



## VALENCIA COUNTY PLANNING & ZONING COMMISSION MINUTES

June 27, 2012

4:00 PM

Valencia County Courthouse Commission Chambers  
444 Luna Ave, Los Lunas, NM

**1. CALL TO ORDER**

Commissioner Lane

**2. PLEDGE OF ALLEGIANCE**

Commissioner McCartney

**3. APPROVAL OF AGENDA**

Commissioner Artiaga

Commissioner Edeal

**4. APPROVAL OF AMENDED MINUTES: May 23, 2012**

Commissioner Edeal

Commissioner McCartney

**5. SWEARING IN OF PARTICIPANTS**

Commissioner Lane

**6. ACTION ITEMS**

**A. REQUEST FOR A ZONE CHANGE FROM C-1 TO C-2: Bernardo H. Garcia:** Legal Description: T6N, R2E, Section 15, Map 85; NMPM; Tract 16-B-1-A; Zoned C-1; Filed in book 366, Page 1386 of the office of the Valencia County Clerk; Also known as 2975 Highway 47, Los Lunas, NM.

**Mr. Garcia** stated that his name is Bernardo and his address is 2975 Highway 47 in Los Lunas, NM

**Ms. Garcia** stated that her name is Patti and her address 2975 Highway 47.

**Mr. Williams** stated that his name is Anthony and he is Mr. & Ms. Garcia's Lawyer. He stated that his address is 126 Joseph Ct in Los Lunas, NM.

**Commissioner Lane** asked if that was okay with the applicants.

**Mr. Garcia** stated that it was okay.

**Commissioner Lane** asked if Mr. Garcia was going to be speaking or is he going to be represented.

**Mr. Garcia** stated that his wife will be presenting the case to the commissioners.

**Commissioner Lane** stated that was fine, and if they could state what they are requesting from the commissioners today.

**Mr. Rael** stated that his name is Pedro and he is representing the opposing party in this case, and he will be the attorney for the presiding, and he was on vacation for a couple of weeks and he was unable to file a report and he would like to request that this case be vacated until he has some time to review the case to include the information regarding the zone change, he understands that Mr. Williams asked that the case be vacated and he is just asking of the same so that he could be familiar with the zone change and he would request the same treatment so that he could have a little more time to do research until the next meeting.

**Commissioner Lane** asked Mr. Rael if he had contacted the Planning and Zoning office to express his concerns about this case or is this the first time that they are hearing about this.

**Mr. Rael** stated that this would be his first appearance.



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**Commissioner Lane** stated that this would be a recommendation for the County Commission no matter which way it goes today this case will be heard by the County Commissioners and they will have the final decision and he would have time to prepare before then, and he would say at this point it would be an unusual request, and asked Mr. Martinez if he had anything to add.

**Commissioner McCartney** stated that he would like to make a comment, and the group that is in opposition to this request has had over a month to prepare and to contact their attorney and they said that they would bring an attorney at the last meeting so the fact that they contacted Mr. Rael recently is not their problem.

**Commissioner Lane** stated that he would like to ask the rest of the commissioners what they think.

**Commissioner Artiaga** stated that the request from Mr. Williams to table the hearing for the last meeting was in writing two weeks before the meeting, it was presented to the planning and zoning office and each of the commissioners were aware of the request, and the reason for the request was because the applicants were out of town and that was the main reason that they went ahead and tabled it, and it wasn't so much that the attorney had not prepared, it was that the people that were asking for the zone change were not here, and she does not think that this is the same situation at all.

**Commissioner Edeal** stated that he agrees with the other commissioners.

**Commissioner Lane** stated that this is a new request for him and from what he is hearing from the other commissioners he thinks that Mr. Rael's request has been denied.

**Mr. Rael** thanked the commissioners.

**Commissioner Lane** stated to Ms. Garcia if she would like to present her case to the commissioners.

**Ms. Garcia** thanked the commissioners for allowing them to present their business proposal; they are requesting a consideration of a permit to operate as a Landscaping Materials Company. We would like to name this "The Yard house: One Yard at a Time." We became residents of Tome in November of 2011. We moved here with the desire to open a business. After much research and soul-searching, we have both decided on a business about which we are passionate and which meets with the approval of the local community. Our desire is to provide landscaping materials, colored gravel and unique plants for the community. We will also be incorporating multi-colored pots and décor for both indoor and outdoor use. My husband is quite talented with landscaping; therefore he would like to create unique and artistic decor. When I taught Special Education for middle school students, many of our projects included gardening, planting and decorating plastic pots, etc. My passion is working with adults and children with special needs, and would like to work with public schools, foster children, senior citizens or any individual by coming and each having a personal area for their own gardening. This, in my opinion, is very therapeutic and can have many benefits to those in the community who are in need of a tranquil location or place that can serve as a peaceful and serene environment. I would like preschools and head starts to have a location to which they can come on field trips, whether to learn about plants or just to have a quiet environment to come and relax and read a book. The positive feedback that my husband and I have received from area residents has been so encouraging that we are anxiously making plans on a daily basis. These plans have included working with my sister-in-law, who has a horticultural degree, (which is the science or art of cultivating fruits, vegetables, flowers or ornamental plants.) We are currently open for retail sales, and I am a Public Notary. Therefore, with all the locals stopping in to talk and inquire, we have had so many individuals who are in need of employment and wanting to apply in the even we are able to open for business. I currently have 15 applications from locals, ranging from high school age to adult. This really has raised some excitement from people of every age, and we sincerely want to employ individuals in order to help relieve some of the financial burdens we all experience. I average at least 2 people a day who come in or call inquiring about employment. This landscaping business will start out employing at least 5 people, but it will certainly grow when we are able to operate. I would like to ensure that the commissioners are all aware and understand that the previous partnership between Bernardo H. Garcia and Chris Crespin has been dissolved. We are currently in litigation with Mr. Crespin in regards to a previous request for an



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Auto Body Shop which was not permitted. Unfortunately, that has become a separate legal issue that we are in the process of rectifying

**Commissioner Lane** questioned the fact that Ms. Garcia said that they are open for retail business.

**Ms. Garcia** stated that is correct.

**Commissioner Lane** asked if right now they are currently in business.

**Ms. Garcia** stated that they have a retail business license.

**Commissioner Lane** asked Mr. Martinez if he was aware of this.

**Mr. Martinez** stated that he is aware of that and they have a car stereo retail business because they are a C-1 zone that is allowed under that zone for small scale business.

