

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

July 12, 2006

PRESENT	ABSENT
Paul Trujillo, Chairman	
Ron Gentry, Vice-Chairman	
Mary J. Andersen, Member	
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Michael R. Trujillo, County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Paul Trujillo at 5:03 PM.

2. Chairman Trujillo asked Thomas Bizzell to lead the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Public Requests

William Lebrecht, 35 Sportsman Drive, Meadow Lake said his concern is with the roads in that area. There are a lot of pot holes on that road and for two years, the road has not been maintained, they just go around it. This is a very busy traveled road, especially when the school buses are running. Mr. Lebrecht stated that Sportsman Lane is also in need of repair. The Road Dept. has told him that this road is not on their map.

Chairman Trujillo said staff would look into this concern and also Commissioner Pinkston said she would also, as this road is in her district.

Chairman Trujillo introduced Francisco Apodaca, Public Works Director for the County.

Lynn Harris, El Cerro Mission said her concern is piles of trash in the neighborhood which in turn attracts mice and she would like to see something enforced for clean-up of property in that area. Ms. Harris said a while back she had a situation dealing with two Animal Control officers that came to her home. Her neighbor's dog killed her small dog and the way they handled the matter really upset her. Commissioner Kirkham said that Ms. Harris is in her district and with the new nuisance ordinance and abatement law that the Commission has implemented, they hope to remedy the trash situation soon. Commissioner Kirkham said they have been hindered somewhat without having a Code Enforcement Director on board but hopefully soon will rectify these types of things. As far as the Animal Control situation, Commissioner Kirkham asked Ms. Harris to get with Mr. Trujillo and staff and give them the information for further research.

5. Discussion (Non Action) Items

None

6. PUBLIC HEARING ITEMS

a. Resolution 2006-___, Regarding the New Mexico Historic Women Marker Initiative Honoring the Contribution that Women have made to the History of New Mexico, and making a Recommendation for Inclusion in the Scenic Roadway Markers of this State. (Tabled June 14, 2006) – Mike Trujillo (Exhibit A)

Mr. Trujillo said the State of New Mexico is seeking information to place a marker to recognize and honor the contribution that women have made during our proud history. Chairman Trujillo said in looking at the list that is in the Commission's packets most of these women have held public office and he would like to see names of women that have contributed on the domestic or homemakers being considered for recognition. Chairman Trujillo opened it up to the public. At the next Business Meeting, a selection will be made at that time.

Tina Gallegos, County Clerk administered the oath to the persons interested in giving testimony for the following zone changes.

b. Request to Amend Zone Map from C-1 to C-2 to bring property use into compliance, Unit 4, Tr. 9, Green Valley Estates, AKA 2006 Hwy 47, Los Lunas, NM – Ruben Chavez/Thomas Bizzell (Exhibit B)

Mr. Chavez presented the above request to amend the above zone map. Mr. Bizzell was on the June 21, 2006 public hearing meeting and his request is consistent for not having the same opportunity of the non-conforming uses that were given a couple of years ago. This Commission

changed all non-conforming uses to C-2. This eliminated a lot of confusion and frustration in the County. Mr. Bizzell was asked to present proof of operation for the past few years. Mr. Chavez said
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Mr. Bizzell was re-opening his gas stations. The pumps and tanks still do exist. His business license is current and have been consistently issued from 1990 to present. Mr. Chavez said the County even had an account there in the year 2000, after the 1999 zoning ordinance went into effect. The Planning and Zoning Commission recommended approval of this request on a 5-0 vote. Mr. Bizzell said this is his second time around doing the same thing, in 1994 he went through the Planning and Zoning, the zoning at that time was zoned C-D. Mr. Bizzell said it was common practice to close the store if one of his relatives died, they would shut the store down. This was in 1999 and his dad also died that same year. Commissioner Gentry said the Bizzells are in his District and he can say they have lived there all of their life, this has been a family business, he concurs and also apologizes for causing an inconvenience for them.

c. Request to amend zone map from RR-2 to RR-1 for the purpose of creating two lots, Tract A-2, Map 86, located off of Pleasant View, Los Chavez, NM - Cynthia Wimberly/Gerald Chavez (Exhibit C)

Ms. Wimberly presented the above request on behalf of Ruben Chavez. On June 21, 2006, the Valencia County Planning and Zoning Commission held a public hearing, on the agenda was a request from Gerald Chavez to create two one and a half acre lots in Los Chavez. Planning and Zoning recommended approval of this request on a 5-0 vote. Gerald Chavez was present for this item. Commissioner Kirkham asked if everything around the area was one and a half acre lots more or less. Mr. Chavez said that is correct.

d. Request to amend zone maps from RR-2 to RR-1 for the purpose of creating four lots, Tract 1-A-1-A-1-D, Map 81, AKA,1124 Curfman Road, Los Lunas, NM – Ruben Chavez/Eloy Rodarte (Exhibit D)

Mr. Chavez presented the above item to amend the zone map for the purpose of creating four lots. On June 21, 2006, the Valencia County Planning and Zoning Commission held a public hearing. At that hearing the applicants were attempting to revise a previous surveyed plat of a land division. The planning office discovered that the plat had never been recorded and the one acre lots on the plat might not be valid. The applicant was directed to obtain a zone change in order to properly create these lots under the two acre minimum. The Planning and Zoning Commission recommended approval of this request on a 5-0 vote. Mr. Rodarte stated that the 40 foot easement would be corrected for the next meeting.

