



***Rio Arriba County  
Planning and Zoning Department***

***Director  
Thomas M. Aragon***

**PUBLIC HEARING MEETING MINUTES  
PLANNING & ZONING COMMITTEE  
CONDITIONAL USE PERMIT CUP 2018-C003  
FEBRUARY 7, 2018**

***MEETING CALL TO ORDER:***

The meeting was called to order at 3:00 pm by Planning & Zoning Committee Chairman Benny Roybal; he declared the public hearing open.

***ATTENDANCE:***

Applicant; Suburban Propane

Planning & Zoning Committee Members present: Chairman Benny Roybal, Benny Martinez, Miguel Trujillo, and Chris Lovato, Members not present: Manuel Trujillo and JR Trujillo  
Administrative Assistant, Jill E. Archuleta  
Assistant Planner, Michael Garcia

***OPEN PUBLIC HEARING CASE NO: 2018-C003 SUBURBAN PROPANE***

Chairman Roybal advised those in attendance of the general rules and conduct of the public hearing and the right to appeal. All that wish to speak will be sworn in, must state their name and address for the record. Chairman Roybal asked staff to begin the presentation of the Staff Report.

***PRESENTATION:***

Michael Garcia, Assistant Planner presented the Staff Report as follows:

**STAFF REPORT**

***BACKGROUND:***

**Case No: 2018-C003 Conditional Use Permit. (CUP) Class II, Small Scale Mixed Use:** This application has been made pursuant to the requirements of the Rio Arriba County Design and Development Regulation System, Ordinance 2012-001. A request by applicant Suburban Propane, Abeyta Engineering Inc. Agent, is proposing to establish a propane satellite facility. A single 30,000 gallon steel tank will be used to store propane for distribution via delivery trucks to the surrounding area. The proposed location is a vacant 2.65 acre tract of land adjacent to State Road 68, the physical address is 725 State Road 68 Alcalde, New Mexico. The parcel is also identified by UPC No. 1-048-127-159-136. Approval of a conditional use permit for land use category small scale mixed use is required to establish the proper zoning for the proposed use.

***FINDING OF FACT***

1. Legal notice for this Public Hearing has been made pursuant to Ordinance 2012-001 by posting meeting notice placards at the subject property; by sending meeting notice letters to 25 property owners within at least the 500 feet mile notice radius; and by posting notices at the County Office Complex, Alcalde Post Office, and on the County website.

2. The proposed Suburban Propane Facility will be situated on a 2.65 acre lot which is currently vacant. The parcel is identified by Assessor's UPC # 1-048-127-159-136. The property is zoned County Rural Agricultural District (CRAD). Upon approval of the Conditional Use Permit, the applicant will submit a development permit application for review to develop the property.
3. The Suburban Propane satellite location will **not** be a customer service facility, the site is only intended to be used by Suburban Propane employees for truck delivery service only. There will be a maximum of 3 employees that will staff the office and deliver propane.
4. The facility will house a 30,000 gallon steel propane tank. The Fire and Emergency Response Action Plan includes plans to hold an on-site training with the local fire department so they are aware of the emergency shut off switches and are familiar with the tank and all valves. A 24 hour contact service number will be posted on all fencing. The safety manager will inform the local fire department and police department of the emergency contact numbers, in case of emergency.
5. The proposed hours of operation are 4 days a week and on call 24-7. The drivers will be scheduled for 4 days a week but may need to access the property at any time.
6. The proposed office building is a small portable office. The modular office measures 10' X 28'. The building has been sited to meet all minimum setback requirements to property boundaries.
7. A total of 3 parking spaces will be provided for employees only with a gravel basecourse and a truck turn around area. A designated ADA handicapped accessibility is not required because the site is not for retail customer purposes.
8. A design for an on-site septic system has been approved by the New Mexico Environmental Department to accommodate the portable office liquid waste.
9. Domestic water will be provided to the property by a well that currently exist on the property.
10. The grading and drainage plan with retention pond and drainage calculation are provided in the grading and drainage plans provided.
11. The closest residential properties to the facility are approximately 325-feet to the south of the facility. Adjacent commercial properties to the north include Zia Propane and the Alcalde Post Office, along State Road 68.
12. A landscape plan has been submitted for the project that includes Native and drought tolerant species that have been specified in accordance with Planning & Zoning Department landscape guidelines.

