

September 12, 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 II
Lawrence R, Romero District IV
Ron Gentry District IV

onaul Hollinder



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

SWEARING IN OF PARTICIPANTS

PUBLIC HEARING ITEM(S):

- 4) Consideration of transfer of Liquor License No. 0600 to Dennis V. Chavez L.L.C., 24 Dailes Rd., Los Lunas, NM 87031 from Golf Classic Resort L.L.C. dba Tierra Del Sol Golf and Country Club, 1000 Golf Course Rd., Belen, NM. / Sally Perea
- 5) Consideration of Application 824298 to Jonathan P. Chavez dba Camino Real Winery, Inc., 13 Tome Hill Rd., Hwy 47, Los Lunas, New Mexico for a Wine Grower Liquor License. / Sally Perea
- 6) Request to amend the Zoning Map from O-D to I-3. / Jacobo Martinez
- 7) Consideration to hear an appeal of a decision made by Planning & Zoning Commission to deny a Site Development Plan. / 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 19, 2012- 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!

BOOK 073

PAGE 690

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

SEPTEMBER 12, 2012

PRESENT	
Donald E. Holliday, Chair	
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 Romero. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS

Chief Deputy Clerk Theresa Sanchez administered the oath to those individuals wishing to give testimony at tonight's Public Hearing.

PUBLIC HEARING ITEM(S)

4) Consideration of Transfer of Liquor License #0600 to Dennis V. Chavez LLC, 24 Dailes Rd., Los Lunas, NM 87031 from Golf Classic Resort LLC dba Tierra Del Sol Golf and Country Club, 100 Golf Course Rd., Belen, NM – Sally Perea.

Chief Deputy Clerk Theresa Sanchez stated as per Section 60-6B-4 NMSA of the Liquor Control Act, within 45 days after receipt of a notice from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed request, two weeks notice of the public hearing has been fulfilled and the applicant has been notified. The applicant has met all the requirements.

Joe Nestor Chavez, representing applicant Dennis Chavez, stated the process of purchasing this license began approximately eight months ago, longer than the normal hundred and twenty day because the license was in escrow and the attorney's were in Chicago. The only concerns were from the neighborhood association who didn't want to see package liquor on the premises. The reason for Mr. Chavez pursuing the license was to limit the amount of picnic licenses an individual would be able to purchase each year. Mr. Chavez's Southwest Livestock uses quite a bit of permits because of the rodeo and the different functions they hold which have been authorized through Valencia County and the State of New Mexico. Commissioner Otero-Kirkham asked if here is a café or bar, she's always thought it was a livestock sales barn.

The license was purchased primarily for special events and has been used about fifteen times a year. He does have a little café which holds about forty-five people but there's no intent to open a restaurant or liquor establishment there.

Commissioner Andersen stated the license allows for a package liquor store operation, what is Mr. Dennis Chavez's intention with that?

Mr. Joe Nestor Chavez said Mr. Dennis Chavez has no intention on opening a package liquor business. Commissioner Andersen said one of her concerns is that Highway 6 is not a good road, it's not properly marked, and there are not enough reflectors along the road indicating where the curves are and where the bridges are. This is her district and it concerns her to have someone that has been drinking drive on that road.

Chairman Holliday said he's going to purchase a license but has no intentions of using it. Mr. Joe Nester Chavez said what's he saying is Mr. Dennis Chavez is purchasing the license and has a few options and that may very well may be one of them. There are very few licenses in the area and there may be someone that would be willing to invest more then he paid for it and that is something that has been discussed. Mr. Chavez's intent is

Minutes of September 12, 2012 Public Hearing Meeting

to use the license primarily for special events. These special events will be held at this location but he does have the opportunity to use it as a Picnic License on other premises or off site but this has become very difficult because of the liquor liability.