**Commissioner Lane** asked if under a C-1 they are allowed to do what they are doing right now and they have the entire permits and they have come in and they are legal.

**Mr. Martinez** stated that is correct.

**Ms. Garcia** gave her presentation of how the landscaping business would be she showed on the PowerPoint the different views of what the building and the acreage is going to look like and she gave different views of other nurseries around New Mexico and how they would differ or be the same as they would like to do, and she handed out packets of information.

**Commissioner Lane** asked if the hay barn is located behind all the flower beds, how are the customers going to drive back to pick up the hay and he would like to know what the width of the road way to get back to the hay barn is.

**Mr. Garcia** stated that they are going to make sure that they have enough room for the customers to drive back there.

**Ms. Grijalva** stated that her name is Berenece and she helped with the presentation and she would like to show the commissioners where the entrance would be for the customers to drive in and she showed everyone in the audience that as well on the PowerPoint presentation.

**Commissioner Lane** stated that he did not know that their property had a jog in it.

**Ms. Garcia** stated that is correct.

**Commissioner Lane** stated that he understands that this is a primarily design but asked if the setbacks for the property are all going to be met.

**Ms. Garcia** stated that according to what they researched yes they are legal setbacks, and if the commissioners see anything in the design that needs to change they are willing to do so.

**Commissioner Lane** stated that they are not going to be approving the site design today, that will have to be up to the county commissioners.

**Ms. Garcia** stated that they were just trying to give the commissioners an idea of what they had in mind when they were thinking up this business.

**Ms. Grijalva** stated that the entrance and the entire lay out and the circulation of the design is that there is a parking area and they would drive in from one entrance, there is also another entrance south of the parking area and everything else will be gated and she showed where the hay barn is and that they have a large entrance that is almost about 30 feet so it would be enough room if someone brought in a big truck, and everything that is designed for example a street is usually about 12 feet on



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each side and in their entrance they have almost 30 feet and there will not be any type of problem bringing in anything.

**Commissioner Lane** asked from their site plan they currently have 3 entrances onto Highway 47.

**Ms. Grijalva** stated that is correct and only 2 entrances will be able to have access to the entire yard and one only for parking.

**Commissioner Lane** asked if the commissioners had any questions.

**Commissioner Artiaga** asked if the Media Preparation and storage is where the potting soil is going to be at.

**Ms. Grijalva** stated that one of the big parts that is necessary for a Nursery/Greenhouse and the preparation is for when people come in and that's where most of the smaller plants are grown and once they grow they get put outside for sale, and that's what this is called the Medial Preparation.

**Commissioner Artiaga** stated that she used to work there when it was the El Cid Greenhouse and she is just asking is that were they prepare the potting soil.

**Ms. Grijavla** stated yes.

**Commissioner Artiaga** stated that she noticed that on the lay out that there are buildings that are on the lay out are they on the adjacent properties.

**Ms. Grijavla** stated yes.

**Commissioner Artiaga** asked if the buildings were close to the fence.

**Ms. Grijavla** showed the commissioners on the PowerPoint where the current building is and where the other building that is around and they are not that close to the property.

**Commissioner Artiaga** thanked her for showing them on the map what those buildings were.

**Commissioner Lane** asked if there was any plans to install a blind fence to protect the neighbors from the business.

**Ms. Grijavla** stated that they didn't have anything planed because everything the neighbors are going to see is going to be trees and natural landscaping and they didn't feel that something like this was going to be necessary but if the commissioners would like them to do something like that then they are willing to do so.

**Commissioner McCartney** asked if they are going to be crushing rocks when they were talking about gravel, and asked if they are going to buy the gravel from an outside source and then bring it in to their yard.

**Mr. Garcia** stated that they will not be crushing the rock and they will be buying it from an outside source.

**Commissioner McCartney** asked if they will be coloring the rock.

**Mr. Garcia** stated no, everything they buy will already be naturally colored.

**Commissioner Lane** asked if they were done with the presentation.

**Ms. Grijaval** stated that they are done.



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**Mr. Williams** stated that he does not know for sure or not if the information that he is going to speak on is in their packets or not but he has sent to Mr. Martinez a copy of a proposed covenant that they are wanting to offer to the county in this case, and asked Mr. Martinez if he had included that information in the commissioners packets.

**Mr. Martinez** stated that Mr. Williams did not specify if he wanted that to go to the commissioners and it was a draft so he did not know how far he wanted to take it.

**Mr. Williams** stated that the form says draft on it and he will explain why, and he gave a copy of that draft to the commissioners so they could review it, and stated that the reason that this is still under the draft form is because he wanted to make sure that the commissioner are willing to discuss this, if they look at the permissive uses under C-2 it is very broad and if he was sitting on the other side of this podium and looking at this case he would be concerned as well, and he did some research and he got something else that he will pass out.

**Commissioner Lane** stated that all the information that Mr. Williams is passing out would have been better if they would have had it before had so that they could have reviewed it and had time to read through it.

**Mr. Williams** stated that he did send the information to Mr. Martinez and he is not trying to surprise anyone with the information, but if they would leaf through the pages there is a section that is highlighted in yellow where the courts have approved this idea of an applicant offering a covenant that is offered in connection with the zone change. He would like to say that the intention that his clients have expressed to him in no uncertain terms that the only use under the C-2 zoning that they are wanting to use is the nursery/greenhouse landscaping permissive use, and it is his understanding that Mr. Edeal's family that owns the property and he is not going to vote on this issue and he is here today, and he has told him personally that he would agree to his covenant and if the zone change is granted they would record the covenant and it would give the county enforcement power if anyone wants to come in and continue with the C-2 zoning they are going to have to come to the county for a zone change and so forth. The purpose is to give comfort to the county that the applicants are not going to take the big list of permissive uses under the C-2 zoning and do something different because that is not their intention, and in terms of the specific language it says draft on it and he would like to work with the county in a very open fashion to try to work out any kinks in it, but before deliberation stats and before there is comments to share that concept of this covenant and ask the commissioners to please consider that, and he is not going to add anything else because the presentation that they did speaks for itself, it's their project not his and he would just like to thank the commissioners for a tradition of servility in the way that these hearings are conducted and he does appreciate that very much and one last thing that Ms. Garcia forgot to mention was that Ms. Grijaval is a graduate from Belen High School but she is in the process of getting her master's degree at UNM and he is always very pleased with the local people that do such a good job.