e. Request to amend zone maps from PD to C-1 for the purpose of placing a Sonic Drive-In on El Cerro Mission Blvd. Unit 1, Blk C, Tract 8, El Cerro Mission Blvd & Rose Court – Ruben Chavez/Phillip Sena
Tabled

f. Vacate an alley within the Lake View Acres Subdivision as filed on 2/9/1960 and recorded in Cabinet B Page 187 – Ruben Chavez/Rick Shaver (Exhibit E)

Mr. Chavez presented the above item. The County has received a petition to vacate a portion of an alley on the North side of the subdivision. The petitioners claim encroachments are caused by this alley. Many of the abutting neighbors have fenced in the area in question for many years, and recent cleaning of the adjoining Middle Rio Grande Conservancy District property has left these back yards vulnerable. Mr. Shaver was present and stated that this alley has been blocked since the 1960's. If this alley were to be opened, it would mean more traffic back by the ditch bank and this would leave the properties exposed. Also another reason is fire danger, potential for four-wheelers and motor cycle accidents, it would mean more trash.

g. Reverse a decision made by the Planning & Zoning Commission on a request for Variance to the Zoning Ordinance as identified in Section 11.8 Mobile Home Standards Section 24 & 25, Blk D, Unit 2, Lot 1, Valle Valencia Ranchitos, AKA 45 Avenida Valencia, Los Lunas – Ruben Chavez/Ruth Perea (Exhibit F)

Mr. Chavez presented the above item. On May 17, 2006 the Planning and Zoning Commission held a public hearing and at that hearing heard a request for a variance to place a RV as a permanent residence. The P & Z Commission took testimony and voted on a 5-0 to deny the request based on the following concerns: The size is way below minimum standards, the request is a complete exception to the ordinance, under the variance process, does the Commission have the authority to act on such a request, a recreational vehicle as a permanent residence is not the right thing for any neighborhood, the ordinance specifically identifies the placement and residential use of RV's as ones used in RV Parks and has set a limit of 45 days to accommodate guest upon meeting certain restrictions. Ms. Perea was present and said she purchased her travel trailer for \$30,000 and \$30,000 on the property. She has put a well on the property but can't use it due to no electricity. She needs a permit so that PNM can connect, she has been without power for about a year. Ms. Perea said she keeps the property clean and in immaculate condition. Ms. Perea said this is the second time she has been before the Commission. She has an important document for the Commission to review from Ms. Pam Griffith stating that when she sold the property to Ms. Perea, she did not know of any covenants or zoning laws that prohibited this type of RV and told her it was okay. Ms. Perea said she has health issues and is being treated for stress and anxiety, she can't live in a mobile home, she is also under a doctor's care, she has a tumor and seizures and cannot drive anymore, Roy Danske, her caretaker was here with her. Ms. Perea showed the Commission

pictures of her neighbors that have similar RV trailers on her street and here she is being denied when they can live that way but not her. Commissioner Kirkham asked Ms. Perea that when she bought this property from Ms. Griffith, if she had gone through a title company? Ms. Perea said no. Commissioner Kirkham said that Valle Ranchitos does have restrictions and she might want to review them. Commissioner Kirkham said in looking at the receipt in our Commissioners packet, there is a

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receipt showing where you purchased your RV, so you did know that this was a recreational vehicle. Ms. Perea said to her this was a pull travel trailer, this is not a motor vehicle, it is closer to a mobile home than an RV.

Commissioner Gentry asked to review the pictures that Ms. Perea had with her. Commissioner Gentry asked Ms. Perea what she did for electricity, sewer and water. Ms. Perea said she uses batteries, and has her holding tanks pumped out every two months and she goes to her parents home to shower. Chairman Trujillo suggested to Ms. Perea that maybe she should contact legal services to remedy the situation that she is in. It seems to start with the individual that sold the property to her with the assumption that placing an RV on the property would be permissible in that area, we don't know if that was the intent or not but seems like contacting an attorney would remedy the situation, otherwise, you might not have gone through the expense that you have. Chairman Trujillo said the County has ordinances that guide the Commission for zoning issues that do come before us.

h. First Public Hearing of Infrastructure Capital Improvement Plan (ICIP) SFY 2008/2012 – Ruben Chavez (Exhibit G)

Mr. Chavez said this is the first public hearing to promote the 2008-2012 ICIP. Each year Counties and Municipalities anticipate capital needs for the next five years. These needs are then prioritized and are either scheduled for implementation or seek funding. Funding is not through the general fund but through legislative request. Each year the legislators receive an adopted ICIP plan. Mr. Chavez said this is an appropriation request unless projects are partially funded and additional funds are needed to complete a project. Commissioners reviewed the ICIP plan but after discussion directed staff to have a more detailed format because the amount requested and the amount funded didn't seem to match with the highlighted areas on the chart. Commissioners also discussed in separating the projects by district.

7. The next Business Meeting of the Valencia County Board of County Commission will be held on July 21, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

8. Adjournment

Meeting adjourned at 6:49 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 12, 2006, 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

**ss/
PAUL EDWARD TRUJILLO CHAIRMAN**

RON GENTRY, VICE-CHAIRMAN

**ss/
MARY J. ANDERSEN, MEMBER**

**ss/
GEORGIA OTERO-KIRKHAM, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: July 21, 2006