

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Public Hearing Meeting

April 11, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Cynthia Wimberly, Acting County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 5:02 PM.

### 2. Chairman Rael led the Pledge of Allegiance.

### 3. Approval of Agenda

Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Discussion. Chairman Rael stated that Senator Sanchez was unable to attend tonight's meeting and Commissioner Gentry said if all commissioners agreed he would speak on Grip II. Motion carried unanimously.

### 4. Public Requests

Rosemary Lebrecht, Meadow Lake, brought to the attention of the commissioners that there was a misprint in the newspaper. Ms. Lebrecht said the article should read (Town Hall Meeting, April 14, 2007, 1:00 PM at Highland Meadows Fire Department) instead it read Meadow Lake Fire Department. Ms. Lebrecht commended the commission and staff on the abatement process. Ms. Lebrecht discussed the Grip II with the commission.

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

#### a) Discussion on Roads & Grip II – Senator Michael Sanchez

Commissioner Gentry spoke on the GRIP II project; this is the Governor's program for transportation in New Mexico. GRIP I had a multitude of transportation projects throughout New Mexico. Some have been ongoing and we have utilized a lot of them but some have not been finished. This is a major road construction project which now has added GRIP II. Commissioner Gentry said we have asked for funding on several different projects, \$437,800 for improvements to Bosque Loop in the Village of Bosque Farms, \$2,031,300 on planning and design, arterial interchange river crossing in the Village of Los Lunas, \$5,980,500 for the Manzano Expressway. These are just some of the projects we applied for in the original bill. Eric Zamora stated that he had the most recent bill that included two items on the GRIP II for Valencia County, 1) Manzano Expressway improvement, \$10,877,340, that is the HB amount of \$5,982,500 and the county match requirement is \$4,894,840, 2) Road improvements to Meadow Lake, El Cerro Mission, Highland Meadows, total project of \$1,000,000.00. GRIP II amount on HB 2 is \$800,000 with the county match of \$200,000. Chairman Rael allowed the public to participate in the discussion as the topic was informational only.

#### b) Presentation: Abatement Process – Tony Savilla (Exhibit A)

Mr. Savilla presented the abatement process with a slide show presentation for the commissioners and the public. Mr. Savilla said their goal is to rid the county of burned out mobile homes and abandoned homes. The slide show presentation definitely depicted the before and after effects of the clean up effort with this process. Mr. Savilla stated the process starts with three notices of violation, 1) criminal complaint, 2) summons and 3) order to show cause or warrant. If the violation is not corrected after the deadline of the third notice a criminal complaint is filed in Magistrate Court. If the owner does not show, then the court issues a summons and if the owner does not respond a warrant is issued. If all efforts have been exhausted, then the Code Enforcement file is turned over to the Abatement Officer for the abatement process. Mr. Savilla stated that the purpose of the whole abatement process is to promote public health, safety and welfare, to secure safety from fire hazard and health hazard, and to improve the environmental quality of Valencia County.

County Clerk, Sally Perea administered the oath to the persons wishing to give testimony at tonight's hearing.

### 6. PUBLIC HEARING ITEMS

#### a) Amend Zone Maps from RR-2 to RR-1 to allow for subdividing the 2.58 acre subject property into 2 parcels (Tabled: March 14, 2007) – James Aranda/Loretta Torrez (Exhibit B)

Mr. Aranda presented the above item. The applicant is requesting a zone change from RR2 to RR1 for the purpose of subdividing the 2.58 acre subject property into 2 parcels. The request was submitted for departmental review in January and their comments stated that future development of

Minutes of April 11, 2007, Public Hearing

the proposed parcels may require grading and drainage plans. There was a question raised whether or not the area has the capacity to sustain the proposed additional septic tanks. Mr. Aranda stated that Planning and Zoning had received a call in opposition to this request by Debra Graham. Mrs. Graham stated that this area has a very high water table and that there are existing septic problems. Adding additional tanks to this area increases the possibility to exacerbate existing environmental problems resulting from septic contamination. Other neighbors residing in that area have testified that their water table is as high as 7 feet. Ms. Graham stated that the applicant knew that the area was zoned RR2 prior to purchasing the subject property and should not be allowed to change the zoning solely for financial gain. The Planning and Zoning Commission heard this request at their monthly hearing and after hearing testimony from the applicant and taking public comments on the matter, Planning & Zoning Commission denied the request on a vote of 4-1.

Commissioner Gentry questioned that the Planning & Zoning minutes were not in their packets for review. Mr. Aranda apologized and stated he would get those to each of the Commissioners by the next Business Meeting.