**Commissioner Lane** asked Mr. Martinez if the zone change does move forward will be that legal to have that covenant in place for this type of business.

**Mr. Martinez** stated that he thinks what Mr. Williams is presenting is a type of contract saying that they will use this C-2 zoning for that purpose only and alone with evidence showing that it has been done in another county as well, and in previous experience the county has gone into a contract with the zone change for a specific use with other zones in Valencia county including the one up in Meadowlake the one that could only be as a solar farm and nothing else and they did enter in a contract with the property owners and Valencia County on that.

**Commissioner Lane** thanked Mr. Martinez for his comments and stated that the reason for these types of contracts is to protect the property from unauthorized uses that are included under the C-2 zoning.

**Mr. Martinez** stated that is correct.



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**Commissioner Lane** asked if at this time there was anyone in the audience that would like to speak in favor of this request to please step forward.

**Mr. Wood** stated that his name is Mike and he lives in Las Marivillas, and he does not see how anything could even be considered unless it is really bad on what the applicants are about to do with this business, they have a good thing going and there are other nursery's in the area as well as landscaping companies, and they want to bring jobs to the county and he would hope that if they find something that is not what they say it was going to be then the county should kill it but if they find that this is what they are truly going to be and they are going to bring in jobs and they are going to be reputable and they are respected he would say that the commission should vote for it and hope that the county commission does not change it because of some lawyer coming in that used to be a commissioner.

**Commissioner Lane** thanked Mr. Wood for his comments.

**Ms. Torrette** stated that her name is Alice and she lives in Valencia County, and she has gotten to know this young couple over the last few months since the first time that they appeared before the commission and she is very impressed with what they want to do in this county and in their community, they want to bring in a business that she believes is needed and they also want to provide jobs not just for adults for on the job training for young people, and Ms. Garcia has gone over some of her ideas with her to explain what they would like to do and she thinks that they are trying to do the best they can, and of course they need to make a living but they are trying to do the best they can for their county and their community as well, and she would really like to see the commissioners support them.

**Commissioner Lane** asked if the commissioners had any questions for Ms. Torrett.

**Commissioner Artiaga** asked if she lives near the site in question.

**Ms. Torrett** stated that she lives in Rio Communities, but they drive up Highway 47 at least 3 or 4 times a week and once in a while they stop in to talk to the Garcia's.

**Commissioner Lane** asked if she has a garden herself.

**Ms. Torrett** stated that she has tried but she does need help with it.

**Commissioner Lane** thanked Ms. Torrett for her comments.

**Mr. Redcap** stated that his name is Mark and he lives in Rio Communities and he would like to say that he is very impressed with the integrity of the applicants they are really remarkable people, they have awesome energy and the kind of intentions they have and everything they have said is only what they have done and he really hopes that the commissioners vote yes for this case because it will only help everyone in the community.

**Commissioner Lane** thanked Mr. Redcap.

**Ms. Dresgavage** stated that he name is Dewana and she lives in the Tome area she has been a resident for 35 years, when she first moved to Valencia County that property was El Cid nursery and she thinks that it is very sad that nothing has been happening to that property for the last few years and it has been neglected until the Garcia's have gone in and cleaned it up and made it look like a respectable property. She personally see no reason not to let them go ahead with this zone change and she thinks that it is a very positive step and it is only going to make the community better as well as provide a service for the community and she would hope that the commission approves this request.

**Commissioner Lane** stated that he has been in Valencia County for a while and he does not really remember the El Cid nursery, and now that she has seen how the Garcia's have their lay out, is their layout anything like the El Cid Greenhouse.



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**Ms. Dresgarage** stated that this layout is an improvement of what the El Cid looked like before, the El Cid Nursery was laid out more like Trees That Please, and this is going to be a lot more attractive.

**Commissioner Lane** thanked her for her comments.

**Mr. Franklin** stated that his name is David and his address is 848 Entrada Dr in Los Lunas, and he is here in favor of this landscaping business he enjoys doing landscaping himself and he would like to see this request approved it also gives the community a place to have more jobs for younger generations.

**Commissioner Lane** asked if Mr. Franklin knows the Garcia's.

**Mr. Franklin** stated that he does know them, and has known them since the beginning of the year.

**Commissioner Lane** asked if after knowing the Garcia's and he would bet his pay check that what they say is going to happen is going to happen.

**Mr. Franklin** stated that yes, he would.

**Commissioner Lane** thanked him for his comments.

**Mr. Mackafy** stated that his address is 03 Jose P Sanchez he does not know the Garcia's that well and he has been living in the community for about 11 years and it is good that there is a change going on with landscaping because he sees a lot of yards around that area that need work done and all the poison that gets sprayed around there and people burn cow feces down the road and it smokes out all the properties and no one seems to have a problem with it and he can't see why there would be a problem with this request for the landscaping company.

**Commissioner Lane** thanked him for his comments, and asked if there was anyone else that would like to speak in opposition of this request.

**Ms. Padilla** stated that her name is Rita she was born and raised in Tome and her family traces back their history to 300 years and she would like to clarify the last gentleman comment about burning, Tome is a very agriculture community and that is why burning takes place but back to the case she would consider this move on the part of these applicants, for an applicant to come in and say that they have a passion for landscaping when two or three months ago the passion was for auto body work, and it seems like they have moved completely away from that and now it seems to be something that is steadily pleasing to the community as they presented it but she has had her own opinion as to what is really going on here it seem like it is a backdoor approach to try to get an auto shop in there because C-2 will open up the door for a lot of business that the people from Tome would not welcome. If they make the decision to approve the zone change that is the crux of this situation here they are going to change the zone of the property in question forever and they will be changing the historic Tome area that they have been trying to preserve for centuries. It is not about an auto body shop or jobs or these people from Rio Communities, they should have this landscaping business there if they support it so much, but to change the zoning code, even Bosque Farms has recently stopped some of the shops that have come in because there was some things that were a little undesirable for them so they wanted to monitor that so now what the commissioners are responsible for doing to this community is changing that and opening it up to a flood of business that really do not fit with the community there are people that come in from out of town and all of a sudden they are experts in the Tome area and the history and the culture, and they want to change that for them and she thinks that it is not fair.

