-2. According to the applicant, the retails establishment will be open 7 days a week from 7 am to 8 pm and 9 am to 6 pm on Sundays. The applicant will need to work with NMDOT for access into the site. The subject property faces Highway 314 and is surrounded by a mixture of C-1, C-2, I-1 and RR-2 properties. The subject property is approximately 400 ft north of the Los Chavez Fire Station and 2,000 ft north of Dennis Chavez Elementary School.

Packets were delivered on July 1st, 2011 for review. There were no immediate concerns or issues by the departments. If the applicant is awarded the zone change and moves forward with a site plan, the departments will be involved in permitting and review.

The Planning and Zoning board heard the request in a public meeting on July 20, 2011 and voted 5-0 to recommend approval of the zone change. The Planning and Zoning Commission found:

The proposed change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan;

The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area

(EXHIBIT B)

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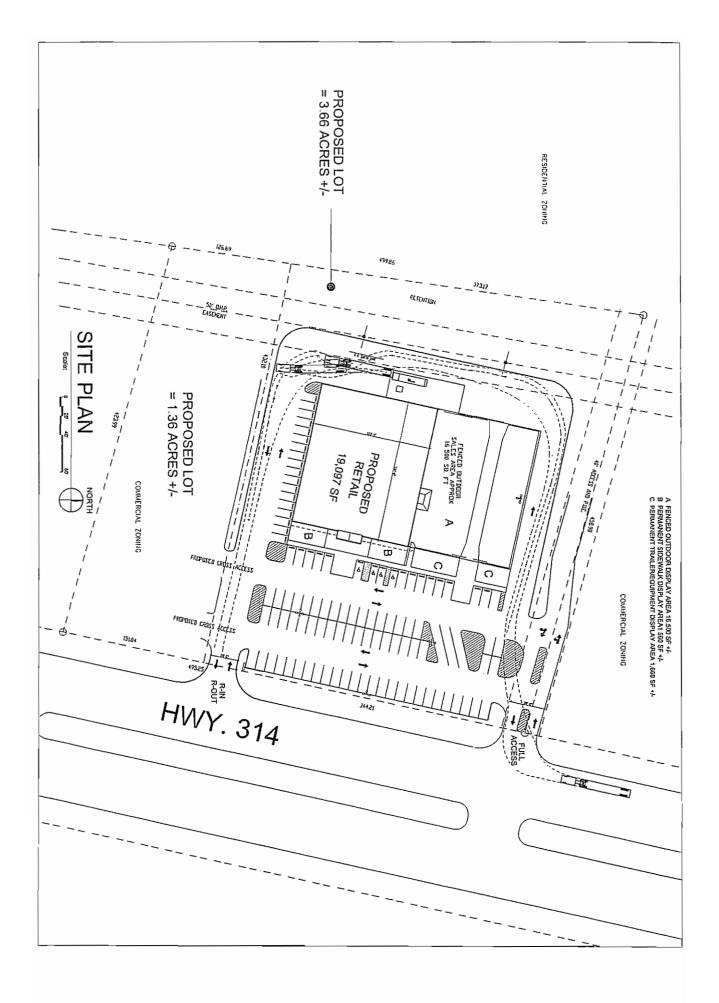
## APPLICATION # ZC 11-009

