



Agenda Item Number: \_\_\_\_\_

# BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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**Meeting Date:** March 25, 2008

**Department:** Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

**TITLE: APPEAL:** Special Use Permit for Specific Use for Excavating, Removing, Processing, Stockpiling, and Distribution of Rock Material (CO-80007/CSU-70020)

## COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

## SUMMARY:

At the February 6, 2008 public hearing, the County Planning Commission (CPC) voted (4-0; Commissioners Becerra, Holcomb, Sanchez excused) to recommend denial of the request for a Special Use Permit for Excavating, Removing, Processing, Stockpiling and Distribution of rock and gravel on Section 17, T11N R2E, E $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and in the easterly portion of SW of NW, located  $\frac{1}{4}$  mile south of Paseo del Norte and approximately 1.3 miles west of Rainbow Boulevard NW, zoned A-1, and containing approximately 10 acres. The decision was based eight (8) findings. (See Attachment 1, Notice of Decision.)

This request for a Special Use Permit was based upon a zoning violation in which it was determined that the appellant was operating a rock processing business on a large tract of land (approximately 40 acres) near Ventana Ranch in unincorporated Bernalillo County (p.113). A Special Use Permit for Gravel Extraction had existed on 5 acres of property but had expired more than 15 years ago (CSU-86-43), although the uses had continued and expanded after that time. According to the application, the request for the processing of rock material would be limited to 10 acres of platted land, with the remainder (unplatted land) to be cleaned up as quickly as possible. The request was for a five year period, based upon the need for such a service (rock materials for construction) in the area of the site and the fact that residential development was still more than one-half mile away from the site (Attachment 2).

The CPC found that the request was inconsistent with land use trends and plans and policies for the area. Residential uses have developed and are planned nearby the site, and the Petroglyph National Monument abuts the applicant's property to the southeast, so that the existing and proposed uses could be detrimental to the surrounding area. The West Side Strategic Plan also calls for the area of the site (North Mesa Area) to be developed as a planned community, mainly with residential uses. Property owners and agency representatives expressed concerns with the continuation of the use and the need for proper reclamation of the property (pp.21-23, 120-127). The CPC thus recommended denial of the request, which would require the land use and all associated materials to be removed from the site (see Attachment 4, Draft CPC Minutes).

The applicant is now appealing the decision of the CPC. In the appeal justification (Attachment 5, pp.126-130), the agent states that since the CPC hearing, the applicant has agreed, based upon discussions with the Planning Director, to cease operations and reclaim the site within a limited (two year) time period, under a Special Use Permit. A reclamation plan, which was first introduced by the agent at the CPC hearing (Attachment 3), has been revised and is included with the appeal. Under the revised plan, the Special Use Permit (to be for rock crushing, stockpiling, and distribution of rock material), the operation would be limited to the removal of debris and equipment from the site, the processing of existing stockpiles within and around the 10 acre site, and the restoration of the entire area to approximate original contours and reseed the original surface. The agent states that “this would be the most efficient method in terms of time and energy consumption” (Attachment 5, p.177). He thus requests that the Special Use Permit be approved or that the request be remanded to the CPC for reconsideration.

A neighbor has submitted a letter in opposition to the appeal (Attachment 6).

**Criteria for Evaluating Zone Map Changes and Special Use Permit Applications**

Resolution 116-86 (see Attachment 7) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

<b>ATTACHMENTS:</b>	<b>PAGE</b>
1. County Planning Commission Notice of Decision Letter (February 8, 2008).	3
2. County Planning Commission Information Packet.	6
3. Materials submitted by agent at CPC hearing	128
4. Draft CPC Minutes, February 6, 2008	134
5. Appeal application.	174
6. Letter from neighbor opposing appeal	182
7. Resolution 116-86	183
8. Site Plan (Commissioners Only).	

**STAFF ANALYSIS SUMMARY**

**ZONING, BUILDING & PLANNING:**

Staff recommends denial of appeal.