



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 22, 2008

Department: Zoning, Building, Planning Staff Contact: Adella Gallegos, Assoc. Program Planner

TITLE: APPEAL: Denial of a Special use Permit for Mining, Excavating, Removing, Processing, Stockpiling, Distribution of Aggregates, and Asphalt and Concrete Batching (CSU-70047/CO-80004)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

Summary:

At the December 5, 2007 public hearing, the County Planning Commission (CPC) voted 4-1 (Commissioner McMahon voted "No" and Commissioners Pacias and Becerra excused) to recommend denial of the request for a Special Use Permit for Mining, Excavating, Removing, Processing, Stockpiling, Distribution of Aggregates, and Asphalt and Concrete Batching, located on Section 28, NW¹/₄ NE¹/₄ NW¹/₄, SE¹/₄ NW¹/₄ NW¹/₄, SW¹/₄, NE¹/₄, NW¹/₄, NE¹/₄, NW¹/₄, NW¹/₄, T9N R2E, located at 5900 Maplewood SW, zoned A-1, and containing approximately 30 acres. The decision was based on the following eight (8) Findings (Attachment 1).

The County Planning Commission (CPC) determined that the applicant failed to demonstrate that the existing A-1 zoning was inappropriate. In addition, the CPC found that that the request conflicts with adopted plans and policies that call for the stabilization of residential zoning within the Plan area and the request may be detrimental to the adjacent residentially zoned properties.

The appellant contends that the CPC ignored evidence with respect to changed community conditions where the site is situated in an area rich in natural resources, and that the County has a long history of recognizing this asset and granting zoning approvals that allow aggregate mining operations. The appellant further contends that the opposition focused on operation problems that are not relevant to the request and that the steps being taken to mitigate the potential problems were ignored and disregarded by the CPC. Also letters of support were submitted and ignored by the staff and CPC and that the requested uses are allowed exclusively under special use permits.

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created, or (2) changed neighborhood or community conditions justify the land use change, or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

ATTACHMENTS:

1. Appeal Application Dated December 26, 2007.
2. County Planning Commission Notice of Decision Letter (December 6, 2007)
3. County Planning Commission Information Packet
4. County Planning Commission Minutes (December 5, 2007)
5. Letters of Support
6. Petitions and Letters in Opposition
7. Photos submitted by Opposition
8. Site Plan Dated October 22, 2007 (Commissioners Only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Denial of the Appeal

VERSION 5.0