

April 10, 2013  
Agenda  
5:00 p.m. Public Hearing Meeting  
Valencia County Commission Chambers  
444 Luna Avenue  
Los Lunas, NM 87031

Board of County Commissioners  
Charles Eaton, Chair District II  
Alicia Aguilar, Vice-Chair District II  
Mary Andersen District I  
Lawrence R. Romero District III  
Donald Holliday District V

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

Two handwritten signatures in black ink, likely of the Board of County Commissioners members.

**PUBLIC HEARING ITEM(S):**

- 4) Consideration of a Moratorium Ordinance for the Tome-Adelino Area. (Enacting a Moratorium on the Issuance of Building Permits for the New Commercial Uses, the Approval of Quasi-Judicial Zone Changes, the Approval of Commercial Sight Designs and the Approval of Subdivisions in the Tome-Adelino Area of Valencia County, New Mexico.)

**ACTION ITEM(S):**

- 5) Consideration to Adopt a Moratorium Ordinance for the Tome-Adelino Area. (Enacting a Moratorium on the Issuance of Building Permits for the New Commercial Uses, the Approval of Quasi-Judicial Zone Changes, the Approval of Commercial Sight Designs and the Approval of Subdivisions in the Tome-Adelino Area of Valencia County, New Mexico.)

**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:**

♦ April 17, 2013- Business Meeting @ 5:00 P.M.

**ADJOURN:**

---

**Please Silence All Electronic Devices – Thank You!**

*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.*

**B: 75 P: 107**



**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING MEETING**

**APRIL 10, 2013**

<b>PRESENT</b>	
Charles Eaton, Chairman	
Alicia Aguilar, Vice-Chair	
Lawrence R. Romero, Member	
Donald E. Holliday, Member	
Mary J. Andersen, Member	
Bruce Swingle, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

- 1) The meeting was called to order by Chairman Eaton at 5:00 P.M.
- 2) Mr. Matt Baca led the Pledge of Allegiance.
- 3) Approval of Agenda  
Commissioner Holliday motioned for approval. Seconded by Commissioner Aguilar. Motion carried unanimously.

**SWEARING IN OF PARTICIPANTS**

County Clerk Peggy Carabajal administered the oath to those individuals wishing to give testimony at tonight's meeting.

**PUBLIC HEARING ITEM(S):**

4) Consideration of a Moratorium Ordinance for the Tome-Adelino Area(Enacting a Moratorium on the Issuance of Building Permits for the New Commercial Uses, the Approval of Quasi-Judicial Zone Changes, the Approval of Commercial Sight Designs and the Approval of Subdivisions in the Tome-Adelino Area of Valencia County, New Mexico.)

Attorney Nance stated that the purpose of the moratorium is to halt development so that it gives the Board of County Commissioners the time to look at potential legislation to protect the area pursuant to the Historic District Act, other zoning goals, the goals of the comprehensive plan and to protect historic integrity and rural nature of the area. So basically a moratorium is a temporary measure that can only go for a certain period of time because it does interfere with people's developmental rights. This particular moratorium is being proposed for one year. During this time there is a lot of work to determine if a legislative change to the zoning ordinance and the zoning code would be effective and to consider if you would like to adopt that sort of change. Commissioner Aguilar asked the attorneys to define and explain a little more about quasi-judicial zone changes, does it mean it can apply to something now pending or to someone who has submitted an application. And also commercial site designs, does this moratorium affect that? And has anyone come in and asked about replanning or creating a subdivision that they could come back and say we talked to you about this. Attorney Nance said to answer your first question quasi-judicial zone changes are changes dealing with a specific right of one group or person or one individual piece of property. The type of zone change that comes before you when you're asking one parcel of property to be changed from one type of zoning to another and that is where your sitting as "judges" hearing testimony from one side than the other to determine the rights of that particular property. That is opposed to a legislative zone change which is broader powers in act, where you're dealing with a larger area. This moratorium would put a halt to anything that is currently in the works but has not yet been vested. A vested right is when somebody has gone through the entire process and it has been determined and voted on by the Board of County Commissioners and has been enacted. But if someone is currently in the process of that, it does put a stop to the process even if they are in the process right now. Commissioner Aguilar asked about the auto building by the Tome Post Office and the litigation that is going on with that. Attorney Pato said that those rights have already been vested so this moratorium would not affect that issue. Commissioner Aguilar then asked if we were required to provide 30 day notice and then have another hearing so that



everyone in the public has an opportunity to be informed and know what's going on. Attorney Pato replied that if this was not an emergency then yes you could provide the additional 30 days notice. If the Commission were to determine that the moratorium is an emergency needing to protect the health, safety, and welfare of the community and to stunt any further development until we can really re-access and take adequate measures to protect the community then it would be considered an emergency and go into effect immediately. If however, the board does not view it as an emergency then they can provide 30 days notice, but ultimately the matter is up to the board's discretion.