**Commissioner Lane** stated that his concern is somewhat of her concern he voted against the auto body shop because he didn't feel that it fit in that area very well but when he asked the question back then when they auto body shop came before them he asked what kind of business would fit in that area, there was some people that said that they would like to see a greenhouse and that type of business, so going to a C-2 zone with a contract that it could only be a landscaping business would she be against this?





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**Ms. Padilla** stated that she is against it because of the change in the zone, and the change is what is important they are going from C-1 to the C-2 and it will open the door for other businesses and that's the problem not the type of business they want to open, she has seen the application and there is no need for this kind of business in the area they already have Home Depot, Lowes, and Trees That Please and this type of business is not needed.

**Commissioner Lane** stated that as property owners the applicants have the right to operate a business, she is not going to convince him otherwise, what he wants to make sure is that the type of business they want to establish would fit in the community and the property was a commercial enterprise as a greenhouse and they are returning it back to that type of enterprise and now he is struggling with the fact that the applicants have the right weather they just became farmers yesterday or they want to try something new, but he does not want any back door things that might happen. He does not agree that if they allow a C-2 that it will ruin the entire community.

**Ms. Padilla** asked if it doesn't seem strange to the commissioners that they presentation that was made several months ago for the paint and body shop was very passionate about Mr. Garcia's expertise is and now the expertise is a landscaping business and coincidentally the C-2 zoning does include an auto shop she finds that a little strange.

**Commissioner Lane** stated that personally he finds that a little strange, but they are before the commission with a plan and they are going to listen fairly to both side of this case and make a decision.

**Ms. Padilla** stated that she would ask that the 15 applications that the applicants say they have are they really people that live in Valencia County or are they applicants from Rio Rancho or Corrales where they are from. There are a lot of questions to be asked and she thinks that this is a very serious matter and she would not want to be in the commissioners place right now to make that decision but they are about to make a decision that is going to impact that community forever.

**Commissioner Lane** stated that in the real world they are only going to make a recommendation and the county commissioners are the ones that are going to make that final decision.

**Commissioner McCartney** asked if she heard the fact that the applicant's lawyer has submitted a contract that way that land could never be used for anything else other than the landscaping business and that would have to be something that would have to be filed in the county clerk's office.

**Ms. Padilla** stated that she doesn't know if she could take their word for it because they were told to take pictures to show the evidence and it was there right to do work because it was their personal cars so there was already work going on there.

**Commissioner McCartney** stated that is a concern for him as well because he hadn't heard anything about that since the previous denial that was upheld by the county commission.

**Ms. Padilla** stated that to be denied this many times and then be able to quickly turn around and start up an entire different business she just finds it strange and it is something that is very critical for the community.

**Commissioner Artiaga** stated that she worked at El Cid greenhouse when she was in her early 20's and she took her kids with her and they grew tomatoes and all the beautiful house plants and she became the sales manager for the entire corporation and at that time it was legal to have that business in that location and then the zoning that came and changed the green house from a greenhouse nursery from a C-1 to a C-2 which is now why they have to get the zone change, but if they look at the history of that property and even the El Cid subdivision was built around the whole concept that Jim Cox had when he first build that, and she thinks it is a technicality that they are not allowed to have a landscaping business there because it is C-1 and not C-2 and she understand what Ms. Padilla is talking about and she thinks that the owners of the property got the message from the Planning Commission as well as the County Commission and from their community that they did not want an auto body shop there, so they are looking of another way to use their property in a good commercial use that will benefit the community and make them some money. She thinks that everyone should trust that the





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zoning officials will do their jobs and if this does get approved and a contract is recorded that is what they are going to do, and try to be civil and trust them and try to understand what impact would this business have on the community and get it back to that, because that's what this hearing is all about.

**Ms. Padilla** stated that she appreciates those comments and if her memory serves her correctly the owner of the El Cid Greenhouse was found in Canada for embezzlement or something to that nature, and when Commissioner Artiaga asks her to trust people it's hard to when there have been so many things that have happened to the Tome area, and twenty years ago she was away for college and she would have fought El Cid as well if she had the chance and trust is a big thing to ask for when they have seen patterns of attack but the new comers that get angered at the residence of Tome for fighting back for something that they believe in.

**Commissioner Artiaga** stated that when she first went to work for El Cid she was amazed because it was a tomato greenhouse and the tomatoes were put on crates on a table in the front room and there was a jar, the customers got to pick the tomatoes and then put the money in the jar and there was no one waiting on anyone it was a trust business and the old timers that went to El Cid could tell you that is how you bought the tomatoes.

**Ms. Padilla** stated that it is all well and good but as she said the owner of that place had some questionable issues.

**Commissioner Lane** stated that he would love to trust people but he wants everything in writing, he is personally leaning that this business would fit in the area, and to be able to keep what the Tome people are passionate about this would be the right kind of business that would fit into an agricultural type of community, and stated that covenants are hard to maintain and so he would want to make sure that if he does vote for this, that he is voting for this plan and this plan only. There is one thing that he would like to bring up that Ms. Padilla stated that they have been painting cars there and he would like it to be a matter of record and if they have some kind of a proof that they are still doing paint and body work he would like her to specify that now or asked if it was just a comment.

**Ms. Padilla** stated that it was just a comment because of the neighbor Jim Fisher who has been taking photographs based on a recommendation from Code Enforcement, Ruben Chavez specifically because they need evidence showing them doing that type of work, and he was doing that and then the photographs were not accepted.

**Commissioner Lane** stated that they do have some of the photographs of the paint and body work, but they are dated back to February, and his question to her is does she have any photographs of the last month or two months of them doing work there.

**Ms. Padilla** stated no.

**Commissioner McCartney** asked Mr. Foster if neighbors are being required to take their own photographs.

**Mr. Foster** stated no, Mr. Fisher came into his office and said that he had been taking pictures of it and he said that was up to him if he wanted to take pictures but there has to be an officer to see what is there.

**Commissioner McCartney** asked if he had sent out officers out to check up on this property.

**Mr. Foster** stated that he has sent officers; he and Mr. Martinez has been on that site a couple of times.

**Commissioner McCartney** asked how recently they went out to the site.

**Mr. Foster** stated that it was in the last few months when Mr. Fisher stated that he has seen them painting some vehicles and they had went out the next morning and they didn't see any painting going on.



