

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Public Hearing Meeting

November 8, 2006

PRESENT	ABSENT
Paul Trujillo, Chairman	
Ron Gentry, Vice-Chairman	
Mary J. Andersen, Member	
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Francisco Apodaca, County Manager	
Cynthia R. Wimberly, 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 Cynthia Wimberly 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**

Bill Pratt, Bosque Farms stated he had a comment to address to the Commission before convening as canvassing board. Mr. Pratt asked that the County Canvassing Board require an audit of this election before the final certification. We had a new system, as an election judge in precinct 11, all voters were pleased with the method. The preliminary results were based on the cartridges from the optical scanner, no one can know if the cartridges from the optical scanners accurately record the markings on the paper ballot unless a hand count is done and compared with the optical scanner report. The NM Legislature recognizes that the Secretary of State do an audit of 2% of the precincts but this does not go into effect until 2007. Mr. Pratt asked that the County Clerks office do a hand count of one or two contests of two precincts and do a comparable of the optical scanner results. The hand count should be done with the participation and members of the political parties and candidates.

Ms. Gallegos said she feels comfortable with the election day results and the procedures that we followed. The procedure that Dr. Pratt stated is not a requirement yet until next year or until the election cycle of 2008.

Samuel Aragon said he is part of a newly formed association in Meadow Lake. Mr. Aragon thanked the Commissioners for giving him the opportunity to address them. He reported that the Association is happy and excited with the outcome of their town hall meeting. There is a lot of support with the efforts of the residents of Meadow Lake to fix critical problems in that community.

William Lebrecht said he is still concerned with the lack of law enforcement in Meadow Lake. We are part of Valencia County and he doesn't think any other community is treated like them. Law Enforcement needs to come up with a plan, we have invited members to join us at our town hall meeting to resolve some of those issues.

Tate Corelly said he is part of a medical team in Meadow Lake and he challenges the Commission to get rid of the ongoing problems in Meadow Lake. Mr. Corelly said he invites anyone to come to the meetings so that we can build on getting problems in Meadow Lake resolved.

**5. Discussion (Non-Action) Items**

Mr. Apodaca introduced the new County Planner, James Aranda. Everyone welcomed Mr. Aranda on board.

Tina Gallegos, County Clerk administered the oath to the public who wished to give testimony at tonight's public hearing meeting for the following items.

**6. Public Hearing Items**

**a. Valencia County Airport Encroachment Overlay Zone Ordinance 2006- Ruben Chavez (Exhibit A)**

Mr. Chavez brought forth the Ordinance of the airport encroachment overlay for discussion.

Kirk Winker said this zoning ordinance is for the continued safety, cooperation and informative existence of Valencia County Airport for the residents in that area. The workshop was a very good one. There were quite a few issues brought up by residents and Mr. Winker said he answered them but if the Commissioners have any questions, he will be glad to go over those issues that were brought up. One of the issues was due to the runway protection zone, that is the areas off of the

runway. Mid-Valley brought up at the time that our required runway protection zone by the FAA was actually half the size as the one that is in the ordinance. Mr. Winker said he had told the County Attorney that at that time they did not have a problem making it the size that the FAA recommends, we did not want to be overly restrictive, there are different requirements from the FAA depending on the runways that you have. Mr. Winker said he was told that the County wanted to keep it one size fits all. Mr. Winker said that was fine with him as long as it was understood that there might be a zoning variance required later or should somebody want to do something that would be required of them. Another issue that was brought up was power line shadowing. Trees do not count. Mr. Winker said any man made structure can be considered as a shadowing object. This was brought up in reference to the power lines that run west of Mid-Valley on the highway, they are about 30 ft tall, anything that high above sea level shadowed by that particular power line, any buildings shadows any object at that height above sea level. Mr. Winker said these are just a couple of issues discussed at the workshop.

**b. Request to amend zone maps from RR1 to WCF to build a wireless facility on the property El Cerro Mission Unit 14, Blk 5, Tr. A, AKA El Cerro Mission Community Center & Fire Department – Ruben Chavez/T-Mobile/Dan Varela (Exhibit B)**

Mr. Chavez requested to amend the zone map to build a wireless facility on the property of El Cerro Mission. The County is in the process of negotiating a lease with T-Mobile in order to place a Wireless Communication tower in that area. The site plan is in the Commissioner's packet for their review. This request was heard at a Planning and Zoning Commission meeting and the Commission voted 4-0 in favor of the zone change. Mr. Varela said in January discussions started to begin service for El Cerro Mission. The area right now does not have good cell coverage, simply because there are no towers out there. Mr. Varela said T-Mobile has had complaints about the service in that area so he is here to request this change. Mr. Varela said we held a town hall meeting to make sure the residents were aware of this site building and so they could air their concerns. We did not get a good turnout but the awareness is there.

**c. Request for a Preliminary Plat review for Luna Vista Subdivision, Lot 48 & a portion of Open Space as shown on a replat of Lots 72-A through Lots 95-A & Lots 250-A-264-A of replat of a portion of Eastland Hills Subdivision & a replat of Lots 52-54 & Lots 111-116 of Eastland Hills Subdivision, Valencia County, NM – Ruben Chavez/Robert Moore, Agent (Exhibit C)**

Mr. Chavez stated that the Commission might remember allowing the replat of a portion of Eastland Hills, the replat allowed another access point to Cypress Boulevard and making the drainage easements more controllable as well. In deleting a portion of one road, land became vacated, the land was already adjoining with existing roads and utilities, there is no additional infrastructure that needs to be built. Because of the creation of additional lots, it is being resubdivided. There is a information check list in the Commissioner's packets for review. The P & Z reviewed this item at their October meeting and voted 4-0 in favor of this proposal. Mr. Moore is available for further comment. After further review, some Commissioners did not have all of the information in their packets. Ms. Wimberly said the decision on the development needs to be made within 30 days from today's public hearing.