#### FOR THE MORATORIUM

*Tom Greer*- Owner of Creative Consulting Partners LLC is involved in tourism with the New Mexico Rail Runner. I have been working with the Rail Runner tourism plan to bring visitors and tourists into the Rio Grande corridor and the Camino Real, one of the most culturally rich assets in New Mexico. We are planning a day trip which includes Tome Hill, the pottery gallery and the Camino Rael and other assets between Los Lunas and Belen. This day trip is important, so that the visitors may experience the heritage of New Mexico. There are not many places in New Mexico where it is accessible for visitors to experience New Mexico culture. Tome Hill is a huge icon and cultural asset here in New Mexico. I have been an economic/tourism specialist for four years and we need to look very closely at the heart of Valencia County, we need to find the appropriate uses for this stretch of Hwy. 47. At the state level a lot of time has been spent trying to develop places where we can share our culture with our national and international visitors. Where in a short period of time they can experience the history of New Mexico. This little corridor on Hwy. 47 is one of those really special assets. We need to support this moratorium.

*Lawrence Sanchez*- We want the moratorium to preserve our agricultural history and rural atmosphere. We would like to preserve our history, we are tired of everyone coming into Tome and Adelino and trying to do their own thing.

*Del Chavez*- I would encourage you to vote for the moratorium. This is a historical time for Valencia County; you are making a major decision. The people of Tome want a strong self-sustaining economy. By creating this greenbelt you are opening the door to an economy that has not been encouraged in this county. I'm talking about the one industry that makes New Mexico and that is tourism and hospitality. Nearly a billion dollars is spent in this state, Tome and Valencia County are a part of this. The New Mexico State Preservation Office, and the Mid-Region Council of Governments acknowledge Tome and Valencia County's historical roots. We live thirty minutes from an international airport and we see very little traffic coming south, it's all going up north, and why? It's because we don't know how to toot our own horn. Our state Department of Tourism spends very little in our area. Designating Tome as a special district will definitely help in our efforts in getting our piece of the eco-tourism pie in New Mexico. Valencia County is a new place in New Mexico not only for state and local travelers but also international travelers as well. Let's band together and bring the right kind of economic development compatible with historic preservation. Please vote for the moratorium.

*Commissioner Andersen*- What does eco-tourism mean?

*Del Chavez*- Eco-tourism is the new thing in tourism. People have been to Disney Land and destination places over and over again. Eco-tourism invites individuals who are looking for a different experience. They want to be outdoors, see the Rio Grande, the mountains, and ride horses. They want a more active experience in their vacation. We have that if we all pull our resources together.

*Matt Baca*- I come here this evening as a property owner in both Tome and Adelino, and secondly as a historian and member of the Valencia County Historical Society. In Adelino I have a historical building which was built by my grandfather in 1893; it is registered with the state historic society. Some of the old buildings have been torn down and we must preserve the historical area, we must also be aware of the traffic that a dollar store would bring. I would like the commission to support the moratorium.

*Patricia Sanchez*- We want to protect the assets and the cultural atmosphere of the county especially in the Tome area. I urge you to protect our community.

B: 75 P: 109



*Andrea Padilla*- I want to preserve the historical sites in Tome. Santario de Chimayo was established in 1810 and is a national historic landmark, Yosemite National Park was first protected in 1864, and work on Mt. Rushmore began in 1927. What does Tome have over all these places, Tome is older. The town of Tome was established in 1739, so we are older than these sights that people come from all over to visit, we really need to preserve what we have. I would like to leave you with this thought, "where would the world be if the people of Egypt, Italy, and Greece had not preserved the pyramids, the acropolis, the coliseums, where would we be today. We need to preserve those things for future generations, we need to teach our children, our grandchildren our great- great grandchildren what it is to be farming, what it is to be able go to the church that your great-great-great grandmother helped build. We have a wonderful historical culture in Tome and we need to let the world know so they can come enjoy it like we do, I beg you to vote yes to help us reach our goal of having this historic site and historic area.

*Charlie Sanchez Jr.* - I am a 10<sup>th</sup> generation from Tome, thank you Chairman and commissioners for being understanding about this important issue, this is monumental in terms of the future direction of how Valencia County is going to go forward. The important part is we have the historical cultural aspect which rivals just about any place in New Mexico. And number two is we have a beautiful green belt area, open space and agricultural area that really supports the ambience of this area. The Whitfield Wildlife Area has drawn many, many visitors from all over. Just last week visitors from Colorado Springs were wanting to know how to build a conservation area like we have, the visitors want the open space. As far as Tome-Adelino is concerned it is the whole package, we have a crown jewel in our hands. Please support the moratorium it's important for Valencia County and for all of us.

*Geri Rhodes*- What is being talked about is the Tome-Adelino area but the area we consider green and hope to preserve is maybe a little larger then what is being implied. It's very hard for me to really understand where the moratorium is covering. I hope the moratorium won't exclude any areas that we want to include later in the green belt. Some of us are hoping that the South El Cerro region will be included. Yes, we want to preserve the historical and cultural and even gardening side that belongs to the Valencia Community Gardens near Tome Gallery. I would like to discuss what the boundaries could include.

*Jacobo Martinez*- The area that moratorium will include is Edeal and Rector Roads to the north, La Constancia ditch and around the eastern side of Tome Hill, then south down to La Entrada then to the lower Peralta riverside drain on the west side. The total area is 4 ½ miles. The moratorium will not include Whitfield Wildlife Area.

