

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Public Hearing Meeting

May 9, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, Interim 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 5:00 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

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

4. Public Requests

Bill Brown, Tierra Bonita Coordinator Chairman, thanked the commission as he understands they are receiving \$15,000 in funding for next year. Mr. Brown said he handed out for commission review Ordinance 89-3 and pointed out on page 6 the county support of Tierra Bonita. The former county attorney, Tom Garde worked with Tierra Bonita and suggested that a 501C-3 be formed as an affiliation with the county so that people giving donations to the county would have the IRS tax deductions. This was accomplished. The existing budget for this year includes \$17, 004 specifically for salary as well as mentioned in section 6 infrastructure support. As of November 2006, all infrastructure support was terminated, the executive coordinator, Cyndi Sluder has worked for the last six months without payment because her time card was taken away. There has been no provision for payment for her efforts. Mr. Brown said he had spoken with staff because of lack of payment and it was made known to other officials. Mr. Brown said this is a big concern to him, especially to compensate Ms. Sluder and he is asking this commission to please consider this public request for infrastructure support as well as salary.

Theresa Sanchez, Chief Deputy Clerk on behalf of County Clerk, Sally Perea stated at the last commission meeting when Sally thanked the commission for returning the two office spaces back to the Bureau of Election department, unfortunately, she forgot to mention Cynthia Wimberly who was instrumental in making this transition possible. Ms. Sanchez stated her apologies to Ms. Wimberly.

5. Discussion (Non-Action) Items

Commissioner Pinkston said they have a residents association meeting on Saturday, May 12, 2007 from 10:00 AM until 12:00 PM. They were going to have a groundbreaking for the fire station at that time but that has changed and we will let everyone know when we will have that groundbreaking.

Chairman Rael said he is going to have a town hall meeting at the Fred Luna Center on Tuesday, May 15th at 6:00 PM, the subject is the status of the mill levy project regarding the hospital/24 hr emergency care facility. There will be other topics also but we will focus on the hospital issue.

Chief Deputy Clerk, Theresa Sanchez, administered the oath to James Aranda for testimony on the first public hearing item.

6. Public Hearing Item

a) Request to name private road CC Pino Court a certain parcel of land situated in the Belen Grant within Sec 13, T4N R2E & Sec 18 T4N R1E, NMPM Map 112, Cabinet G, Page 235, in Valencia County, NM – James Aranda/Lorenzo Pino (See Exhibit A)

Mr. Aranda requested on behalf of Mr. Pino to name a private road CC Pino Court. The applicant has submitted a petition requesting the use of this name as it was the name of the applicant's father. The subject road is a 40' wide private road easement located east of Armijo Road, south of Tract 49B1 and west of Tract 49B2. Both tracts are owned by the applicant and he uses the subject road for access to Armijo Road. The road is approximately 695' in length and ends in a 50" cul-de-sac. Mr. Aranda stated that the applicant, Mr. Pino was not present.

b) Request to amend zone maps from RR2 to RR1, Lot 23, Bosque Vista Estates (formerly known as Jaramillo Estates Subdivision) containing 2.05 acres, located west of Menard Road and for Tract B-1, Lands of Trey McNabb and Glynette Carson containing 3.21 acres, in Valencia County, NM – James Aranda/Scott Edeal (See Exhibit B)

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Mr. Aranda requested to amend the zone map from RR2 to RR1. The applicant is requesting a zone change to allow for an existing line on Lot 23-A to be moved. The proposed lot line adjustment would take away .5432 acres from Lot 23-A (making it 1.5029 acres in size) and add it to Tract B-1 making a total of 3.7574 acres in size. The Bosque Vista Estates Subdivision was originally approved under the name Jaramillo Estates prior to the adoption of the 2004 Zoning Ordinance. The applicant has since changed the name and has begun to make improvements to the subdivision site. The rationale for the zone change is to allow the applicant to make a lot line adjustment that would mitigate the odd shape of Lot 23. The current shape makes it difficult to construct a cinderblock fence around the subject property. The application was sent out for departmental review, Public Works requested further clarification and Code Enforcement commented that there were no enforcement issues with this request.

Chief Deputy County Clerk, Theresa Sanchez administered the oath to Pam McKenzie.

Pam McKenzie questioned that this subdivision has been on the books for awhile. It has been renamed but her question is about the water rights. Ms. McKenzie asked if this parcel of land is in tact or is it about to have its water rights severed. But be aware like those 97 acres in Tome, they can't be irrigated because their water has been cut off. Ms. McKenzie said this is a concern for her.

Mr. Aranda said in terms of the preliminary plat process, one of the requirements is that the water rights do have to be secured. There is a process to when a developer is developing his plan, an engineer comes up with a figure of estimated daily and annual usage.

Chief Deputy County Clerk, Theresa Sanchez administered the oath to Jeremy Shaver.

