

May 9, 2012  
Agenda  
5:00 p.m. Public Hearing Meeting  
Valencia County Commission Chambers  
444 Luna Avenue  
Los Lunas, NM 87031

Board of County Commissioners

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

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

A handwritten signature in dark ink, appearing to read "Donald Holliday".

**SWEARING IN OF PARTICIPANTS**

**PUBLIC HEARING ITEM(S):**

- 4) Consideration of Ordinance restricting through truck traffic on North Rio del Oro, East of Manzano Expressway to Valencia High School in Valencia County: **Commissioner Don Holliday**
- 5) Quasi Judicial Zone Change RR-2 to RR-2, Consideration to hear a quasi judicial zone change from an RR-2 to an RR-1 to allow a family lot split; T6N, R2E, Section 28, Map 89; Tract 82-B-1; Zoned RR-2; Filed in Book 294, Page 2743, of the office of the Valencia County Clerk; Also known as 2779 Highway 47 Los Lunas, NM: **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:**

- ♦ May 23, 2012- Business Meeting @ 9:30A.M.  
Los Lunas School Board Room 119 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!**

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## PUBLIC HEARING

May 9, 2012

PRESENT	ABSENT
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
	Ron Gentry Member
Mary J. Andersen, Member	
Bruce Swingle, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

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

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Otero-Kirkham moved for approval of the agenda. Seconded by Commissioner Andersen. Motion carried unanimously.

### SWEARING IN OF PARTICIPANTS

County Clerk Sally Perea administered the oath to those individuals wishing to give testimony on the Public Hearing items.

### PUBLIC HEARING ITEMS:

4) Consideration of Ordinance Restricting Through Truck Traffic on North Rio Del Oro, East of Manzano Expressway to Valencia High School in Valencia County – Commissioner Donald Holliday.

Commissioner Holliday said the reason he has been pushing for this is because he believes this is a safety issue they are facing, with the kids and the heavy trucks on the road. When it was heard for the first time counsel was asked to come back with a permitting process which is before the commission today.

Valley Improvement Association President and CEO Paul Baca represents the ownership interest which is a forty-seven thousand acre subdivision on the east mesa. It's not only property that VIA owns itself but it's also property that is owned by members of the Valley Improvement Association, tax paying residents and non-residents of Valencia County. Mr. Baca feels that the permitting process has some merit but how well is it going to be enforced. There is a limited amount of resources when it comes to law and code enforcement in Valencia County. The ordinance is a temporary fix and believes that it will open up and set precedent for other roads like Meadow Lake Road, there is a gravel and mining operation east of there and Meadow Lake Road goes right in front of Ann Parish Elementary. So if the North Rio Del Oro Loop is shut down or access for heavy truck traffic, does that then open up Meadow Lake Road area because those trucks go right in front of Ann Parish Elementary. Mr. Baca asked the commission to consider those things before they take action on adopting this.

Commissioner Andersen asked Mr. Baca how active is VIA's operation today? Mr. Baca said the mining operation that VIA owns is not operational. They have inventory that was left by the previous owner and occasionally a truck goes out once a week and pulls inventory from that mine down to the Belen Sand and Gravel site which is another subsidiary of theirs.

Chairman Holliday asked Mr. Baca why this restriction would shut his business down. Mr. Baca said it makes it pretty much worthless because in business you have to be competitive in pricing. If the product is hauled out to any of the northern areas, the truckers charge them per ton mile to haul the product out. They don't own the trucks, they contract that out. If they'd have to use an alternative which would be a south route, it would add approximately 3.5 miles to the route. So that adds to the cost of the product. Chairman Holliday said he's willing to work with him to find an alternative route and doesn't see how their company is going to go broke having to go three miles on another route. His concern is the safety of the children at the intersection of North Rio Del Oro and Manzano Expressway. It's a safety issue and he is willing to work with them to a point

but feels that VIA should take a little stewardship and be concerned with the safety of the children also.

Mr. Jacobo Martinez said Public Works did some research and they have identified six different easements that can go up north to Monterey Boulevard and a couple of easements that may go down south to south Rio Del Oro Boulevard. These are easements that exist that can be improved and can be utilized as roads.

Attorney Dave Pato said for the purpose of the record he would like to introduce the letter from Valley Improvement Association dated November 20, 2007 stating that it owns and is in support of petitions submitted by Southwest Rock Development Corporation to rezone the property from pre-platted to natural resources.

Chairman Holliday asked if anyone wanted to speak on this issue.

Valencia County resident Mike Wood said this all started when Commissioner Gentry was here to represent his constituents on the South Del Oro Loop and when he entered that issue Chairman Holliday stepped in with the North side which was never really understood why. If you go ahead with what you're trying to do, are you going to route everything on the South Del Oro Loop, on the dirt road along side fifty houses of which the people have complained because the stucco is falling off their walls and shingles are falling off their roofs. I don't get where you're coming from and if you could explain it, Mr Wood asked.

