

County Commissioners 19 October 2021

by Galen Farrington, AltoCEP

Summary of item 13, Public Comment and Agenda item 14, Consideration for approval Resolution 2021-24, declaring any concrete batch plant built at the intersection of highways 220 and 48 to be considered a public nuisance.

The commission chambers welcomed a standing-room only crowd due to community objection of Roper Construction's proposed cement batch plant near the intersections of Highways 48 and 220.

Promptly at 9:30 am, Chair Tom Stewart advised all in attendance of the parameters of Public Comment period including the three minute time limit per individual which would be strictly enforced. He then asked for comment from county officials before inviting public commentary. For approximately one hour individuals from the 220 corridor expressed dissatisfaction with proposed industrial intrusion on the area.

Commentary from concerned citizens included: decreased property values and its effect on lowering tax rates, severe toxins compromising the breathing of all residents, pets, livestock, and “performance” animals in the area but especially on the high density of the elderly and children, lack of water to fulfill Mr. Roper's permit request, infringement on the Scenic Byway status, proximity to a Class 1 Wilderness area in violation of Federal law, road destruction/maintenance issues, noise pollution, compliance with New Mexico's Dark Skies Act, general scenic beauty which will be drastically compromised, the character of the surrounding communities not commensurate with such an enterprise, and a citation to the Mission Statement of the 1983 formation of the County Commissioners Board which stated in part that the Board would “...plan effective, harmonious, and appropriate uses of land...”

Mr. Roper then defended during his three minutes of rebuttal his legal right to not only build the proposed cement batch plant on his land but also stated that his application is completely legal in form and function.

Chair Stewart then asked for the lawyers' input as to the wording of Resolution 2021-24: Attorneys Alan Morel representing the county, Tom Hnasko representing Alto CEP, and Kristen Burby representing Mr. Roper. Mr. Roper was asked for a final statement and the Commission asked for a recess of ten minutes for Mr. Morel to draft the resolution with acceptable linguistic changes.

Upon presentation of an appropriate document, Chair Stewart asked for a motion which was seconded and Resolution 2021-24 went to a vote. Chair Stewart, Commissioner Dr. Lynn Willard, and Commissioner Jon Crunk voted for the Resolution. Commissioners

Elaine Allen and Todd Proctor voted against the Resolution. The Resolution declaring that the proposed cement concrete batch plant "...could pose a nuisance to surrounding property owners" was passed.

The Commissioners indicated that an enforceable county ordinance would be the next step to preventing conflict of this nature and will be placed on a future agenda.