



**MEETING AGENDA**  
**San Miguel County Planning & Zoning Commission**  
**Special Meeting**  
**Thursday, August 24, 2023**  
**2:00 p.m.**  
**San Miguel County Administration Building**  
**500 West National Ave. Suite 200, Las Vegas, NM 87701**

*Harold M Garcia*  
*Chair-District 1*  
*Janice C. Varela*  
*Vice-Chair-District 2*  
*Max O Trujillo*  
*Commissioner- District 3*  
*Martin Sena*  
*Commissioner-District 4*  
*Kenneth C. Medina*  
*Commissioner- District 5*  
*Joy Ansley*  
*County Manager*  
*Jesus Romero*  
*Deputy County Manager*

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Salutation to the New Mexico State Flag**
- 5. Approval of Agenda**
- 6. Approval of Minutes- April 6, 2023**
- 7. Public Input**

**New Business**

- 8. Robert's Rule of Order- Parliamentary Procedure for Meetings**  
**County Commission Chair: Harold Garcia (*Discussion Only*)**
- 9. Role of the Planning & Zoning Commission**  
**Counselor Chico Gallegos, County Attorney (*Discussion Only*)**
- 10. Refresher: Planning & Zoning Commission Duties, Variances, Conditional Use**  
**Amanda C. Salas, Planning & Zoning Director (*Discussion Only*)**
- 11. Possibility of upcoming applications (*Discussion Only*)**  
Recreational businesses(Airbnbs), Rebuilds, Solar Update
- 12. Next Possible Regular Meeting Date: Thursday, September 21 or 28, 2023**  
**(*Discussion/Action*)**
- 13. Adjournment**



## Planning & Zoning Division

### San Miguel County Planning & Zoning Commission/Board of Adjustment Public Hearing & Regular Meeting Minutes

Thursday, April 6, 2023

2:00 p.m.

San Miguel County Courthouse  
500 West National Ave., Las Vegas, NM 87701

The San Miguel County Planning & Zoning Commissioners held a Public Hearing & Regular Meeting on Thursday April 6, 2022. The meeting convened at the San Miguel Administrative Complex located at 500 West National Avenue, Suite 200 Las Vegas New Mexico 87701

#### 1. Call to Order

San Miguel County Planning and Zoning Chairman Kenny Lujan called the Meeting to order at 2:00 p.m. Upon Roll Call Chairman Kenny Lujan-present, Vice-Chair Sean Medrano-present, Commissioner Eva Artschwager-present, Commissioner Macario Gonzales-absent, Commissioner Phillip Warfield-present. A quorum was duly established.

#### 2. Roll Call

Upon Roll Call Chairman Kenny Lujan-present, Vice-Chair Sean Medrano-present, Commissioner Eva Artschwager-present, Commissioner Macario Gonzales-absent, Commissioner Phillip Warfield-present. A quorum was duly established.

Motion made by Commissioner Phillip Warfield to move item "3" to after item "7". Second by Vice-Chair, Sean Medrano. Motion Carried.

#### 3. Approval of Minutes for March 15, 2022

Motion made by Commissioner Phillip Warfield to approve the minutes for March 15, 2022, Second by Vice-Chair Sean Medrano. Motion Carried.

*Harold M Garcia*  
*Chair-District 1*

*Janice C. Varela*  
*Vice-Chair-District 2*

*Max O Trujillo*  
*Commissioner- District 3*

*Martin Sena*  
*Commissioner-District 4*

*Kenneth C. Medina*  
*Commissioner- District 5*

*Joy Ansley*  
*County Manager*

*Jesus Romero*  
*Deputy County Manager*

**Administration Complex**

**500 West National Avenue, Suite 203 Las Vegas, New Mexico 87701 (505) 454-1074 phone**



# Board of County Commissioners

## 4. Public Hearing: CU-0266- Temporary Conditional Use Permit Fisher Sand & Gravel-New Mexico, Inc.

### Entered into Public hearing

San Miguel County Planning & Zoning Director Amanda Salas presented to the Commission the application submitted by the applicants Fisher Sand & Gravel-New Mexico, Inc. The purpose of the Public Hearing is to establish a Temporary Hot Mix Asphalt (HMA) Plant for the NMDOT Project No. 4101370 for I-25 between Mile Post 305 and 309. They currently have a Conditional Use Permit which was approved in 1997 for Agua Bendita Gravel Pit for Gravel Extraction. The location of business is off of County Road B35A -Rencona area, on the southern end of Hogback Hill Ridgeline. Headed North on County Road B35A toward State Rte. 34 for 0.9 Miles and turn right onto State Rte., For about 11 miles to get to the Frontage Road. 2116. The operation of business will be May 1, 2023 through October 31, 2023. Hours of operation will be 6:00 A.M. to 6:00 P.M. seven days a week.