Jeremy Shaver said he has been helping Scott Edeal to develop this property in question. Mr. Shaver wanted to make clarification that you are required certain preliminary plat process to have the different departments look at your progress prior to approval of a plat. We are going to have septic and wells. The State Engineer currently approves anyone who wishes to drill a domestic well per one acre foot. The main reason for this request is to clean up this odd shaped lot.

c) Request for zone change from PD to C1, to correct the existing zone map for unnumbered Tract of land within Map 102 of the surveys of the MRGCD being within the Tome Grant and within Section 16, T5N R2E containing .69 acres, being further described in Book 296, Page 8375, AKA 101 Manzano Expressway, formerly known as 103 Manzano Expressway and Desert Rain Car Wash, Valencia County, NM – James Aranda/Ralph Castillo/Alicia Aguilar, Agent (See Exhibit C)

Mr. Aranda requested the zone change from PD to C1. The applicant is requesting a zone change to correct the existing zone map. The car wash has been operated on the subject property for over 20 years and property taxes are assessed as a commercial designation. A correction to the physical address was requested and granted. According to the application, the car wash is currently closed, but the building and sign still remain. It is believed that the property owner wishes to sell the subject property as commercial property. The request was heard at the monthly P & Z meeting and the P & Z Commission voted 5-0 recommending approval. The P & Z Department has no adverse comment regarding this request because it appears to meet the criteria of Section 4.7.2 of the 2004 Zoning Ordinance as well as the Goals and Policies of the 2005 Comprehensive Plan. Because the subject property is being used commercially for over 20 years, it appears that at the time when the 2004 zoning map was adopted, some commercial properties in the subject area were mistakenly zoned PD, rather than C1 or C2. This request rectifies that mistake.

Commissioner Gentry said this has been a problem for two years and has been brought up by the former planner staff. These requests keep coming through and this is a disservice to the people in Rio Communities. When we did the 2004 rewrite the business section for some reason got really messed up. Commissioner Gentry stated we are making those people come here and pay \$250 and go through two months of hearings, this is commercial property that has been used for over 20 years. Commissioner Gentry said he has asked for this to be looked into and corrected.

Commissioners asked staff to resolve this problem and take steps to rectify these issues. After discussion, it was the consensus to put this issue on the agenda for an action item so that this issue can be rectified.

Chief Deputy Clerk, Theresa Sanchez, administered the oath to Alicia Aguilar.

Alicia Aguilar, Agent for Ralph Castillo who is the owner of the property at 101 Manzano Expressway. He will not be selling the property, the car wash has closed down and he is looking for an architect to put in a small business there. Ms. Aguilar said this is the old car wash that was originally owned by Frank Seminara and was part of the car dealership, and when he sold it to Ruben Baca he split off two lots and one of the lots is zoned C1. Ms. Aguilar said this request is a correction to the zone map and in the commission's packets is a plat map that is dated 1985 indicating the car wash was there. There are photographs for commission review also. This is not the first or the last for the map correction and her recommendation is to have a hearing to amend the zone maps. Ms. Aguilar said have these people come forth and proceed from there. There needs to be a simple solution to this matter. Ms. Aguilar said for now, she is here tonight for an approval, to correct the zoning on this piece of property. Ms. Aguilar said when she spoke with Mr. Castillo, he

did mention if there was going to be anything administratively to correct the rest of the property owners that he be refunded his \$250.00.

d) Request for zone maps from C1 to C2 for the purpose of operating an auto sales dealership on the subject property Tract C, Land of Manuel & Nestor Gallegos, Cabinet 1, Page 483, containing 1.114 acres, AKA 19562 Hwy 314, Valencia County, NM – James Aranda/Bill R. Cruz (See Exhibit D)

Mr. Aranda requested the zone change from C1 to C2 for the purpose of operating an auto sales dealership on the subject property. Public Works submitted comments stating that the applicant contact NMDOT for a driveway permit for Hwy 314. Because the subject property has had previous commercial uses, it is possible that access to/from Hwy 314 is already permitted. Public Works also commented that any development that increases the impervious area will require a grading and drainage plan by a professional engineer. Planning and Zoning Commission heard this request and voted 3-2 to recommend denial of this request, citing the applicant's lack of a grading and drainage plan as a reason for denial. The applicant met with P & Z staff after the hearing to discuss these concerns. The applicant has submitted a more detailed site plan, a letter of intent, and photographs of the site which detail the subject property and existing onsite drainage facilities.

Chief County Clerk, Theresa Sanchez administered the oath to Bill Cruz.

Bill Cruz, said he owns the property and when he bought it, he looked all over for commercial property, this one is prepared with drainage and has about a foot and a half of graveled sand throughout the 3. some acres. Mr. Cruz said he was surprised that they turned it down, it has a seven foot commercial chained fence. It was West Mesa Mobile Home Sales since 1998. Mr. Cruz said this is his livelihood, for eight years he has never had any violations of any kind, this is a good solid business, and it has been five months without any solid income.

7. The next Regular Meeting of the Valencia County Board of County Commission will be held on May 16, 2007 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

8. Adjournment

Commissioner Medina moved to adjourn. Seconded by Commissioner Gentry. Motion carried unanimously. Time 5:58 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 9, 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 16, 2007