*Commissioner Andersen*- Will we be sending the residents notices?

*Jacobo Martinez*- We have not yet discussed how we would publish the notice of the moratorium.

*Attorney Nance*- A legislative zone change and how it is published is covered in our ordinance and in the state law and it is not by individual notice.

*Commissioner Andersen*- Can you briefly explain that procedure to me?

*Chairman Eaton*- Within the proposed boundaries how many different zone classifications are there?

*Jacobo Martinez*- There is rural residential 1, rural residential 2, community commercial c1, community commercial c2, and agricultural preservation, so there is 5 different zones.

*Commissioner Holliday* - I'm concerned about the notification of people, at the meeting I see about 30 people but there has to be about 30,000 that live in that area. I believe that they need to be notified one way or another as to what is going on, also the people of Tome you fail to recognize that Tome was the first county seat in Valencia county so there is a significant amount of history there. Also at what price, you say people are going to



come and check it out, what price do we put? Eventually there going to want in, they're going to get tired of visiting, they're going to want to move in here, so what do you do then? Do we open this up and allow them or do we just say no you're welcome to come and spend your money and then get out of here. What do we do? I know it's beautiful, I grew up there. But we can't lock the doors and tell them we don't want you in here. So just be careful what you're doing here, you can really damage yourself in the wrong way and I don't know if and at what point any of this can actually be reversed or not but be careful. It's a beautiful place I know what you're doing and I appreciate it but just be careful.

*Rita Padilla-Gutierrez-* This moratorium would be the first monumental step in moving forward and getting approved for a special district. Mr. Holliday is right in saying be careful what you ask for, and we have thought about that but were driven by the fact that we have a history to preserve and that is the bottom line. We want to preserve that little strip, that corridor that has dozens of historical homes. Tome has never really asked a lot from this county, it has given a lot but has never really asked for anything. We come before you to ask for the moratorium for these 4 ½ acres because of the "threats" that we've felt that we've had in terms of development and these people coming in and not studying and not really caring about our history, they think there doing a good thing for us. Speaking of the dollar store they think they are doing a good thing for us but we don't want to be served in that way, they say they'll pave Sedillo Rd. but I don't want Sedillo Rd. paved. Sedillo Rd. was the main entrance to the Camino Rael to the plaza and I personally still want to feel the dust of where our ancestors walked it should remain a dusty unpaved road. The commission would be setting the precedence here in New Mexico that you would be one of the few commissions that have insight, progressive thinking to do something like this whatever it takes, we should have asked for this 30-40 years ago but it seems the threats are more and more and finally we said this is enough. I would encourage you to vote for the moratorium and let us at least get to the next step of making it a historic district.

*Attorney Nance-* To answer Commissioner Andersen's question regarding notice this ordinance is being adopted as a police power pursuant to 4371, and 4379 describes the publication requirements for this type of ordinance, which has already been met. It has been published fifteen days in advance at this time once it is voted on then it would be recorded by the County Clerk and it would go into effect. I would suggest that in a situation like this we make extra effort to give notice in accordance to what the legislative style of zoning and within our ordinance is 15460 which specifically takes you to 32114, I would suggest putting an advertisement in the paper afterwards to explain to the people what has taken place if you all approve this moratorium however that is not legally required as this is currently not a legislative zone change, if the board of county commissioners does make a legislative zone change in the future for instance enacts a special district then we have to go with forth with the procedures set forth in the ordinance. I hope that answers your question.

*Commissioner Andersen-* What worries me is that I look at this map and see all kinds of little lines which tells me that there are hundreds of property owners and you see maybe sixty people in this room and you have many people that don't read the newspaper and they'll come screaming at us in 6 months because they'll want to do something with their property and they'll find out they can't, we have to get the word out and I think an ad in the paper is exactly what we need to do and explain that this is a moratorium that will last for however long, and that the moratorium does nothing but stop anything from changing and then we need to create the special district and we need to tell people that so they know what's going on.

*Attorney Nance-* The staff can put forth the extra effort to let people know what is going on, the moratorium as drafted and presented to you is for an amount of one year it can be done for any less amount of time but should not be done longer than that.

*Commissioner Holliday-* Is that one year to study this and make a determination or is it one year and then we are going to adopt it and then its forever.

B: 75 P: 111



Minutes of April 10, 2013 Public Hearing Meeting

*Attorney Nance-* It is for one year. For instance if the thought of this moratorium is to produce a special historic type district that would give this board one year to make whatever legislative changes it would like to make. If it enacts a legislative change that is of course is a permanent change so the complete stoppage of anything that is described in here can only last for a year anything after that has to go through a legislative change, so it gives you one year to and to and to enact what sort of legislation you believe to be appropriate.

*Commissioner Holliday-* It allows the county to do what we feel right to do; now after a year can the legislators come in and reverse our action.

*Attorney Nance-* Generally the legislator won't have anything to do with a local zoning ordinance, I can't speak to what the legislators will do but no the New Mexico legislators would not be involved in a matter like this.