Valencia County residents expressing their opposition for the approval of the transfer of the liquor license to Dennis V. Chavez LLC, 24 Dailies Rd., Los Lunas NM 87031 were Kurtis Smith, Maxine Riley, Janice Clinger, Virginia Smith, Eleanor Young, Marvin Clinger, Sandra Postel and Lisa Walter. (See Exhibit A)

5) Consideration of Application 824298 to Jonathan P. Chavez dba Camino Real Winery, Inc., 13 Tome Hill Rd., Hwy 47, Los Lunas, New Mexico for a Wine Grower Liquor License – Sally Perea.

Chief Deputy Clerk Theresa Sanchez said the above item is for consideration to allow Jonathan Chavez to do business as Camino Real Winery. The applicant has met all the requirements and the deadlines have been met. Mr. Jonathan Chavez was present to answer any questions and informed the commission he will be growing the grapes and the wine will be bottled and sold at this location. He will start out by selling it at wine festivals and also will have wine tasting by appointment only. He is growing seven different types of grapes. (See Exhibit B)

6) Request to Amend the Zoning Map for O-D to I-3 - Jacobo Martinez.

County Planner Jacobo Martinez stated PNM (Public Service Company of New Mexico) is proposing a natural gas fired electric generating station. According to PNM, the station is needed to provide electric power quality to support renewable energy resources to meet growing energy demand. PNM expects to use the power for multiple purposes such as meeting energy peak demands, supporting intermittent renewable resources, providing power quality support and supporting other networks. The selection of this site is due to the proximity of regional infrastructure. More specifically, this site was picked because of the access to the natural gas pipeline and existing PNM infrastructure on the Mesa as it is right now. The Planning & Zoning board heard the request in a public meeting on August 22, 2012. There was opposition made by the public with concern on water consumption by the development and placement of the project. After hearing testimony, the Planning and Zoning Commission voted 3-0 to recommend approval of the zone change.

The Planning and Zoning Commission found the proposed zone change is consistent with the goals, policies and other applicable provisions of the comprehensive which included:

- Regional infrastructure goal J: Steer urbanizing development to areas where adequate infrastructure, utilities and public services are available.
- Objective J-2: Provide development incentives for new development to incorporate centralized utilities and services or to locate near established infrastructure.
- Economic Development Goal P: Strengthen the economic base of the county, expand employment opportunities and improve local workforce skills and ability.
- Objective P-2: Provide location incentives for the development of business and industry in key areas that will provide long term tax benefits to the county.

PNM Agent for Wellhad Electric Laurie Moye gave a PowerPoint presentation on the La Luz Energy Center in the county. The proposed La Luz Energy Center is a natural gas fired electric generation station. PNM expects to use the power generated in this station for multiple purposes, such as meeting energy peak demands, supporting intermittent renewable resources, providing power quality support and supporting other network electrical systems as requested. This site in Valencia County was selected because it's a perfect nexus of transmission lines and high capacity interstate reliable gas lines. The site is located southwest of the City of Belen, approximately two miles south of Camino Del Llano and Henderson Road intersection and west of the escarpment. This is a fifty acre parcel and requesting a zone change for the entire fifty acres. The La Luz Energy Center will rebuild in thirty of the fifty acres. The eastern portion is the escarpment and the rough terrain. The zone change from Outland District to I-3 is necessary because I-3 is the zone that is permissive for generating plants. The La Luz Energy zone change is consistent with the Valencia County comprehensive plan. It will comply with all current county codes and regulations. They have acquired some buffer to the north and to the west but the owner to the south did not want to sell. The generating station will provide support for more renewable energy development and the power generated on this site will stay in state.

Commissioner Otero-Kirkham said there's already established lines in that area, you're not going to put in anymore lines, is that correct?

Ms. Moye said that's correct, they have existing transmission lines; they will have to run transmission lines from the plant to the PNM facility which would be several hundred feet.

The reason they selected the site was because it is very cost effective, the natural gas and the transmission are on site and the power generated will stay in New Mexico.