13. A 6 ft. high chain-link fence is proposed around the perimeter of the property. The fence complies with the County's Design & Development regulations for screening between dissimilar land uses (Section 5.04 A. Buffering).
14. The proposed project is consistent with the following goals and strategies of the County's Comprehensive Plan:

**Land Use - Goal 1:** Encourage compact, compatible, and sustainable node development that reflects traditional settlement patterns.

**Strategy 1:** Encourage small commercial, mixed use, and light industrial uses in communities and nodes.

**Strategy 2:** Encourage clustered compact development that allows for walkable communities. **Strategy 6:** Encourage compact node development on dry land in order to maximize efficiency of services and minimize land disturbed.

### ***STAFF RECOMMENDATION: Conditional Use Permit #2018-C003***

Planning & Zoning Department staff have the following recommendations for the Committee to consider when making their determination regarding this project. Based on the Findings of Fact, these recommendations and the following proposed Conditions of Approval; the Planning & Zoning Department has concluded that Conditional Use Permit Case 2018-C003 is a compatible land use within the CRAD and recommends Approval with the following Conditions.

1. The applicant shall submit to the Planning & Zoning Department a development permit application to develop the property as submitted for review and approval.
  - a) Dimensions and details for one (1) building sign to be painted on the propane storage tank. Signage to be in compliance with the County Sign & Billboard Ordinance. The propane storage tank exterior must be earth tone in color to be compatible to the surrounding area.
  - b) A Fire and Emergency Response Plan for the facilities propane storage tanks to be reviewed and approved by the State Fire Marshall.
  - c) Exterior lighting plans and details showing compliance with the County's Night Sky Protection Ordinance and NM Night Sky Protection Act.
  - d) A commercial trash account to be established with North Central Solid Waste Authority.
2. A Rio Arriba County Business License shall be obtained and renewed annually.
3. Construction shall commence within one-year of the approval date of this permit or it will expire and be subject to reapplication.

### ***APPLICANT TESTIMONY:***

Alex Abeyta was sworn in by Chairman Benny Roybal to present the testimony on behalf of Suburban Propane and Abeyta Engineer Firm. Alex began with describing the development site which is vacant land on 2.65 acres. Alex mentioned how the site used to be an Adobe Factory Business owned and operated by Mel Medina the seller. Mr. Abeyta described the landscaping action plan in which consists of; an enclosed perimeter chainlink fence, trees, 6 inch thick pit- run and 6 inch gravelbase course. This section will provide adequate support for propane delivery trucks, employee parking and other emergency response vehicles. Mr. Abeyta has reassured that the site will be suitable for business operations. Mr. Abeyta stated that the Propane facility proposal will be utilizing the existing entrance access on the north side of the property off of State Rd 68, to the East side of property the portable office and employee parking, to the South will be a 30,000 gallon tank, trash enclosure and to the left the parking for delivery trucks all within the 2.65 acres. All drawings are available for all to see as well as the purchase agreement between the seller and buyer.

Mike Burger, a representative with Suburban propane was sworn in by Chairman Roybal. Mike began his testimony by describing the quantity of trucks that will be housed on site to conduct business. Suburban Propane will house 2 Tanker trucks with tanker barrels that are equivalent to trash trucks in length and will hold 2400 gallon capacity of propane filled to their capacity of 80%, 1 service truck with a 17 ft. bed and crane which is equivalent to a 3500 series pickup truck.

Board member Miguel Trujillo asked Mr. Burger who will be conducting the site preparation for the proposed facility. Mr. Burger stated that a local licensee of 32 years' experience will be performing the work and installing all the piping that is needed on site. Member Trujillo was supportive and applauds to the fact of seeing locals conducting business in the County.

Board Member Chris Lovato asked Mr. Burger how the competitive pricing will be taking place and what type of incentives will be available to our community. Mr. Burger stated that law enforcement, fire, senior citizens, and low income will qualify for different incentives the company has to offer. Board member Benny Martinez asked where the drivers will be coming from and if any local drivers will be hired. Mr. Burger stated that a driver from Taos was hired on and if business is a success more employees will be brought in.

Mr. Martinez asked how and if any notifications or permits were sent to NMDOT pertaining the median crossing. Mr. Abeyta stated that the existing access is grandfathered in and reassured the Committee and public that a proper U- turn will take place at the right location. Mr. Burger then mentioned that the transport will be transporting once a week to the proposed location. Chairman Roybal asked Mr. Burger to describe the portable building that is going to be used for the office. Mr. Abeyta stated that the premanufactured portable building is Commercial and will be placed on a permanent foundation. He also stated that it will meet all requirements per Manufactured Housing rules and regulations. Chairman Roybal thanked Mr. Abeyta and Mr. Burger for their presentation.