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**Commissioner McCartney** asked if he was aware of any recent complaints.

**Mr. Foster** stated that no.

**Commissioner McCartney** asked Mr. Martinez if he was aware of any recent complaints.

**Mr. Martinez** stated that Ms. Padilla did call the Planning and Zoning office with complaints that they were painting a Volkswagen bug and he did do a drive by inspection and he did not any evidence of that going on.

**Commissioner Lane** asked how long ago it was that he got the complaint and went to the site.

**Mr. Martinez** stated that it was just a couple of days ago or even yesterday.

**Ms. Padilla** stated that as she was going through Highway 47 she observed a vehicle that looked like it was getting ready to be painted because they do all the prep work on them before and that's when she called Mr. Martinez.

**Commissioner Lane** asked if she had any pictures of that.

**Ms. Padilla** stated no.

**Commissioner Lane** stated that his concerned about that but no one has shown him any evidence of that, and asked if the commissioners had any questions for Ms. Padilla. No questions from the commissioner and he thanked Ms. Padilla for her comments. And he asked if there was anyone else in opposition of this request.

**Mr. Maestas** stated that his name is Mike and his address is 37 El Cid and he wants to question the integrity and he wanted to know if he could approach the site plan that they presented.

**Commissioner Lane** stated that the presentation was given by the applicants and he asked the applicants if it was okay for him to use the presentation.

**Mr. Maestas** stated that he would like everyone to see what he is about to point out.

**Commissioner Lane** stated that it will be okay because everyone is trying to get to the bottom of things, and asked how close he lives to the site in question.

**Mr. Maestas** stated that he is the closest neighbor, and he showed everyone on the map where he lives, and also showed the commissioners were they have junk cars and trucks parked around the fence, and stated that he greenhouse that they presented is just a picture and in reality will this happen? Everyone that has come up in favor of this request does not live in the area and he does and he could see this property every day and at 7 am there are employees and cars that are parked there and everything that they are doing is body work, he would like to see people have jobs but the integrity is not there.

**Commissioner Lane** stated that he hopes that he brought pictures of all this work that he is saying they are doing out there.

**Mr. Maestas** stated that he has pictures in his mind.

**Commissioner Lane** stated that he does not have a picture and that is okay and asked him to continue with his comments.

**Mr. Maestas** asked why they would need pictures.



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**Commissioner Lane** stated that because everyone is going by their words right now and a picture is worth a thousand words.

**Mr. Maestas** asked if Commissioner Lane would like him to take pictures.

**Commissioner Lane** stated that he hears things going on but if all of this is going on he would hope that someone would have brought in some pictures today.

**Mr. Maestas** stated that he will take pictures then and he is pretty sure that things are not going to get taken care of, and Commissioner Artiaga is already advocating for the applicants.

**Commissioner Lane** stated that she was not advocating for the applicants what she was doing was she was giving a history of this property when it was the El Cid green house.

**Mr. Maestas** stated that he was there when that greenhouse was there too; he was speaking off the microphone and could not understand what he was saying.

**Commissioner Lane** stated that he agrees with the fact that the applicants did a good presentation and it is a presentation and it is not an actual photograph.

**Mr. Maestas** stated that he almost started crying because it was such a good presentation and he does not have anything personal with them he is just talk about the integrity.

**Commissioner Lane** asked Mr. Maestas if this business was like the presentation would he approve of the business.

**Mr. Maestas** stated that he would love that business there if it was just like the presentation.

**Commissioner Lane** stated that the problem that he has is making the business just like this presentation and making sure that all the rules are followed, that the law is followed and that all the covenants are in place. If they did have a greenhouse business there would Mr. Maestas want a blind fence there between the business and his house, because that could be a condition for this business if it is approved.

**Mr. Maestas** stated that he would like to request that but not a 6 foot fence because their property is elevated about 8 feet from his property.

**Commissioner McCartney** started that a 6 foot fence is the maximum that the county could allow.

**Commissioner Lane** asked if the building was elevated or is it the entire property.

**Mr. Maestas** stated that it is their entire property.

**Commissioner Lane** stated that they are only allowed to do so much.

**Mr. Maestas** stated that a solid 6 foot fence would be good for him.

**Commissioner Lane** stated to not mistake what a blind fence is, because it could be a chain link fence with slats so that you can't see through it, and if they are a nursery it could be a living blind fence.

**Mr. Maestas** stated that the only reason that he wanted to come up and speak was because he wanted to question the integrity of the applicants, because they make a beautiful presentation but in reality it is going to be hard to duplicate the picture they have and he wishes them well, and they did try for the auto body shop and the commissioners voted against it.

**Commissioner Lane** stated that this the reason that they are here today with a new interest.



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**Mr. Maestas** asked if the commissioners are going to request if there is a greenhouse that the auto body shop or business will no longer be able to be there at all.

**Commissioner Lane** stated that the applicants came before the commission with the intention for a greenhouse and their attorney said that they wanted a greenhouse they also had pictures of what the greenhouse will look like, and there was no mention of an auto body show and he thinks that that request was already rejected.

**Mr. Maestas** asked who is responsible for enforcing that.

**Commissioner Lane** stated that he works on his personal cars at home and there is a line between if they had a tractor that they used for the business and they needed to work on that is not considered an auto body shop in his opinion, if they start seeing cars show up there that sanded fenders and getting ready for paint that would be a body show.

**Mr. Maestas** stated that they are doing that, but who is he to take pictures or judge them.

**Commissioner Lane** stated that he recommends that when this case comes before the county commission that they take pictures and that they date them from this point on so that they could present and show some real evidence.

**Mr. Maestas** stated that if he follows up on that and if they do have the evidence would they do something about it.

**Commissioner Lane** stated that he cannot speak for the commission all he could do is say that the commissioners would want to find the truth behind all of this and if they have proof that supports their position he would present it, and thanked Mr. Maestas for his comment and asked if there was anyone that is in opposition of this request.

**Ms. Sanchez** stated that her name is Patricia and her 2785 Highway 47 Los Lunas, NM and she is sadden because she is the veteran here and she has been through this about 5 times with a propane company, with El Cid, and by the way El Cid several environmental violations because the water got contaminated and no one had pointed that out, so there is one aspect of this business.