Mr. Moore said as Mr. Chavez stated above, we brought to this Commission a replat of a portion of this land which is 47 lots. The work done in the replat and construction of the 47 lots in the project completed the streets, curbs and gutters for the streets serving the lots, the water and sewer service was put in the roads at the time they were built for the 47 lots. Mr. Moore said through their efforts they feel that this area has become a more safe residential community by eliminating the hazard of an open space arroyo that has carried storm water runoff for some time. They have eliminated that hazard by constructing an underground storm water drainage structure that eliminates ongoing erosion and roadway damage.

**d. Request to Amend the Master Plan of Rio Del Oro Unit 46 to facilitate development of 350-400 acres, Westerly portion of Unit 46, Rio Del Oro Subdivision, Los Lunas, NM – Ruben Chavez/Mike McCartney (Exhibit D)**

Mr. Chavez requested to amend the master plan of Rio Del Oro Unit 46. Mr. Chavez said all of the 64 + units of Rio Del Oro have Master Plans that identify the proposed land uses. VIA would like to amend the land uses for Unit 46. The proposed land uses as identified back in the 70's is not what the market development is today. Amending the Master Plan follows the criteria in the PD District. The process is a three step procedure. Mr. Chavez said this request was heard at the October 18<sup>th</sup> Planning & Zoning Commission meeting and voted 4-0 in favor of the request. Mr. McCartney said with this approval it will give us the opportunity to go ahead and finalize the plans for building in that area. Mr. Chavez explained that a planned development master plan takes a stage three review and we are at stage one. As they develop them you will see them back for a subdivision process. This is their conceptual view at this time.

**e. Request for a Preliminary Plat review for Manzano Terrace Subdivision Lands of Willie M. Orona within the S ½, New ¼ of Section 6, T6N R3E, NMPM – Ruben Chavez/Scott Eddings (Exhibit E)**

Mr. Chavez requested a preliminary plat review for Manzano Terrace Subdivision. The Myers Group came before the Commission earlier this year for a zone change to suburban residential. During the preliminary discussions, the access point and the gas lines were our key points. The applicants have submitted the required data and our office has forwarded that information to the required agencies. Mr. Chavez said please note that water and wastewater are clear. A phase 2

archeological study is in the process and the applicant is negotiating with the Department of Transportation regarding the issues from the Traffic Impact Study. Planning and Zoning heard this proposal at the October 18<sup>th</sup> meeting and voted approval by a 4-0 vote.

Mr. Eddings explained the drainage from the project that will be routed through an on site street flow and drainage down to three different holding ponds and then released to an arroyo that is located to the south of the property. Mr. Eddings discussed the grading plan. All of the exposed soil will be revegetated. Mr. Eddings stated the transportation report was done by the Harwick Transportation Group, Inc. and the report was reviewed by Department of Transportation.

Mr. Apodaca was concerned that in the Commissioner’s packet DOT reviewed the draft proposal and was unable to approve the report at this time. After a lengthy discussion, the Commission asked Mr. Eddings to get with staff to resolve the problem improvements. Mr. Apodaca stated the plat requires more information and more study needs to be done on this project. Commission discussed the request and we need an accurate assessment and these issues need to be addressed before this issue proceeds further.

**f. Request for a Preliminary Plat review for La Vida Suerta Subdivision all of Parcel A-1- Of McCullough & Knight Tracts, such parcel is shown on Maps 79 & 83 of the surveys within the MRGCD situate within Sec. 2 & 11, T6N R2E, NMPM, Valencia County, NM Filed on May 12, 2005, in Cabinet J – Page 582 – Ruben Chavez/Kenny Trujillo (Exhibit F)**

Mr. Chavez requested for a preliminary plat review for La Vida Suerta Subdivision. At the February meeting Planning & Zoning held a public hearing and changed the land use designation from AP Planned Development. The proposal called for a mixture of land use density from 1 ½ acre parcel to 3 acre parcel. It provides for areas that would remain in agricultural activity much like open space. At the October Public Hearing, Planning & Zoning reviewed the proposal and voted 4-0 in favor of the preliminary plat.

Jim Strozier, with Consensus Planning, said as Mr. Chavez explained this issue came before the Commission for a zone change and the Commission has seen this layout and composure as composite with the zone change request. We are now coming back to implement that master plan. There are two types of plan, rural residential and equestrian estate, those basically range from 1 ½ to 3 acres in size, the irrigation ditches will be maintained for agricultural green belt easements within the project. There is a mandatory homeowners association with covenants.

**7. The next Special Meeting of the Valencia County Board of County Commission will be held on Thursday, November 9, 2006 at 4:00 PM in the County Commission Room at the Valencia County Courthouse.**

**The next Regular Business Meeting will be held Friday, November 17, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.**

**8. Adjournment**

Chairman Trujillo adjourned at 7:08 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the **November 8, 2006** 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**

**ss/  
RON GENTRY, VICE-CHAIRMAN**

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

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

**ss/  
LYNETTE PINKSTON, MEMBER**

**ATTEST: ss/ by Sally Perea for**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: December 15, 2006**