Valencia County residents speaking in opposition of the consideration to amend the zoning map from O-D to I-3 were William Dean, Larry Fuller, Dr. Karen O'Kain, G.R.Bill Guernsey, Gloria Sanchez, Mary Holmes, Ernest Trujillo, Daniel Lopez, and Joe Meyer. Residents concerns were water usage, lighting, dust control, noise abatement, methane pollution, and risk to wildlife, access, landscaping and employment.

Valencia County residents that spoke in favor of amending the zoning map for O-D to I-3 were Neil Heist, Max Kiehne, Samantha Tate, Joan Artiaga, Pasqual Armijo, Jim Crawford, and Donna Crawford

Ernie Thorne stated his concerns but did not state if he was for or against.

7) Consideration to Hear an Appeal of a Decision made by Planning & Zoning Commission to Deny a Site Development Plan – Jacobo Martinez.

Planning and Zoning Director Jacobo Martinez said this is a consideration to hear an appeal of a decision made by the Planning and Zoning Commission to deny a development plan for the PNM site specifically which was just heard in the zone change request. The Planning and Zoning Board heard the request in a public meeting on August 22, 2012. After hearing testimony, the Planning and Zoning Commission voted 3-0 to recommend denial of the site development plan siting concerns of access from the site. Since then PNM has been working in revising the site development plan to the needs of the commission.

Ms. Moye stated this is a site development appeal. All the questions that were asked in the zone change request may also be answered in this particular presentation. The plant is being permitted to run a maximum of 5000 hours per year with two units in place. They appealed the P & Z decision because of the deliberations as Mr. Martinez indicated, focused on access and there is existing access on the property for others, which was recently granted by this commission when PNM build the Series Reactor Station and they put in a forty ft. access. That access has not been changed. They hope to start construction on the La Luz Energy Center with the first initial phase of forty megawatts to begin in 2014 and the plans are that the plant will be in service in 2016. Ms. Moye was asking to put a second unit which will be another forty megawatts for a total of eighty megawatts at this site.

They will have two paved regular parking spaces and one van accessible handicap parking space. For public safety and security concerns, the generating station will have an eight foot fence with one foot of barbed wire on top of it and will also be fencing with a six foot fence with one foot of barbed wire on top to keep people and animals out of the retention pond. There will be one septic field, they are working with the state engineer and are proposing one well site, with the possibility of one backup well under consideration. The La Luz Energy Center will have limited water use and will be compliant with all water use standards and regulations. They do have existing water rights from the Middle Rio Grande Basin and if the OSE approves it they will be transferring those rights to this well site. They have three operation ponds that are needed for the cast off water to be evaporated. The ponds are six feet from the top of the pond to the bottom of the pond. However, if the plant was ever to run 5000 hrs per year they are still anticipating the depth of the ponds would only be two to three feet. The water will be used to densify the air so that the turbines operate more efficiently and also to control emissions. They are asking for 5000 hours for two units which are 149.5 acre feet of water per year and are equal to a twenty acre farm in the valley. They will be compliant with the county's nuisance ordinance. They also commit to be compliant with the New Mexico Environment Department standards and regulations. They anticipate between 100-120 construction jobs when the plant is under construction but will have to bring in some craft specialists. They will use cost competitive local materials. Wellhead will commit to giving first choice to the local suppliers and if the prices are slightly off they will select the local suppliers and not go out.

PUBLIC COMMENT:

Valencia County residents making comments at tonight's Public Hearing meeting were Joan Artiaga, Neil Heist and Larry Fuller.