Steven Chavez, counsel for George and Loretta Torrez thanked the commission for giving them this opportunity to present their case before them. Mr. Chavez stated he would like to add clarity to some of the issues that have been presented. The split that occurred last summer was a 2.58 acres total, 2.502, it was split into (2) 1.25 acre lots, which was a zone change. This commission approved a zone change. Mr. Chavez said there is a RR1 zone directly across the street from the Torrez's property. Mr. Chavez submitted minutes that reflect the zoning that is two years outdated, it does not reflect the current condition of the size and density of the acreage that is out there. He also submitted an assessor's map that is up to date and said we are asking for a zone change for 1.25 acres that is larger than the zone change that this commission approved last year. He said he is not here to create problems; it is clear in the criteria that the zoning ordinance requires planning & zoning to look at the pattern of researched changes in zoning and land splits in the area. The intent was to slow down the zone changes in the agricultural areas so that we could catch up with technology. There is no evidence with planning & zoning or this commission of contamination of ground water by the addition of one septic tank and one well in this RR area, other than statements made by Mr. Aranda, County Planner. In his report he speaks of a possibility of contamination and the possibility of congestion in the area. Mr. Chavez said there has not been evidence submitted to this other than speculation. He has not seen any analysis that this zone change will create a contamination effect on any land on a RR2 area. Mr. Chavez respectfully asks the commission to approve this zone change because it is the right thing to do. It meets the standards of the zoning ordinance. Mr. Chavez in his research found that there were two meetings that the commission had approved zone changes on this street with a similar request.

Commissioner Kirkham stated that she will recuse herself when it comes time for voting on this issue because her company held the closing for Mr. & Mrs. Torrez.

Chairman Rael asked if there were any problems with the septic systems in the surrounding areas. Mr. Chavez stated he is a certified planner, and was the county planner for years; this is not a specific recharge area. The recharge area is closer to Highway 314. There are areas where the ground water table is 7 or 8 feet. There is a process that you can raise the septic systems above ground, the new system allows protecting the water table. Mr. Chavez said he is not privy to that information and would have to ask Environmental Division.

Commissioner Gentry asked if there was any indication or testimony by planning & zoning that if we do approve this request would it create a violation by state code? Mr. Chavez said one of the basis for denial is that a couple of the Planning & Zoning Commissioners were concerned that a septic system would contaminate the ground water. That is the main concern that was in their minutes. Mr. Chavez said his clients stated they would do everything that is required of them with the state department.

Ms. Torrez said she and her husband have lived in Valencia County for more than 20 years. Ms. Torrez said their purpose, after retirement, was so they could build a home on it. But as everyone knows the price of petroleum products has gone up, therefore the price of building materials has gone up, so instead of keeping the entire property, they decided to split it and sell half. Ms. Torrez said they would use the proceeds to build a house so they would not have a huge debt. That was the purpose for buying that property. Ms. Torrez said when the commission gave approval to their neighbor on a similar request to split the property that is what gave them the idea to do so. Ms. Torrez said she did not expect problems because she has conformed to the requirements to do this.

Mr. Aranda and Mr. Chavez had different maps from the assessor's office. Mr. Aranda said he would get the most recent map to Mr. Chavez.

Cyndi Robinson, 18A Sunflower Court, did not understand the process of having the Planning & Zoning Commission vote against and then it still has to go the County Commission for another hearing. She was opposed to this and spoke on the ground water issue and does not agree with letting the Torrez's divide their land into one acre parcels. Ms. Robinson said she was not notified that the land was going to be divided and if she would have known about the previous case she would have been here also. If this commission is going to have a planning & zoning board then this Commission should follow their recommendations.

Minutes of April 11, 2007, Public Hearing

Chairman Rael answered Ms. Robinson's question that the elected county commissioners get to appoint from their respective district a commissioner to represent them in the Planning and Zoning Commission Hearings.

Yvonne Ambreise, 30 Pleasant View said she lives next door to the property on 2 ½ acres. Ms. Ambreese said she is against this request because she feels if they put two houses there, it will be too crowded. Ms. Ambreese said she has horses and chickens. There will be too much traffic there, that is a dead end road and when it rains the roads get flooded.

Debra Graham, 32 Pleasant View said she is the last house on the end of the road. Her concern is when Mr. Chavez was talking about the domino effect; this is true because that is what is happening here. There have been older people on that street that have had to leave their farms and left large tracts of what used to be agricultural property. This leaves it open to be split. Ms. Graham said she is against her street going to one acre homes. She has two acres by the ridge, she does not have a 7 ft water table, she used to have a ¼ acre pond with fish but no longer because of the building and septic system next door, ruined that pond. This is what happens when there is no planning.

Lisa Chavez, Peyton Road, Los Chavez, said her concern is to keep that area rural. There is a comprehensive plan in place and every time there seems that a variance is granted there. Ms. Chavez said what she has heard tonight is, "it was done for Gerald Chavez, and so that is why we applied to get it done". That is one of the reasons, and it should not have been done in the first place. This is about quality of life, about people that mail off that monthly payment, about making sacrifices, and we work hard to contain and sustain them. We need to stick to the two acre minimum and she is against anything like this going on in the Los Chavez area.

Mike Gallagher, 39, Pleasant View Drive, said he is approximately 200 ft from the requested property. Mr. Gallagher said he doesn't have an axe to grind, has a shallow well that is 50 ft. He would like to see that the properties do not get divided up. It is better for the community.

Commissioners stated that they will take action at the next business meeting.

**7. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on April 18, 2007 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.**

#### **8. Adjournment**

Commissioner Gentry moved to adjourn. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 7:00 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the April 11, 2007 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/  
PEDRO G. RAEL, CHAIRMAN**

**ss/  
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN**

**ss/  
DAVID R. MEDINA, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE PINKSTON, MEMBER**

**ATTEST: ss/**

**SALLY PEREA, COUNTY CLERK**

**DATE: May 2, 2007**