*Attorney Pato-* What this moratorium does is give you a year to consider your options in respect to how to preserve this community weather that entails making a legislative zone change to our zoning map, which this board would do, not the legislator but this board can adopt a legislative zone change which would protect this community, it can adopt a historic district overlay which this board could do. This moratorium gives the board the opportunity to consider this option it stops all development so that the board can consider that option.

*Commissioner Aguilar-* The people of Tome are very passionate about their community, regardless of how the outside views them you have to respect their passion. The comprehensive plan does identify special districts, there must be goals and processes and public hearings they must follow so it is not a moratorium that on a year from now they came back and say this is what we want, but at the end zoning can change, boundaries can change I think that what these people are doing is trying to create an identity.

*Debbie Christiansen-* I've lived in Tome for over 20 years but now a resident of El Cerro , I have seen a lot of the farmland disappearing and as the boundaries are drawn I think we need to include as much agricultural land as possible, possibly using South El Cerro Loop as the northern border.

*Harvey Crowley-* I support the moratorium. I drive from Belen to Bernalillo on east side of the river and where else do you see a stretch like this? It's all gone in other areas because no planning or thought was given to it.

*Mike Mechenbier-* 35 years ago Kathy and I decided to come to this part and build a home and raise a family, I have participated in much development and there is a time and place for that. When I first came here I think we can all remember driving through Bosque Farms, it was beautiful. It was the gateway in here, it was all agriculture. We need some services, I think its real sad when a dollar store targets an area because they have the demographics and they do their research they are a very astute retailer and when they target Tome that is a sign that something is coming, we need to stop it now or it will look just like Bosque Farms looks now. I don't think that anyone that is for this moratorium is about dollars it is about preserving an area that is very very unique and it will disappear in a heartbeat. Look at Rio Grande you don't see dollar stores targeting Rio Grande, it needs to stop and it needs to be the whole community not just one little group. We need to get together collectively and decide that that little stretch is going to be we need to set personalities aside and preserve it because it is a jewel and I think it is a very important part of our community and heritage down here.

*June Jaramillo-* My family has been in Tome for generations. Doesn't the community have a right to decide how it wants to grow and to plan for its growth? The people who live there want to keep it agricultural and rural peaceful and quite. We want our children to grow up learning true authentic social and cultural values that our rural lifestyle provides.

B: 75 P: 112



**Leroy Baca-** I support the moratorium, I want to know who is going to be responsible to draw up plans or draw the whole infrastructure so we know exactly what we want, Are you going to hire people for a study or is it going to be people from Tome?

**Attorney Pato –** I anticipate it would be up to our Planner, Jacobo Martinez, to meet with the residents of Tome and also the businesses to determine the needs of the community and yet preserve its historic integrity.

**Leroy Baca-** Do we have a specific or defined group of people that are in charge and making sure they are instrumental in making sure they have meetings for people that have input because I believe there are many people out there that are not yet informed and there are many people that have sold water rights, so we need to make sure we really plan what we're going to do or were going to really run into some problems. So is there a defined group that is leading this?

**Jacobo Martinez-** Having dealt with planning processes such as this in the past with Bernalillo county and South Valley we need to come up with a very good planning process itself and I agree completely that it needs to be as conclusive as possible. I anticipate that an advisory council will be developed through this process with the residents of Tome including business leaders and residents and that the advisory council will be the driving force behind this plan.

**Leroy Baca-** Is there going to be monies allocated for us to get some professional people to really help us out in making determinations as to what we really need and want.

**Commissioner Aguilar-** This is the beginning process so that when groups get together with our planner and attorneys and staff, we have qualified planner here, they'll set up goals and my understanding is they are still subject to the Open Meetings Act so meetings or hearings are advertised, and the public is welcome. Things are subject to change its not one person or one little group at the end that's how we develop the comprehensive plan and the zoning ordinance.

**Leroy Baca-** Is it defined so everybody knows what is actually transpiring and so that everyone has input and so we know what we're doing?

**Jacobo Martinez-** I agree with Mr. Baca that getting experts on board is very imperative to the planning process and we can do that as a group a planning group, bring experts in whenever we have questions about what types of land uses, infrastructure and things of that nature and as the process unfolds I think we'll see a very well thought out and very well participated in process. And that's going to have to happen or it won't have the support of the community.

**Commissioner Aguilar-** In looking at the comprehensive plan, and that plan is the backbone to where we defend our positions and what people can do and if you look at it you see throughout the comprehensive plan you see that the "county should try to protect agricultural land whenever possible in order to preserve the unique cultural heritage and lifestyle of Valencia county" it also goes on to say "guide development in a manner that balances the patterns of urban development with the rural character and natural resources of the county, preserve the rural character of the Rio Grande valley by regulating land use to protect agricultural lands, maintain low density development and promote open space." So when I look at the comprehensive plan and by talking with people from tome, this is there guide this is what they're looking at so I'm hoping that this is the beginning of what is already in place, this a legal document for us, and expand from that to protect Tome.

**Jacobo Martinez-** I think you're right, I think it provides us with a great opportunity to look at different types of land use regulations and different land use zonings that are innovative here, and thinking outside of the box and that can be implemented that we can have a win win situation between developers and preservationists.