NEXT COMMISSION MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 19, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

Minutes of September 12, 2012 Public Hearing Meeting

11) Adjournment

ATTEST:

2012

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. TIME: 8:09 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 12, 2012 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

DONALD E. HOLLIDAY, CHAIRMAN

GEORGIA OTERO-KIRKHAM, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

RON GENTRY, MEMBER

MARY J. ANDERSEN, MEMBER

SALLY PEREA, COUNTY CLERK

ではいい。 IMIE e JUNE 15 2012 Rev 05/10 362-7117 909h deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that being first duly sworn upon oath よって (Signature & Title) 505-865. Other ಜ' O. TELEPHONE NUMBER Cell Soon (501f Classic Resent fransfer Location प्तर हरा Limited Liability Company + wy.rld.state.nm.us/agd if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time Phone number for licensed premises: Date 9 (City or County) Hearing held on (Include street number / highway number / state road, city and county, state, and zip code) 4078 NW 8703 Transfer Ownership and Location New Mexico Regulation and Licensing Department * Alcohol and Gaming Division P.O. Box 25101 * Santa Fe, New Mexico 87504-5101 * (505) 476-4875 * Fax (505) 476-4597 * Rev.rld ا اسما مصورا آ Date Nesident If yes, give license number and type LIQUOR LICENSE APPLICATION (S ופגנמ <u>ک</u> Application fee - \$200,00 Fees are non-refundable. 7 Record Owner of Existing License For Alcohol and Gaming Division Use Only My Commission Expires Current Premises Address Transfer Ownership of Existing License Partmership (General or Limited) ADDRESS (including city, state, zip) 20 Current D/B/A Name Notary Public Use Only DISDEASEL , as (title) No No Type of License being applied for __ City/County Official Are alcoholic beverages currently being dispensed at the proposed location? Yes day of Chares Director Approval Repairs V. Chaves Change of Officers/Directors You must sign and date this form in the presence of a notary public. 7 17 44 Corporation Denais V. NAME OF APPLICANT (company or individual) カッパスン SUBSCRIBED AND SWORN TO before me this Physical location where license is to be used: Disapproved Same 3 4 0000 Disapproved Application Number A - 2564 Issue New License Application is for: Change of Stock _ 4112 Local Governing Body of: D/B/A name to be used: Signature of Appplicant Check one: Approved Applicant is: Individual Local option (AGD use) State Liquor License #

Mailing address:

PAGE

BOOK 073

I, (print name)

701

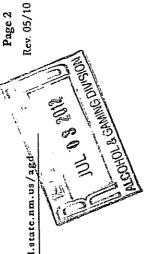
Notary Public

Approved



New Mexico Regulation and Licensing Department * Alcohol and Gaming Division P.O. Box 25101 * Santa Fe, New Mexico 87504-5101 * (505) 476-4875 * Fax (505) 476-4595 * www.rld.state.nm.us/agd=

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION



1. The land and building which is proposed to be the licensed premises is (check one):

Other (provide details) Owned by Applicant W Leased by Applicant (attach copy of deed or lease)

2. If the land and building are not owned by Applicant, indicate the following: N/4

A. Owner(s) Dennis V. Chavez

B. Date and term of lease (10g. 9, 2012 - (10g 9, 2022 (10 4 rs))
3. Premises location is zoned (example C-1) I-1 Hesource Inclustrial District)

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises-shortest distance).

Name of church Son Olemente, Catholic Address/location of church 103 Corons Los Longs 87031 Miles/feet 8 m1

5. Distance from nearest school *(Property line of school to licensed premises-shortest distance).

Miles/feet 9 mi Name of school Los Lungs (49/1 School Address/location of school 1776 Emilio Lopez Rd, Los Lungs

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 ½ x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Other (specify) 01) 100 Charles Hotel Racetrack Package Grocery_ Restaurant

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.

VALENCIA COUNTY BOARD OF COUNTY COMMISSIONERS LOS LUNAS, NM LEGAL NOTICE

The Valencia County Board of Commissioners will hold a Public Hearing at the regular scheduled Public Hearing Meeting to be held on September 12, 2012 at the Valencia County Courthouse Commission Meeting Room, 444 Luna Ave., Los Lunas, New Mexico. This meeting will begin at 5:00 PM. A decision will be made at the Regular Business Meeting on September 19, 2012 starting at 9:30 AM.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP & LOCATION FOR DISPENSER LIQUOR LICENSE NO. 0600 FOR ON PREMISE AND PACKAGE SALES.

