

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING / BUSINESS MEETING**

**DECEMBER 18, 2019**

<b>PRESENT</b>	<b>ABSENT</b>
Jhonathan Aragon, Chairman	
David Carlberg, Vice-Chair	
David A. Hyder, Member	
Charles D. Eaton, Member	
Gerard Saiz, Member	
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Aragon at 5:10 P.M.

2) Ms. Goodman led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Saiz moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

**PUBLIC COMMENT:**

Sue Small commented that she is a resident of the east mesa. She would encourage the county to look into ways to conserve the water in our valley.

Tom Mraz commented that Conejo is run 1000% better now than before when it was run by the county.

**PRESENTATIONS:**

4) **Western Spirit Transmission Line Project in Valencia County. Presenter: Adam Renz**  
Mr. Fernando Martinez who is the Executive Director of the New Mexico Renewable Energy Transmission Authority gave a presentation regarding the Western Spirit project and its timeline. Adam Renz with Pattern Energy addressed the commission as well. During the presentation several questions were brought up including the FAA regulations and the proposed towers near the Belen Airport, the use of eminent domain, the bird sanctuary south of Belen, disturbance of migratory bird patterns, also if the contract between the City of Belen and the Air Force will be affected. (See Exhibit A)

**PUBLIC INPUT**

5) **Public Input Regarding Presentation from Western Spirit**

There were many individuals that spoke and expressed their opinion on the matter regarding the Western Spirit project. The individuals that spoke included:

Steven Tomita  
Stephanie Russo-Baca  
Jerry McBride  
Romy Baca  
Vicki Husbands  
Mike Scott  
Jaye Gardner  
Mark Strand  
Bernadette Baca  
Ward McCartney  
Mary Ruff  
Tammy M.  
Don Boyd  
Deb Caldwell  
Martha Salas

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Chairman Aragon stated that the commission and county does not have a say regarding this matter. They are just bringing the public together for discussion. He also thanked everyone for sticking to the rules for public comment.

**ACTION ITEM(S):**

**6) Direction to Staff Regarding Correspondence with Western Spirit. County Manager Danny Monette; Sponsor: Commissioner Gerard Saiz and Commissioner David Hyder**

Commissioner Saiz stated that he believes the commission needs to have discussion amongst themselves to digest the public input that was heard then reach a consensus on how to proceed. Commissioner Hyder stated that he has questions about the RETA board. Commissioner Aragon stated that he also has questions written down that were brought up by the public. Mr. Monette stated that each commissioner can send him questions, he will group them together and contact Western Spirit and get answers before the next meeting.

Commissioner Hyder moved to table this item until the January 15<sup>th</sup> meeting. Seconded by Commissioner Saiz.

Commissioner Eaton stated this board has a non-authority position on the issue, other than take a position statement on the issue and it is disturbing when a governing body is put in that position. He stated that this is a train that's being driven to force a monopoly to ultimately gain control of a profit driven practice and the residents will be affected.

Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

*Chairman Aragon called for a ten-minute break @ 7:07 P.M.*

**PUBLIC HEARING**

**7) Zone Change No. 2019-059, from RR-2 to C-2 for Tracts 35A4 (3.65 AC), 35A5 (3.65 AC), and 35A6 (3.37 AC), S:35, T:7N, R:2E, MRGCD Map 76 NMPM consisting of 10.7 acres, filed in Book N, page 119 in the Office of the Valencia County Clerk, and located at the northwest corner of NM-47 and Hyde Lane. Roy D. Mercer, LLC and Interim Community Development Director Gabe Luna; Sponsor: Per Zoning Ordinance Chapter 154.**

Mr. Luna stated that before the commission is ZC 2019-59 which is a zone change request from RR-2 to C-2. The original planning and zoning board meeting took place on August 27<sup>th</sup> where the request was denied 5-0 but the board asked for site plans. The second planning and zoning meeting was held on September 24<sup>th</sup> where the request was once again denied on a 4-0 vote. The commission held a public hearing on November 7<sup>th</sup> where the item was tabled for improper notice.

County Clerk Carabajal swore in the individuals wishing to speak on the item.

Sheldon Greer with Respec Engineering, agent for the applicant, stated that the property is located on the future alignment of the east- west corridor of the new interchange. The applicant would like to rezone the property to commercial zoning to fit better with the traffic pattern. Two site plans have been submitted, tonight's application does not include site plan approval. Mr. Greer stated that concerns were expressed by the commission and neighbors that maybe it's a little early in the process for a zone change he stated that zoning in and of itself is simply a plan. If the road alignment takes place it is not were someone would like to build a house, it is better as commercial. This would be neighborhood commercial, something for local residents that would be a convenience for them.

Chairman Aragon asked if there were members of the public wishing to speak on this item.