**Leroy Baca -** So if the commission approves the moratorium what is the first step?



*Attorney Nance-* I would anticipate the planner would basically create an outline because as we sit here we don't know the answers right now, this is the very first step we don't know where this is going to end up it can go into all sorts of interesting and productive directions, but the Planner has the knowledge and ability to set up what he believes the right process and the right type of committee and he will bring that back for the commission to approve the committee, to see if that's the way you want to go or to possibly say that no that is not the way we want to go let's make changes. So it will be an open process but a process that I believe would be spear headed by our Planner whose job it is to do so.

#### OPPOSED TO MORATORIUM

*Bob Gostischa-* Rio Communities wants things done their own way so they decided to become their own city. Pretty much if you have an area and it wants to do what it wants to do the only way you can truly control it is if you become your own entity, if you're your own city then you control your destiny, if you're a part of the county to say simply we want to freeze we don't want to do what the county is doing or what they decide your bucking the system from the outside and it's not going to work, there is nothing wrong with wanting to preserve an area and wanting to make it something to be proud of that's great, you're talking about eco-tourism and that means more people which means more traffic and the people need places to make purchases such as souvenirs, so you're going to have to make some tradeoffs but you can't simply say were going to freeze and be part of the old, old ways. Yes, its fine to be a rural area but you can't say stop progress altogether. You can't say you want less traffic on 47 when tourism brings more traffic. By putting a moratorium on that basically says stop everything, why can't you simply come up with new ordinances that prevent things from being destroyed but not stop new things from happening.

*Commissioner Aguilar-* Part of Tome is my district along with El Cerro Mission and Meadowlake. I'm working on Manzano Expressway and would love to see it extended, you have the east mesa that already has the infrastructure and water available they want growth so when you look at an area we are not being narrow minded we are saying this community is identified this way, there is also the east mesa, I hope that Tome would say great we support the east mesa and would help us with that. So it's not stopping growth it's more of identifying and maybe pushing us forward to saying in your planning where is the best growth. Up in the mesa it's not agricultural it's already planned the infrastructure is already there, you have Manzano Expressway that is 200 ft. wide that when it was planned it was planned as a thorough fare to Albuquerque.

*James Crawford-* I live and have property that is apparently in the middle of this mystery moratorium area, only after looking at Lawrence Romero's map tonight did I see the exact boundaries. I've been here for 30 years and treasure the attributes of the area that the proponents are trying to preserve but don't think the moratorium ordinance is needed or is the right thing to do. There are several reasons I think that number one there is already a system in place that is working as it should we have a planning and zoning ordinance and a planning and zoning board that hears, and considers proposed changes to the zoning ordinance and this system has already proven successful in dealing with the "evil proponents of the dollar store" we don't need a another layer of bureaucracy over our planning and zoning ordinance, I think this is going to set a precedence that will have unintended consequences, just like the floodgates you opened with the streetlights. If this is approved I'm sure there are other communities that will fall in line with similar requests and pretty soon well have a blanket moratorium over the entire county in one kind or another, any opportunity to increase the counties gross receipts will be eliminated, just at the last meeting you were crying the blues at the counties shrinking gross receipts picture. In the last few weeks you've killed at least four business opportunities and the associated gross receipts collection from those businesses, I'm not saying that any of those should have been approved the point I'm trying to make is that each of those were considered on their own individual merits and not eliminated by a blanket moratorium. There has not been adequate notice, and I live right in the middle of the proposed moratorium. If I had not attended the March 20<sup>th</sup> meeting I would never have even known

B: 75 P: 114





that this was going on the proponents turned in a petition with 98 signatures on it mine was not on there because I never knew about it so I never had the opportunity to decide if I was going to sign or not, adequate notice was not given of tonight's meeting. This proposed moratorium is an added infringement on private property rights, all planning and zoning ordinances infringe on private property rights so this is just one more layer of additional infringement. Our property rights are nearly extinct so why drove one more nail into that coffin. This moratorium is not necessary to achieve the proponent's goals.

*Commissioner Andersen-* I think that what we just heard is exactly what will happen unless we make a real effort to get people notified and to make sure they understand what we're talking about, it's only fair that we do that. Mr. Swingle and Mr. Martinez I would like very much to see a broad plan on how you intend to do that.

*Jacobo Martinez-* Are you talking in regards to notifying for the moratorium or a legislative zone change?

*Commissioner Andersen-* Well were going to vote on a moratorium tonight so it's too late to notify residents about that, but you have to tell the public what we're planning and what you'll be looking at and what Tome-Adelino would like to have which is a special green belt district, so they'll understand where were headed, but they need to know.