The purpose of this hearing is to consider the request to grant Dennis V. Chavez, 24 Dalies Rd., Los Lunas, NM 87031 a transfer of ownership & location for dispenser liquor license no.0600, Appl. No. A-256437 for on premise and package sales from Golf Classic Resort LLC, D/B/A Tierra Del Sol Golf & Country Club, 1000 Golf Course Rd., Belen. NM 87002.

"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)86602003 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 Valencia County Courthouse if a summary or other type of accessible format is needed."

For copies of the proposed agenda please visit the county website at www.co.valencia.nm.us or by calling (505)866-2003 at least 24 hours prior to the meeting.

Publishing dates: August 25, 2012

September 8, 2012



New Mexico Regulation and Licensing Department * Alcohol and Gaming Division P.O. Box 25101 * Santa Fe, New Mexico 87504-5101 * (505) 476-4875 * Fax (505) 476-4595 * www.rld

PREMISES LOCATION, OWNERSHIP, AND DESCRAPTION SS-60-6B-10

10年の日本の時の8	7.07	***************************************	SOCIETA CONTROLLINGUES
www.rld.state.nm.us/alq = 1		7	
www.rld.state.n	 NON	I	`

Page 2

1. The land and building which is proposed to be the licensed premises is (check one).

Leased by Applicant (attach copy of deed or lease) Owned by Applicant

Other (provide details)

		5
•		
	· Chays	0
	(marles	
the following:	Dolorus	
ndicate	٠ -	-
Applicant, ir	. Ohme	`
ъ У	2	
te not owned	mathen	
are Are		\leq
It the land and building	A. Owner(s)	

B. Date and term of lease_

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at 3. Premises location is zoned (example C-1) (RR-2) RR-2 (SH, IOT (C) conditional USBS

4. Distance from nearest church *(Property line of church to licensed premises--shortest distance)

proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

Miles/feet [15 m. Les Name of church Immaculak Conception Address/location of church 7 north Church RD, Tome MM.

5. Distance from nearest school *(Property line of school to licensed premises---shortest distance).

Miles/feet 3.4 miles Name of school Healstart Arcgram Address/location of school Hyw. 47 Aclobento , NM

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Miles 26:6 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7 Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

Type of Operation:

y) Bonded winery	INNO GENIUPE
Other (specif	
Hotel	
Racetrack	
Package Grocery	
Restaurant	
Lounge	

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery

BOCK 073

705 PAGE

VALENCIA COUNTY BOARD OF COUNTY COMMISSIONERS LOS LUNAS, NM LEGAL NOTICE

The Valencia County Board of Commissioners will hold a Public Hearing at the regular scheduled Public Hearing Meeting to be held on September 12, 2012 at the Valencia County Courthouse Commission Meeting Room, 444 Luna Ave., Los Lunas, New Mexico. This meeting will begin at 5:00 PM. A decision will be made at the Regular Business Meeting on September 19, 2012 starting at 9:30AM.

THE APPLICANT IS REQUESTING A WINE GROWER LIQUOR LICENSE

The purpose of this hearing is to consider the request to grant Jonathan P. Chavez, D/B/A Camino Real Winery, Inc.,13 Tome hill Rd., Hwy. 47, Los Lunas, NM 87031 a bonded winery wine grower license.

"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) 866-2003 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 Valencia County Courthouse if a summary or other type of accessible format is needed."

For copies of the proposed Agenda please visit the county website at www.co.valencia.nm.us or by calling (505) 866-2003, at least 24 hours prior to the meeting.

Publishing dates: August 25, 2012

September 8, 2012