**Commissioner Lane** stated that they are here for a recommendation only the county commission is going to make the final decision.

**Ms. Sanchez** stated that she thinks that all these things have to be pointed out because people are looking at it as Mr. Maestas said as all being beautiful and if it is so beautiful why are they having to request a zone change and that to her is saver and she does not like it because they have fought battles and she has been to these meetings about 4 or 5 times with different commissioners trying to keep the historical value of Tome and the majority of the community, and they have signed petitions from 1990 stating that the community objects to this and the majority of Tome residents who live right there do not want this. Asked why are they accommodating this business, because when you when bye a property you make sure that the correct zoning is in place and now this is getting accommodated and Commissioner Edeal should not be sitting here because this is a conflict of interest.

**Commissioner Lane** stated that Commissioner Edeal has not spoken and he is going to recuse himself from voting.

**Ms. Sanchez** stated that she was okay with that.

**Commissioner Lane** stated that as far as he was concerned if Commissioner Edeal wanted to ask a question at this point he has the right to do so.

**Ms. Sanchez** stated that it was good because the commissioner are to keep her from saying what she needs to say because this has happened twice to her before but she is speaking from her heart and this



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saddens her to see how they have allowed this case to go on over and over, she has been here 4 different times, and asked if there is a statute that limits that

Wouldn't they have to wait a year, and she would like to point out that the people from Tome are united in their effort it has taken years for them to achieve what they have achieved and she would swear that the people of Tome do not want this business.

**Commissioner Lane** thanked Ms. Sanchez for her comments and asked if the commissioners had questions for her, no questions from the commissioners and asked if there was anyone else in opposition.

**Mr. Rael** stated that he would like to ask questions because he is representing people with standing as a witness and he would like to clarify something's. He stated that his name is Pedro and his address 2214 Los Lentos and he is here at an attorney for some people that do have standing and would like to ask some questions and clarify the record of some points that he does not feel that is complete.

**Commissioner Lane** stated that this is public comments so if he is going to ask the commission legal questions he would rather that he did not do that and he could state whether he is in favor or in opposition.

**Mr. Rael** stated that he is not going to question the commission on anything he was going to present testimony to clarify the record but they do have questions of the people that are under oath.

**Commissioner Lane** stated that go ahead with his comments and they will see where all this goes.

**Mr. Williams** asked if Mr. Rael could state the names of the people the he is representing.

**Mr. Rael** stated that he is representing Ms. Sanchez she lives within 100 feet of the subject property and he also represents Ms. Padilla who would be at first impacted who also has standing for that reason, and he just wanted to ask Ms. Sanchez to give the commissioner the petitions that she has which represent more than 20% of the adjacent property owners to complete the record.

**Commissioner Lane** stated that she could give those to Mr. Martinez.

**Commissioner McCartney** asked what the dates on those petitions.

**Commissioner Lane** stated that they are not going to go there today because this case is going to go before the county commission and there is no need to get this much in depth at this point and if they would like to give Mr. Martinez that paper work in preparation for this case to go to the county commission then they can do so after the meeting it over.

**Commissioner McCartney** stated that this is not a court room.

**Commissioner Lane** stated that he understands that and he is not going to treat it as a court room at this point, and stated to Mr. Rael if he has a petition before this case goes before the county commission he is more than welcome to see that Mr. Martinez gets will get it.

**Mr. Rael** stated that he will ask Ms. Sanchez to present it to him while he makes the other points, Mr. Maestas lives next to the property the other thing is that his understanding is that Mr. Edeal is not going to vote and he has not hear confirmation of that from the commission.

**Commissioner Lane** stated that he has not heard that either he was told that he is going to recuse himself from the voting and he will make that statement when it comes time.

**Mr. Rael** stated that it is his view if he is not qualified to vote he is not qualified to sit and influence the other commissioners either and he would ask that Commissioner Edeal to recuse himself now.

**Commissioner Lane** stated that his is public comments and if he is in opposition he will have two minutes to state why he is in opposition.



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**Mr. Rael** stated that he would like the commission ruling that he is not going to be allowed to present testimony by way of questioning of anyone because this is a quazite judicial court room and people are allowed to present testimony by questions and answers if they so desire otherwise it is a denial of due process if the commissioners wish not to let him proceed on that bases that's fine he just wanted to make sure that it was on the record.

**Commissioner Lane** stated that he is not sure how to answer his question.

**Mr. Rael** stated that he understands that the commission is preventing him from presenting testimony because they are sitting as a quazite judicial body and that's what the rules and regulations say.

**Commissioner McCartney** stated that no one is preventing him from addressing the commission, weather it is quazite judicial or not he does not have the right to cross exam the applicants who made the request they did not cross exam his clients when they spoke and trying to turn this into some technicality he thinks it's a little bit above him.

**Mr. Rael** stated that he takes it that he is not going to be allowed to present.

**Commissioner McCartney** stated that he could present as much evidence and testimony the same with that Mr. Williams did they are equally horned but to cross exam the applicants is not allowed, if he wants to do that then he should appeal the county commissions decision.

**Mr. Rael** thanked him and stated that is clear on the record now, and he would like to ask Ms. Sanchez if more than 20% of the adjacent land owners object and have objected in writing.

**Commissioner Lane** stated that he is not going to ask any questions or the applicants or the people in the audience, this is the public comments and he will be allowed to state weather he is in opposition and he will allow him to state if he has some people that he is representing and were not able to be here today and voice their opinion as to why they are in they do not support this project.

**Mr. Rael** stated that he has no personal interest in this project and he is here as a representative of other people's rights and they are entitled to that by the construction of the United States.

**Commissioner Lane** stated that they are entitled to if he is representing other people he would like to see some sort of legal authorization to represent those people.

**Mr. Rael** stated that he could ask him under oath if he is their attorney and that would be good enough in any court room.

**Commissioner Lane** asked him to continue with his testimony.

**Mr. Martinez** stated that he would recommend that Mr. Rael be provided the due process.

**Commissioner Lane** thanked Mr. Martinez and asked if the due process would be allowed to question the applicants.

**Mr. Martinez** stated that he is not sure he understands the question.

**Commissioner Lane** stated that he is not going to start cross examination people and asked if that is part of the due process.