### VALENCIA COUNTY ZONE CHANGE/AMEND MASTER PLAN REQUEST APPLICATION

CHECK TYPE: AMEND ZONING MAP (ZONE CHANGE):  From: C - 1 To: C - Z
From
AMEND MASTER PLAN
Applicant Name: Marlin C. Frettem
Agent (if Applicable): Sean P. Mc Mullan
Mailing Address: 7107 Prospect Pl. NE
Albuquerque, NM 87110
Phone Number: 883-1100
Property Address (Site Location): 19712 Hwy 314 Los Chivez 8700
Tract 13 AZ A Lands of Robert m. and
Property Owner(s): Marlin C. Frettem, Trustee Inene J. Lee S.OZ Here
Brief Description of Request: Change Zoning from
C-1 to C-2 to allow for an improvement
larger than 5000 sqfd.
Legal Description: Township: 10 N Range: 2E Section: 20 Map: 27
Book/Cabinet: 344 Page: 4552
Lands of (if applicable): Thobert M. and Irane J. Lee
Tract(s): Tract 13 A 2 A 5.02 Acres
Subdivision (if applicable):
Block:
Zoning: C-   Property ID#: 10080 33 22 726 5 000000
Present Use of Property: Vacant / agricultural
Applicant Signature: P. M. M. Date: 6/7/11
Application Received By: Date: 0 - 9 - 11
P&Z Hearing Date:County Commission Hearing Date:
*Application must be accompanied by a non-refundable Review Fee of \$250, a Site Plan, Proposal

\*Application must be accompanied by a non-refundable Review Fee of \$250, a Site Plan, Proposal Letter, a printout from the County Assessor's Office, and a current Assessor Map showing the property and general vicinity.

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## Valencia County Planning Office

Public Works Department

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#### DEPARTMENT TRANSMITTAL FORM

Application #: ZC 11-008 Marlin C Frettem

Return to Planning Office By: <u>JULY 15, 2011</u>	
	Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
	Code Enforcement-Hoss Foster
	Fire Department-Casey Davis
	Public Works-Bill Chavez
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	Lawrence R. Romero, District III ♦ Donald E. Holliday, District V ♦ Ron Gentry, District IV
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Return to Planning Office By: JULY 15, 2011

Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega

	Code Enforcement-Hoss Foster
	Fire Department-Casey Davis
	Public Works-Bill Chavez
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Signa	nture:
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Lawrence R. Romero, District III ♦ Donald E. Holliday, District V ♦ Ron Gentry, District IV

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Return to Planning Office By: JULY 15, 2011 Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega Code Enforcement-Hoss Foster Fire Department-Casey Davis Public Works-Bill Chavez Rural Addressor Sherriff's Department Works has NO 155415 Signature: Title: Georgia Otero-Kirkham, Chair District II 💠 Mary Andersen, Vice-Chair District I Lawrence R. Romero, District III ♦ Donald E. Holliday, District V ♦ Ron Gentry, District IV BOOK 72 PAGE 19



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Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega  Code Enforcement-Hoss Foster  Fire Department-Casey Davis  Public Works-Bill Chavez  Rural Addressor  Sherriff's Department  This Will Need our office to be part of the Plans Review over this And Jife Dafaty Review	Return to Planning Office By: <u>JULY 15, 2011</u>
Fire Department-Casey Davis  Public Works-Bill Chavez  Rural Addressor  Sherriff's Department  This Will Need our office to be part	Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
Public Works-Bill Chavez  Rural Addressor  Sherriff's Department  This Will Need our office to be part	Code Enforcement-Hoss Foster
Rural Addressor  Sherriff's Department  This Will Need our office to be part	Fire Department-Casey Davis
Sherriff's Department  This Will Need our office to be part	Public Works-Bill Chavez
This will Need our office to be part	
Full Set of Plans Will Need to be provided to this office	of the Plans Review over this And Tite Safety Review
Signature:  Title: Krew Marshal  Georgia Otero-Kirkham, Chair District II  Lawrence R. Romero, District III  Donald E. Holliday, District V  ROM Gentry, District IV	Georgia Otero-Kirkham, Chair District II   Lawrence R. Romero, District III   Donald E. Holliday, District V   Ron Gentry, District IV



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Code Enforcement-Michael Marquez/John Mirabal/Oscar Vargas/Sonny Vega
Code Enforcement-Hoss Foster
Fire Department-Casey Davis
Public Works-Bill Chavez
Rural Addressor
Sherriff's Department  Follow (1-2 Zon-g Regensement) For proposed
Basine St
Signature: Occor V Control  Title: Orle Enforcement

Georgia Otero-Kirkham, Chair District II  $\diamond$  Mary Andersen, Vice-Chair District I Lawrence R. Romero, District III  $\diamond$  Donald E. Holliday, District V  $\diamond$  Ron Gentry, District IV