Planning & Zoning Assistant Planner Michael Garcia asked Mr. Burger about the customer size propane tanks that will be stored on site and what quantity of propane will be stored in them. Mr. Burger stated that for now approximately 15 new tanks will be housed on site and the tanks will be empty

***PUBLIC TESTIMONY:***

Several attendees gave public testimony concerning Suburban Propane satellite facility, all were sworn in by Chairman Roybal. The following surrounding property owners had concerns of the proposed Propane facility; Melvin Gomez, Faustina Lucero, Eric Bustos, Kimberly Martinez and Mel Medina.

Chairman Roybal announced that the public testimony will be heard. Melvin Gomez a resident of Alcalde and representative for La Cocieda De Jesus also known as “La Morada” was sworn in by Chairman Roybal. Mr. Gomez had concerns with the safety of the community and the risk of what this proposal might pose to the surrounding community. Mr. Gomez asked how having a large tank in the area filled with 30,000 gallons of propane was a huge risk and if a catastrophic event would occur how would the owners handle the situation? Chairman Roybal stated that the applicator will address all concerns after public testimony.

Chairman Roybal swore in Faustina Lucero a member of the United Methodist Church. Ms. Faustina had many safety concerns with area cracks near an existing fault line; her concern was with a 30,000 gallon propane tank and how the Alcalde Fire department is going to handle an emergency situation with only a volunteer fire department.

Chairman Roybal swore in Mel Medina property owner of the proposed location. Mr. Medina began to speak in defense of the land and mentioned previous fires that occurred on the land. Mr. Medina stated that with an active propane business next door the surrounding fire departments handled the situation in a professional manner. Mr. Medina stated that during his 25 years of business operations in which consisted of 5 semi-trucks all transporting in and out of the property, never once were there any accidents that occurred because of the outgoing trucks.

Chairman Roybal swore in Eric Bustos, representative and son of Angie Bustos both from Alcalde. Mr. Bustos asked Mel Medina to make sure that the survey markers get corrected before the agreement between seller and buyer take place. Chairman Roybal stated that the markings be put in the correct locations as the survey indicates.

Chairman Roybal swore in Kimberly Martinez a resident of Alcalde. She had safety concerns because of the distance between her property and the proposed location and the incoming and outgoing traffic in the area. Kimberly stated of her certification with hazardous materials and the damage to the area if an emergency event would occur.

Mike Burger concluded the public testimony by answering and explaining to the public and board of all the concerns that were brought up. Mr. Burger stated that the company holds safety to its highest standards and reassured to all that safety trainings will be conducted on a monthly basis. Mr. Burger also mentioned that local and corporate telephone numbers are available on the fencing 24/7 if anyone smells or sees any unusual activity occurring on site. Mr. Burger described the importance and safety of the 30,000 gallon tank. The tank is the most common and popular size available and put in place for the large capacity for servicing delivery trucks. Requiring less delivery of propane from distributors for this type of business. Mr. Abeyta gave a description of the 30,000 gallon tank set up on the property. Explaining that the tank will be set on concrete saddle straps and would not be interfering with any geological issues on the proposed site. Mr. Burger hoped that he answered all safety concerns and he would be available to answer any questions at any time.

**PLANNING AND ZONING COMMITTEE RECOMMENDATION:**

Chairman Roybal closed the public hearing testimony and asked members of the Committee for a motion to approve or deny Case No: 2018-C003 Suburban Propane. P&Z Committee Member, Miguel Trujillo made a motion to approve with staff recommendations. Mr. Trujillo asked Suburban Propane to consider hiring local businesses with any type of work with set-up of the new business. Member Benny Martinez second motion, with recommendation that applicant contact NMDOT and confirm of any permits needed for road access along NM State Rd 68. Member Chris Lovato spoke and asked for the applicant to consider the elderly and low income for customer service and its rates. Member Lovato mentioned how both are on fixed incomes and asked for applicant to make efforts in assisting them. Chairman Roybal had a motion and a second, all members were in favor. Motioned passed with staff recommendation and P&Z recommendations as stated.

**ADJOURN:**

Meeting adjourned at 4:07 pm. Chairman Roybal thanked everyone for their attendance and efforts.

**Minutes Submitted by Jill E. Archuleta, Administrative Assistant I**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Michael Garcia, CFM, CZO Assistant Planner**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning and Zoning Committee:**

Signed and Approved by Chairman: \_\_\_\_\_ Date: \_\_\_\_\_