Kathy McCord stated that she did not receive a notification about the zone change. She requested that the commission not overturn the well-researched decision made by the planning and zoning commission.

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Vivian Martinez stated that he lives south of Hyde Lane. The decision that is being made will impact generations to come. Also, the decision should be based on facts not on assumptions.

Abel Romero stated that he is a resident of Rio Communities, the county needs proper economic development and this concept does not fulfill the requirements. If there is a zone change it would be based on preemptive variables.

Marilyn Smiel stated that she lived NW of the property in question, she did receive a notice in the mail. She requested that Mr. Mechenbier use the property for something other than commercial, keep Valencia County rural neighborhoods rural.

Ward McCartney stated that he lives east on Pondarosa Farms, he suggested that the zone change should go out to the voters after having the bypass in place for at least one year.

Debbie Christensen stated that she lives on Sandhill Road. It is premature to make the zone change now, listen to what Planning and Zoning has already said twice.

Geri Rhodes stated that she lives 3 miles south of the property and did not receive notice. There is a big difference between C1 and C2 zoning, she recommends a moratorium and nothing more than a C1 zone.

Mr. Greer stated that the planning and zoning board is just a recommendation but the commission is the final approval. Zoning is to create a plan so it is never too soon to zone a property. C1 zoning is a little restrictive while C2 is a little permissive.

Mr. Mechenbier stated that he is trying to be preemptive in planning and is not trying to scam anyone. (See Exhibit B)

#### **EXECUTIVE SESSION:**

Pursuant to Section 10-15-1 (H) (8) the following matters may be discussed in closed session: a) Personnel; b) Pending or threatened litigation/administrative adjudicatory deliberation; c) real property: *Roy D. Mercer LLC Zone Change 2019-059*; d) other specific limited topics that are allowed or authorized under the stated statute.

Mr. Nance stated that what was to be discussed is limited to what was presented on the agenda for executive session.

Commissioner Hyder moved to go into executive session. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commission Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

Commissioner Carlberg moved to return to regular session. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commission Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

Mr. Nance stated that the matters discussed in executive session were limited to those in the motion for closure and no final action was taken.

Commissioner Hyder moved for approval of the summary as stated by Mr. Nance. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commission Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

#### **ACTION ITEMS CONTINUED**

8) Consideration of Zone Change No. 2019-059, from RR-2 to C-2 for Tracts 35A4 (3.65 AC), 35A5 (3.65 AC), and 35A6 (3.37 AC), S:35, T:7N, R:2E, MRGCD Map 76 NMPM consisting of 10.7 acres, filed in Book N, page 119 in the Office of the Valencia County Clerk, and located at the northwest corner of NM-47 and Hyde Lane. *Interim Community Development Director Gabe Luna; Sponsor: Per Zoning Ordinance Chapter 154.*

Chairman Aragon stated that this property is in his district, the commission has heard this item twice and it has been through planning and zoning. He stated that he believes that

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the property is consistent with the area and falls under the county's comprehensive plan for development and community growth.

Chairman Aragon moved for approval of the zone change. Seconded by Commissioner Carlberg.

Commissioner Eaton stated that he would support a motion for C1 not C2.

Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted no. Commissioner Saiz voted no. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion failed to pass 3-2.

**NEXT COMMISSION MEETING:**

**January 8, 2020- Organizational Meeting @ 5:00 P.M.**  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

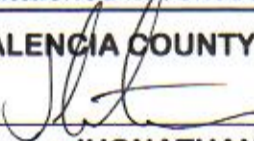
**January 15, 2020- Public Hearing/Business Meeting @ 5:00 P.M.**  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

**9) Adjournment**

Commissioner Carlberg moved for adjournment. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commission Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. **TIME: 8:48 P.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 18, 2019 Public Hearing/Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

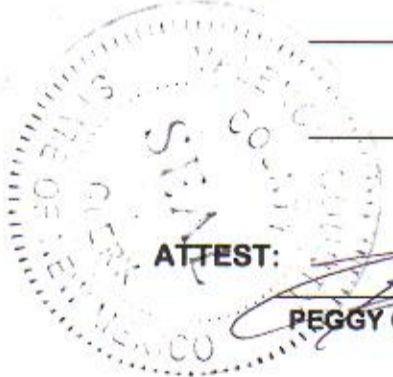
  
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**JHONATHAN ARAGON, CHAIRMAN**

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**DAVID CARLBERG, VICE-CHAIR**

  
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**DAVID A. HYDER, MEMBER**

  
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**CHARLES D. EATON, MEMBER**

  
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**GERARD SAIZ, MEMBER**



**ATTEST:**

  
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**PEGGY CARABAJAL, COUNTY CLERK**

1-15-2020  
**DATE**

*Minutes are not verbatim. The complete audio file from this meeting can be heard at <https://www.co.valencia.nm.us/>*