Chairman Holliday said he would be glad to explain it and that's exactly what he was afraid of, if you put restrictions on South Rio Del Oro that was going to put all the traffic on North Rio Del Oro where the school is at. That's why he's opposed to the restriction on North Rio Del Oro. As far as the traffic going behind the houses, he doesn't know that it will. We just said there are six other routes they can go, they don't necessarily have to go back there. As Mr. Baca just stated that the trucks are going to find the shortest route and supposedly according to Mr. Baca the next shortest route is 3.2 miles further. You can't compare a ton of gravel for a life of a child and yes, you're absolutely right, that's why I did it. The roads have been there; the South Rio Del Oro was a main thoroughfare and was there before North Rio Del Oro was there. The developer chose to place the houses there.

Valencia County resident Mary Wood asked if the traffic is restricted on the North Rio Del Oro Loop does that also restrict it on the South Rio Del Oro Loop because when previously discussed and the reason a decision was not made at that time was that Commissioner Otero-Kirkham stated she would not vote on anything that didn't combine both the North and the South Loop at the same.

Commissioner Otero-Kirkham said she believes that was Commissioner Gentry's decision to bring it forward, to restrict it on the south loop as well, but it's not being combined at today's meeting. Mrs. Wood suggested it be tabled until the commissioners can come to an agreement on both the north and south loop.

Los Lunas School Board Member Chris Martinez represents District III which is Valencia High School. Mr. Martinez is afraid of the restriction mainly because of some near misses along that road. They have expressed their concerns on several safety issues which includes more lighting that is much needed in that area. Although he is not opposed to business he believes when the school was built the school district contributed money into the infrastructure of getting to that site. An eighty thousand pound truck full of dirt and gravel running two feet away from a forty thousand pound school bus full of kids is not a good recipe for safety. There's a lot of activity during a regular school day and he feels there could be a better route that would avoid a lot of that traffic out of that school community. He asks that the commission take that into consideration for the safety of the students and the residents of that community. Mr. Martinez believes that business is important and trying to bring in industry is important for the eastside now that there's a school out there. Building a town around the school and getting the support of the community and understanding that safety is a factor is vital to students. A truck route that goes all the way around needs to be created because the industry for the future is going to require heavy vehicles traveling on those roads. So why not plan for it today and find a route that they can work on and if it's needed that the people band together and go up to Santa Fe and fight for some paving dollars, let's do that.

Commissioner Andersen agrees with Mr. Martinez. They need to look at a four lane Manzano Expressway, roads that would serve the schools and mining sites and plan for that even if it's only paper so that when something comes up we can say what we want done in that area.

Minutes of May 9, 2012 Public Hearing Meeting

5) Quasi Judicial Zone Change RR-2 to RR-1, Consideration to Hear a Quasi Judicial Zone Change from an RR-2 to an RR-1 to Allow a Family Lot Split; T6N, R2E, Section 28, Map 89, Tract 82-B-1, Zoned RR-2 Filed in Book 294 Page 2743 of the Office of the Valencia County Clerk; Also Known as 2779 Highway 47 Los Lunas, NM – Jacobo Martinez.

Public Works Director Jacobo Martinez stated this request is to provide a zone change from a Rural Residential-2 (RR-2) to a Rural Residential-1 (RR-1) zoning district. According to the applicant, a zone change is needed in order to provide one acre to each of his children. Specifically, the applicant would like to rezone 82B1 into 82B1A and 82B1B. The subject property is 2.69 acres and the applicant would like to split up his land into two one acre parcels. In assessing the surrounding lands of the subject property, there are a number of properties that are one acre or less making the zone change appropriate with the surrounding land uses and density patterns.

The Planning and Zoning Board heard the case on March 20, 2012. The Commission found that currently, the applicant has applied for a zone change comprising of 2.69 acres. The RR-1 Zone allows for one dwelling unit per parcel. There is more than one dwelling units on the subject property as exist today and the dwelling units have existed on the parcel before 2000 and are subject to a non-conforming use, although they do not have a non-conforming use for them. If the zone change is passed, the applicant will bring the use into compliance, which means that the applicant would provide a one dwelling unit per parcel.

The Planning and Zoning Board voted 5-0 to recommend approval of the zone change from RR-2 to RR-1.

Chairman Holliday asked if any members of the audience would like to speak in favor or against the zone change request. No one spoke for or against the zone change.

#### **PUBLIC COMMENTS:**

Those members of the audience making public comments at tonight's Public Hearing were Valencia County residents Clarke Metcalf, Margo Ward, Mike Wood and Ginger Brown.

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

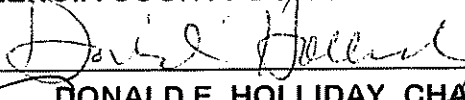
The next Regular Meeting of the Valencia County Board of County Commission will be held on May 23, 2012 at 9:30 A.M. in the Los Lunas School Board Room, 119 Luna Ave., Los Lunas, NM 87031.


#### **ADJOURNMENT:**


Commissioner Andersen moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. Time 5:52 P.M.


**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the May 9, 2012 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**

  
DONALD E. HOLLIDAY, CHAIRMAN

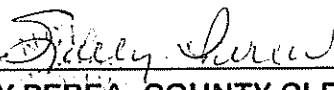
  
GEORGIA OTERO-KIRKHAM, VICE-CHAIR

  
LAWRENCE R. ROMERO, MEMBER

  
RON GENTRY, MEMBER

  
MARY J. ANDERSEN, MEMBER

ATTEST:

  
SALLY PEREA, COUNTY CLERK

5.23.2012  
DATE