*Donna Crawford-* I agree that the area has a rich cultural and agricultural tradition and I don't want that to change. At a meeting that was held in Tome it was advised by one of our commissioners to impose a moratorium on the Tome/Adelino area until a special district could be established. One commissioner said that "one way to have more control would be to petition for a special district, our zoning ordinance allows for a special district with a governing board any development would go through this board." So in other words we would be establishing an unelected board that would be deciding what we can and cannot do with our property. Once we go down that road to be governed by unelected boards the people of Valencia County have given up their property owner rights. The land owners within the proposed special district should seriously consider what is at stake here, we already have a planning and zoning commission that dictates what we can and cannot do with our own property. I agree that there has to be some zoning, so maybe we should just let them do their jobs. At least then we citizens can go to the planning and zoning meetings and express our opinions, not so with an unelected board in control. Trying to establish a special district with a governing board is sounding like too much government interference to me. Government, even at a local level, needs to stay out of our lives as much as possible. Apparently 60 Tome residents held a meeting over the Dollar Store issue which triggered the discussion of a moratorium, we were never notified of any meeting, and I suspect that many more were not notified either. There are property owners within the special district that don't even live in the Tome/Adelino area and did they receive notification? There are many questions yet to be answered including what are the proposed boundaries for this special district. There are many residents still in the dark about this ordinance; with all due respect our commissioners should seriously consider any unintended consequences of their actions in this matter. Someone once said if it's not broken then don't fix it.

*Ladis Romero-* If they don't want Tome and Adelino to grow then why are they having children? Why do we need another committee, we already have you guys, we voted for you guys. Half of the people don't even know about this meeting. Put it for vote; let all Valencia County know what's going on.

*Rita Padilla-Gutierrez-* In regards to the lady who just spoke a moment ago about the petition and informational meeting, where over 100 people attended, and the beauty of the meeting was that it was grassroots. Had we been organized and for example said it was under the Town of Tome Land Grant or the Historic Tome Adelino Neighborhood Association, had we done that then maybe would have had greater numbers, but we were successful just at the grassroots level to get that many people. We don't know everyone and their addresses to get ahold of them, but that's the beauty of the grassroots.

*Bob Gostischa-* Is there any reason why this can't be handled directly through the Planning and Zoning? Planning and Zoning has all the powers it needs to regulate and prevent things from being destroyed.

*Commissioner Aguilar-* In everything that I've heard tonight these people are following the process, it may start off as a special district and may land up just a change to the comprehensive plan that addresses the Tome community. That might be the outcome; we



Minutes of April 10, 2013 Public Hearing Meeting

don't know until you start the process and get the community involved. You have to start somewhere and where you can arrive at something the whole community can embrace and say this is what we want. Having said that I move for approval.

*Commissioner Andersen-* I'm on board and agree to preserve the historical Tome/Adelino culture and I agree with everyone who spoke in favor of it tonight but I am also concerned at what we do with this type of action to people's personal property rights and I think that even though this moratorium will die within a year I really don't think there has been enough notice to people that this is what we're doing and why. And that they can't sell their property to someone for something they want to do because we made a rule and that bothers me. Can we amend this to a 6 month period so that we don't draw it out?

*Commissioner Aguilar-* To Jacobo Martinez would 6 months give you adequate time to do everything.

*Jacobo Martinez-* I think that any planning process as it unfolds can get complicated and sticky and more time to provide for input is always good, although I understand that at some point we have to decide that this is what we want to do and how we want to present it to the Commission. I think it's going to take commitment from the Tome residents and by business leaders for everyone to come to the table and be willing to talk to each other. I think that will determine how fast this process can or cannot go. I can organize the meetings and I believe that everyone is on the same track and wants to see changes happen and can agree to the change then we can get it done within the 6 months.

*Commissioner Andersen-* If we amend it now to read 6 months and we find that we need more time, at the end of the 6 months can we extend it?

*Attorney Nance-* Yes, you can amend it.

*Commissioner Aguilar-* I amend my motion, my motion is now for the approval of the 6 month moratorium.

*Chairman Eaton -* I second that motion.

*Attorney Nance-* What I want to be sure of is that whether or not you are doing this on an emergency basis, that you believe that the health, safety, and welfare requires this to go into effect tomorrow or whether you believe 30 days is adequate.

*Commissioner Aguilar-* I would like to see this done on an emergency basis. (See Exhibit A)

#### ACTION ITEM(S):

5) Consideration to Adopt a Moratorium Ordinance for the Tome-Adelino Area. (Enacting a Moratorium on the Issuance of Building Permits for the New Commercial Uses, the Approval of Quasi-Judicial Zone Changes, the Approval of Commercial Sight Designs and the Approval of Subdivisions in the Tome-Adelino Area of Valencia County, New Mexico.)

Commissioner Aguilar motioned for approval of the amended ordinance to read for 6 months. Seconded by Chairman Eaton. Motion carried 4-0. Commissioner Holliday abstained from voting. (See Exhibit B)

#### NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 17, 2013 at 5:00 P.M. Meeting in the County Commission Room at the Valencia County Courthouse.

#### 11) Adjournment


Commissioner Aguilar moved for adjournment. Seconded by Commissioner Romero. Motion carried unanimously. TIME: 7:02 P.M.