Utilities within the proximity of site are as follows: Water Use, crusher to use 8,000 gallons a day for 25 days-200,000 gallons. Plans is to get with City of Las Vegas wastewater Treatment plant as they have been getting such water from them for another project north of Las Vegas. Portable toilets will be utilized for Liquid Waste Disposable which will be provided by Roybal's Septic Service. Gas is not being utilized on site; both the crusher and the HMA plant have 10,000 gallon diesel tank per site map. Electricity portable electric generators for electrical power will be used. Public Safety will be Rowe Fire Department, NM State Police Protection & San Miguel County Sheriff Department.

### Response from the following Departments:

On March 30, 2023 Amanda Salas, San Miguel Planning & Zoning Division Director, stated that a temporary permit will also be required for a temporary construction yard. It will be located at 83 NM 63 in Rowe for the sole purpose to have a portable office at the size of 8x20. Signs and bases, barrels, arrow boards, message boards, trash dumpsters and portable toilets will be in the yard. Heavy equipment will not be stored there. Noise and traffic is not going to be an issue as per applicant for this use.

On March 30, 2023 Nanette Knox San Miguel County Planning & Zoning Division Land Use Compliance Specialist no issues or concerns at this time.

On March 30, 2023 Benito Romero San Miguel Public Works Director had no issues or concerns at this time.



## *Board of County Commissioners*

On March 22, 2023, San Miguel County Fire Chief Andrew Duran stated that fire protection would be provided by Rowe Fire Station. "Knowing the location, the site is adjacent to the county road. I do not see fire access to be an issue. I have reviewed their fire safety plan and have no concerns."

On March 22, 2023, Kenny Santistevan, Environmental Scientist with the New Mexico Environment Department, stated that he doesn't see any problems with this application as all the proper permits meet the Air Quality and NMDOT regulations. New Mexico Environment Department is only concerned about meeting the setbacks from property lines and waterways.

On March 28, 2023, Maria Gilvarry, Utilities Director with the City of Las Vegas Wastewater Division, stated at this time we cannot guarantee water availability. Effluent may be made available. At this time I cannot commit to its availability. The volume available will be based on the amount already committed and in accordance with our permit (pending).

On March 23, 2023 Veronica Lovato-Lema, District Traffic Engineer with the New Mexico Department of Transportation stated the access point to the proposed plant is located off a county road, therefore does not require anything from my shop as far as permitting. They do expect the contractor to have "Trucks Turning" signs on NM 34 as well Frontage Road 2116.

On March 29, 2023, Gabriel Lucero with the New Mexico Department of Transportation, believes there are two main concerns. "The first concern we have is the impact the heavy vehicles will have on the pavement of NM 34. We have had similar cases where the haul route suffers severe damage due to the additional traffic. The second concern we have is the increase in the volume of traffic, specifically the commercial traffic. NM 34 is a very narrow roadway and we have concerns with the commercial vehicles and passenger cars on the road. The portion of NM 34 as you climb to the top of the mesa is very narrow and lacks guardrail."

On March 27, 2023, Geoff Cunnar, PhD RPA Staff Archaeologist stated his review shows that the project area of potential effects has not been surveyed to identify and evaluate historic properties. However, the addition of a hot mix plant to the quarry is unlikely to affect any unidentified historic properties. The State Historic Preservation Office has no concerns and no additional work is needed.

On March 31, 2023, Dennis Esquibel Emergency Management with the San Miguel County does not have any concerns.



## Board of County Commissioners

Public comments via phone from two concerned residents were received in the San Miguel County Planning and Zoning Office on March 30, 2023 and March 31, 2023. Jake brakes being used down the hill by semis. The poor current condition of NM State 34, also had concerns that NM 34 will be left in worse condition along with Fire Concerns for the location.

### **Public Comment**

Gabriel Lucero Assistant District Engineer Manager for New Mexico Department of Transportation is in charge of the design of the project. Mr. Lucero wanted to reassure the public and commission that they can address all concerns of the road during construction. Mr. Lucero stated that this project differs from other projects. He mentioned that they will mill the top surface off three inches or so and reprocess the existing material. Mr. Lucero said that once the construction is complete they are to return the road to its pre constructive state.