**Mr. Martinez** stated that he does believe that he has the right to ask questions and they could answer the questions.

**Commissioner Lane** stated that he could asks questions to the commission.



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**Mr. Martinez** stated that is correct and then those questions could be followed up on by the applicants.

**Commissioner McCartney** stated that they could respond to the questions but he cannot ask them questions directly.

**Mr. Martinez** stated that he would suggest to Mr. Rael that the question be asked to the commission and then the applicant would have a chance to respond to those questions.

**Mr. Rael** stated that the information that he would like to know is how much gravel is intended to be placed on the property and if it is going to be sold to general contractors or not, if someone goes over there in a dump truck and what 10 years of a color of gravel would he be allowed to acquire it so that they could put it on someone else yard not their own, and that is one of the things that has not been clarified. He would also like to know whether or not the date of the prior hearing it was his understanding that it was in February 2012 when this same property was before the commission and went before the commission and it was denied for the auto repair shop, and this is the same property and if the parties are the same.

**Commissioner Lane** stated he would be able to answer that question he said that it is the same property and it is the same owners.

**Mr. Rael** asked the meeting was in February of this year.

**Commissioner Lane** stated that he believes that is the correct time period, and asked Mr. Martinez when the meeting was when they went before the P&Z commission.

**Mr. Martinez** stated that he does not have that information in front of him it was decided on maybe the public hearing was in January and the decision was made in February.

**Commissioner Lane** stated that he does not have the agendas for February but it was sometimes in that time period and after the meeting he could get the dates from Mr. Martinez's office.

**Commissioner Artiaga** stated that she thinks this came before the Planning Commission in December because that was the meeting that she missed.

**Commissioner Lane** stated that he could not say the exact date.

**Mr. Rael** stated that he is going to suggest that the meeting took place February of this year and that should be part of the record in this case because it has only been a couple of months and this case if before the commission again, and he would like at some point that Commissioner Edeal is selling the property and is currently received payments from the owners of that property weather he is going to vote or not and he would also like to let everyone that if he is not going to vote the commission does not have a sufficient number here to vote, they need what is a super majority which is 4 out of the 5 members have to vote in favor of this in order for it to pass and one member is missing, and asked what member is missing today.

**Mr. Martinez** stated that Commissioner Gaudette is the commissioner that is not here today.

**Mr. Rael** stated that Commissioner Gaudette is not here and Commissioner Edeal will not vote and therefore they do not have enough members for the vote to count and a super majority is required for a zone change under the statues.

**Commissioner Lane** asked Mr. Martinez if that is correct.

**Mr. Martinez** stated that he is not aware of that statue but if Mr. Rael could please provide the commission with that statue number and that language.





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**Commissioner McCartney** stated that the statute only applies to the county commission, the P&Z Commission is only a recommending body and as long as you have 3 votes it is a quorum, recommending and sending to the county commission is that is required, the statute that Mr. Rael is referring to is for a zone change and the P&Z commission is not approving or disapproving a zone change.

**Commissioner Lane** stated that is correct they are only going to make a recommendation.

**Mr. Rael** stated that those were the points that he wanted to make for the record and he appreciates that the commissioners told him that he could not present evidence by testimony or questioning and there was a little disagreement by staff and that's okay he knows where he stands with this commission and thanked the commissioners for their time.

**Commissioner Lane** thanked Mr. Rael, and asked if there was anyone else in opposition of this request, No one else came forward and asked the applicants to come back to the podium, and stated to them that they have heard the concern of the community and Mr. Rael's concern for the people that he is representing and asked if they could answer those questions.

**Mr. Garcia** stated that the gravel if it is ordered in large quantities it will come directly from the source to the customer's location, the basic store there will be for small uses like homes, nothing big and anything larger would come directly from the gravel pit.

**Commissioner Lane** asked if 95% of their business is going to be for home owners and asked Mr. Martinez if that 5% did come in to their business and want to be loaded up with a large truck load would that be something that would be against their designation.

**Mr. Martinez** stated that he does not see that would be against their C-2 designation and stated that he would look up a definition for landscaping/greenhouses.

**Commissioner Lane** stated that he would like him to read that, and stated that it sounds like they want to cater to home owners.

**Mr. Garcia** stated yes, but if they do want the larger quantity it will be available from the source to their home without seeing their yard.

**Commissioner Lane** asked if there was a bug at their place that they are fixing.

**Mr. Garcia** stated yes that if has been there since they bought the place it belongs to Ms. Garcia and he has been trying to restore it for her but it has been torn apart since their last meeting, they also have a vehicle that is torn up from their ex-partner with they are in ligation with and he is going to pick it up.

**Commissioner Lane** asked if they realize the gravity of their questions and their concerns for their community and they realize that the paint and body shop did not go so well, and he is in support of a person being able to do whatever they want with their property as long as it doesn't affect others, and they have no problem whatsoever with the conditions that Mr. Williams was speaking about and this is the only usage they are going to use the zone for.

**Mr. Garcia** stated that is the reason that they wanted to put the contract on record so that would be the only thing they would be able to use that property for.

**Commissioner Lane** asked if they realize that the whole world would come down on them if they see that they are doing paint and body work for other people.

**Mr. Garcia** stated that they will not do any commercial business there.

**Commissioner Lane** stated that he just wants to make sure.



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**Mr. Garcia** stated that is what their intentions are they are trying to fit in with the community and put what goes with the community there they did want a body shop first and it did not fit within the community and they altered that and that's why they came up with this plan and they put a lot of time and money into this plan.

**Commissioner Artiaga** stated that last weekend she drove by the location in question and she turned around and there was a sign in the window that said "open" so she drove into the gate and drove the entire property she looked at the fence, the buildings, and she didn't see any junk cars, she saw a nice clean, respectable, beautiful piece of commercial property on Highway 47, she did not hear any noise and she didn't smell anything, and she did not go in and introduce herself but she knew that this was coming up and she wanted to go for herself and take a look. She thinks that it is important that all people are given the benefit of the doubt always and if there is something that is done wrong that is why the courts are for and code enforcement officers are for.

**Mr. Garcia** stated that they do have a trailer in the back that will be getting moved soon so that would be out of the way.