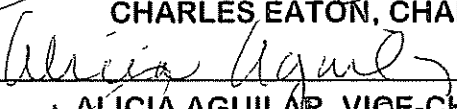
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the April 10, 2013 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS

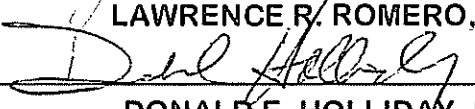
B: 75 P: 116




  
\_\_\_\_\_  
CHARLES EATON, CHAIR

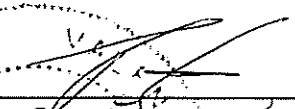
  
\_\_\_\_\_  
ALICIA AGUILAR, VICE-CHAIR

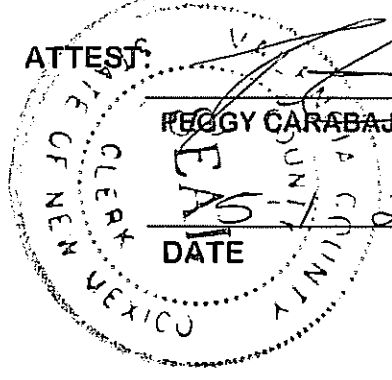
  
\_\_\_\_\_  
LAWRENCE R. ROMERO, MEMBER

  
\_\_\_\_\_  
DONALD E. HOLLIDAY, MEMBER

  
\_\_\_\_\_  
MARY J. ANDERSEN, MEMBER

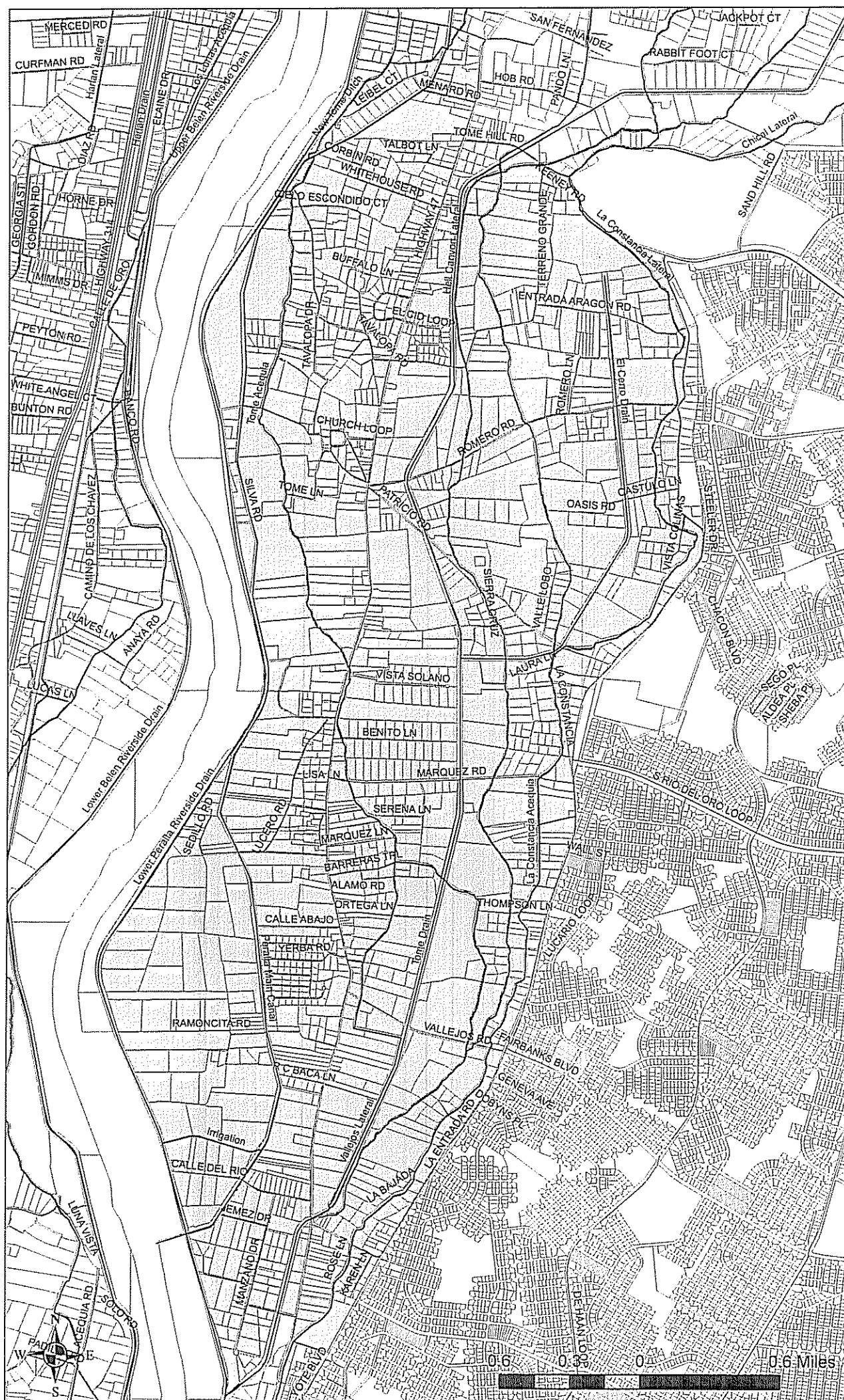
ATTEST:

  
\_\_\_\_\_  
PEGGY CARABAJAL, COUNTY CLERK

  
DATE 05-13-2013



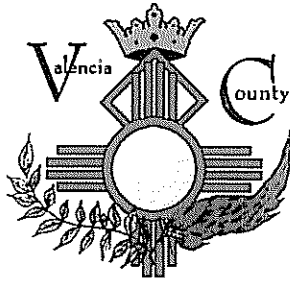
## Proposed Tome-Adelino Boundary



B: 75 P: 118



**EXHIBIT A**



**TOME/ADELINO MORATORIUM ORDINANCE  
ORDINANCE NUMBER 2013-02**

**ENACTING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR  
NEW COMMERCIAL USES, THE APPROVAL OF QUASI JUDICIAL ZONE  
CHANGES, THE APPROVAL OF COMMERCIAL SIGHT DESIGNS AND THE  
APPROVAL OF SUBDIVISIONS IN THE TOMÉ-ADELINO AREA OF VALENCIA  
COUNTY, NEW MEXICO; DECLARING AN EMERGENCY.**

**WHEREAS**, the recent growth of population in Valencia County has been accompanied by an increase in growth and potential growth of residential and commercial land uses in Valencia County; and,

**WHEREAS**, this situation has produced an increase in the number of and potential for conflicts between incompatible land uses and for the degradation of historical areas of the County which once gone will be lost forever; and,

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that counties (pursuant to NMSA 1978, Section 4-37-1 (1995)), have the power to “protect generally the property of its [county] and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, Section 4-37-1 *et seq.* NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

**WHEREAS**, the Valencia County Board of Commissioners has considered and now determines that the continued development of commercial properties in the Tomé-Adelino is inconsistent with the County’s Comprehensive Plan and will have the effect of destroying the historic and rural nature of the area; and,

**WHEREAS**, the Valencia County Board of County Commissioners determines that the current regulations of Valencia County are ineffective to properly protect the health, safety, and welfare of County residents from the potential impacts of the commercial construction in the Tomé-Adelino area and the loss of the historic and rural nature of the community; and,

**EXHIBIT B**

201303846      ORDINANCE  
04/11/2013 10:43:12 AM    Total Pages: 3    Fees: 0.00  
Peggy Carabajal, County Clerk, Valencia County New Mexico

**WHEREAS**, the Board of County Commissioners intends to enact regulations consistent the New Mexico Historic District Landmark Act and the County’s Comprehensive Plan for the purpose of preserving, protecting and enhancing historic nature of the Tomé-Adelino area; and,

**WHEREAS**, the Valencia County Board of Commissioners has determined that the health, safety and general welfare of the residents of Valencia County would best be served by providing time to adopt regulations to preserve the historic nature of Tomé-Adelino; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Valencia County Board of Commissioners that upon the effective date of this Ordinance until its expiration as provided below, no building permits for any new or expanded construction of any commercial buildings, no zone changes, no commercial sight design approvals and no subdivisions shall be issued shall be issued or approved for the Tomé-Adelino area as designated on the map attached hereto as Exhibit “A”.

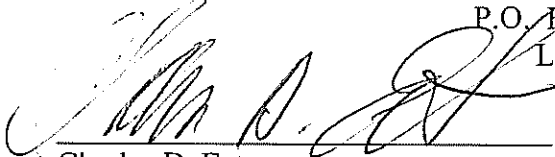
**FURTHER, BE IT ORDAINED** that this ordinance shall expire six (6) months from the date of enactment or upon the completion of revised legislative zoning regulations for the area designated in Exhibit “A”, whichever occurs first.

**FURTHER, BE IT ORDAINED** by the Valencia County Board of Commissioners that it is necessary for the public peace, health and safety that this Ordinance take effect immediately after its passage.

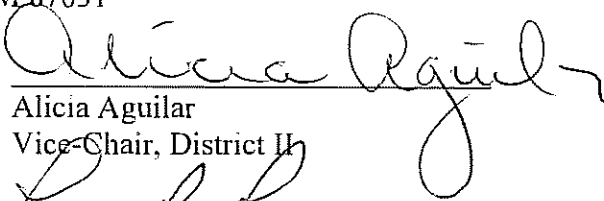
**APPROVED, ADOPTED, AND PASSED** on this 10<sup>th</sup> day of April, 2013.

**BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY**

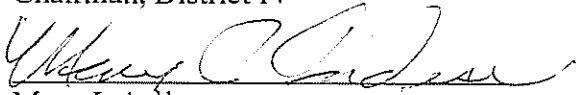
P.O. Box 1119 / 444 Luna Ave.  
Los Lunas, NM 87031



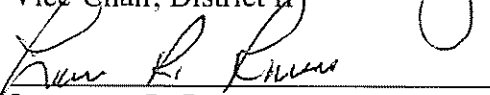
Charles D. Eaton  
Chairman, District IV



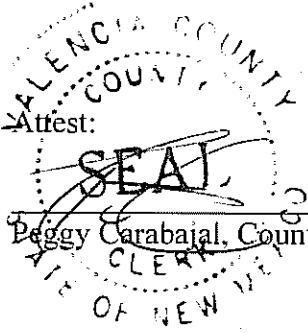
Alicia Aguilar  
Vice-Chair, District II



Mary J. Andersen  
Commissioner, District I



Lawrence R. Romero  
Commissioner, District III



\_\_\_\_\_  
Donald E. Holliday  
Commissioner, District V

Attest:

\_\_\_\_\_  
Peggy Carabajal, County Clerk

**B: 75 P: 120**