Felipe Tenorio representing Fisher Sand & Gravel stated that they fully intend on maintaining the road.

Chris Padilla mentioned that they are going to excavate and doesn't want them to pollute the water also concerned about soil erosion.

Dawn Fischer stated she has lived in the area for over 20 years. Along State Road 34, there are approximately 16 residents. Ms. Fischer stated that there is a blind curve on the way up and lots of pot holes.

Tim Cunningham stated that he has been very involved with State Road 34, also is an Officer in Home Owners Association. Mr. Cunningham mentioned that State Rd. 34 is not a Road at all. State Road 34 Officer with the Rowe fire department since 2008 and have seen many people wreck and spin out of control on State Road. 34.

Tom Rohrkaste lived permanently in the area for 22 years. Mr. Rohrkaste mentioned that he propose they move the project down in Rowe at the Gravel Yard. Mr. Rohrkaste asked that the road be maintained and have fire prevention.

Joseph Quintana project manager stated that they follow the standard specifications for the New Mexico Department of Transportation. There obligations that the contractors sign. They will monitor the road and fix the road. They will make sure that the road is maintained. New Mexico Department of Transportation will make sure the pot holes are filled before the project starts and after completion.



## Board of County Commissioners

Jane Thompson a lot owner for Tierra De Dios was concerned about the roads and who will maintain them during the project and after the project is over. Ms. Thompson also mentioned that the condition of the roads affects the value of their properties.

Arsenio Martinez mentioned that he is a new land owner in Tierra De Dios and retired from the New Mexico Department of Transportation as Highway Design. Mr. Martinez said that he is offering his support in whatever they may need.

Rosemary Gonzales mentioned that she owns property that's fenced against C De Baca. Ms. Gonzales mentioned that the road is very dangerous and all other concerns she has have already been answered.

Paul C De Baca stated that they will be getting material from our plant. He mentioned that everyone is bringing up issues about the road and the purpose of the meeting was about the asphalt plant. As far as the road being maintained nobody has brought up other trucks going up that road, such as wood haulers, log haulers etc. Mr. C De Baca mentioned that he has been hauling since 1997 and hasn't had any complaints.

Motion made to exit public hearing at 3:07 p.m. by Vice-Chair Sean Medrano, Second by Commissioner Phillip Warfield. Motion Carried

5. **Approval /Disapproval of Application CU-0266 for Temporary Conditional Use Permit Fisher Sand & Gravel-New Mexico, Inc.**

Motion made by Chairman Kenny Lujan to vote for the approval of Application CU-026 for Temporary Conditional Use Permit Fisher Sand & Gravel-New Mexico, Inc.

Vice-Chair Sean Medrano-Yes  
Commissioner Phillip Warfield-Yes  
Commissioner Eva Artschwager-No  
Chairman Kenny Lujan-Yes

Approved by Majority Vote

Motion made by Commissioner Sean Medrano to approve Application CU-026 for Temporary Conditional Use Permit Fisher Sand & Gravel-New Mexico, Inc., Second by Commissioner Phillip Warfield. Motion Carried.



# Board of County Commissioners

Motion made by Phillip Warfield to go into break at 3:10 P.M., Second by Vice-Chair Sean Medrano. Motion Carried.

Motion made by Commissioner Phillip Warfield to re-enter in to the meeting at 3:19 P.M., Second by Commissioner Eva Artschwager. Motion Carried.

## **6. Election of Officers-Chair and Vice-Chair**

Motion made by Commissioner Phillip Warfield to keep Kenny Lujan as Chairman, Second by Vice-Chair Sean Medrano. Motion Carried.

Motion made by Phillip Warfield to keep Sean Medrano as Vice-Chair, Second by Eva Artschwager. Motion Carried.

## **7. Possibility of upcoming applications**

San Miguel County Planning and Zoning Director Amanda Salas spoke about all applications. The guidelines to apply must go through the County. All applicants must follow the San Miguel Ordinance which is based off the State Statue. San Miguel County Planning & Zoning Director Amanda Salas also informed the Commission on Solar Fields, Community Solar, Subdivisions, and Recreational Businesses.

## **8. Next Possible Regular Meeting Date**

San Miguel County Planning and Zoning Director Amanda Salas informed the commission that a Regular meeting may be held June 7, 2023. If any Special Meetings need to be held the Commission will be informed.

## **9. Adjournment**

Motion made by Commissioner Phillip Warfield to adjourn meeting at 3:30 P.M., Second by Commissioner Sean Medrano. Motion Carried.

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Chairman Kenny Lujan