**Commissioner Artiaga** stated that it looked really clean and neat.

**Ms. Garcia** stated that they respect what the community of Tome does believe, but the gentleman that did come up and speak that is the closest neighbor and she believes that the vehicles that he is referring to that are behind the shop that are in his direct view do belong to their ex-partner and they are currently in litigation with him and hopefully by July they will have all of his property removed from their property, they don't have an alternate location to put that stuff but they did move it to the very back for now.

**Commissioner Lane** asked if they are okay with installing a blind fence.

**Ms. Garcia** stated yes, and they go walking in the neighborhood and she went to go out and met their community and she has not met one person that has not been in favor with they want to do and they have made a lot of wonderful friends in the Tome community and they are very proud to say that they are residents of Tome.

**Commissioner Lane** stated that all the questions that needed to be answered were and asked if Mr. Martinez found the definitions for greenhouse/landscaping under the C-2 zoning.

**Mr. Martinez** stated that there is no definition for the greenhouse/landscaping under the C-2 there is a purpose for the C-2 and that purpose reads: the purpose of community commercial district is to provide for a more intensive commercial services than in the C-1 districts for numerous neighborhoods and geographic area, this district is intended to maintain the service functions of whole communities within the county or to locate a present foreseeable demand for medium sized scale centers in an area where access, traffic turning movement, and off street parking can be provided in a convenient and economic manner.

**Commissioner McCartney** stated that he would like to address Ms. Padilla's issues, and asked Mr. Garcia if there was body work going on at that building.

**Mr. Garcia** stated no.

**Commissioner McCartney** asked there has been no work other than the personal cars that they work on.

**Mr. Garcia** stated that he does have his own projects going on and that's all and he has been working on that car a little bit at a time and he has cars that he buys but they are all cars that he owns.

**Commissioner McCartney** stated that all the vehicles that he has are registered to him.

**Mr. Garcia** stated yes.



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**Commissioner McCartney** stated that they do not belong to outside consumers.

**Mr. Garcia** stated no and he has the titles for each car.

**Commissioner McCartney** stated okay.

**Ms. Garcia** stated that she did forget to mention one thing and she thinks that this was address with Mr. Foster and Mr. Martinez who have been out to the sight on different occasions they have also been turned in for claim safety health and safety and zoning violations and they believe by a single repeat complainer and the following agencies that have visited their property have been, air quality, CID, NMDOT, OSHA.

**Commissioner Lane** stated that he does not know if that pertains to what they are going to vote on they have a new plan and that new plan and he is not interested in too much of the history excepted that they are going to do what they say they are going to do and stated that he would like to entertain a motion.

**Commissioner Edeal** stated that he is going to recuse himself from the vote because of personal interest in the property.

**Commissioner Lane** thanked him for that and stated that he would entertain a motion.

**Commissioner Artiaga** stated that she would like to make a motion to approve the request to change the zoning from C-1 to C-2 and recommend to the county commission that they enter into contract with the county stating that this zone change would be for the landscaping business only and that they install a blind fence between their property and the residential lots around their property.

**Commissioner McCartney** seconded the motion.

**Mr. Martinez** called for a vote.

**Commissioner Artiaga** stated yes.

**Commissioner McCartney** stated yes.

**Commissioner Lane** stated yes.

**Mr. Martinez** stated that their request for a zone change has been recommended for approval with a condition and this does have to go before the county commission they will receive notification of when that will go in front of the county commission.

**Mr. & Ms. Garcia** thanked the commissioners.

### 7. DISCUSSION:

**Commissioner McCartney** asked for a five minute break. **Commissioner Lane** asked if there was anything for discussion, and stated that in the case that was just before them everyone wants to win and they are looking for loop holes and things like that, he is not a lawyer. **Commissioner McCartney** stated that for the record he knows that this will go on the minutes to the county commission, that a certain attorney at the end tries to take advantage of this commission by imposing super majorities and wanting to cross exam witnesses and he wasn't dealing with the issue and this is all about the record and he thinks that it's pretty ridiculous it go in that direction. **Commissioner Lane** stated that he thinks that the commission was fair about the decision and they listen to both parties. **Commissioner Edeal** stated that he does not appreciate the personal attacks or that the commissioners do not know what they are doing. **Commissioner McCartney** stated that he agrees with Commissioner Edeal he made that point on the previous meeting on the same land he did the same things and having to come here and take the abuse that he took, he was going to recuse himself from the vote when he walked in the door. **Commissioner Edeal** stated that is correct and he had talked to the chairman before the



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meeting about it. **Commissioner McCartney** stated that he agrees with Commissioner Lane when he said that Commissioner Edeal did have the right to ask questions. **Commissioner Artiaga** stated that of course he did have that right because he is on the commission. **Commissioner Edeal** stated that he did not ask any questions. **Commissioner McCartney** stated that he didn't ask questions but he did have the right to do so. **Commissioner Artiaga** stated that she did not appreciate the comment that she was out of line that she went to inspect the property. Whenever they get an agenda she makes an effort to go out to each site so that she knows what they are talking about. **Commissioner Lane asked** if there was any other discussion. **Commissioner McCartney** stated that it gets ridiculous sometimes. **Commissioner Lane** stated that he would like to discuss not what just happened and wanted to move on. **Commissioner McCartney** stated that the commissioners handled the meeting very well. **Commissioner Artiaga** stated that she agrees. **Commissioner McCartney** stated that he made a great point when he didn't let certain people talk again. **Commissioner Lane** stated that the point is that it was for comments in favor or against and it is what it is, and when the auto body shop was coming before them and he had asked some of these people if they thought a greenhouse would fit in that area. **Commissioner McCartney** stated that he knows that he asked that. **Commissioner Lane** stated that now the greenhouse is coming, and he does see Ms. Padilla's point is that the entire community could get out of control, they are getting a Family Dollar in Meadowlake. **Commissioner McCartney** stated that they might have gotten one in Tome. **Commissioner Edeal** stated that they are getting one next to them. **Commissioner Lane** stated that the point is that they want to control that piece of property then they should buy it. **Commissioner Edeal** stated that he put up with it both times. **Commissioner Lane** stated that they have a point and they have a concern. **Commissioner McCartney** asked Mr. Martinez if there was anyone that wanted to submit any petitions from 1990. **Mr. Martinez** stated no. **Commissioner McCartney** stated that the chairman offered them after the meeting to go take them to Mr. Martinez with all that. **Commissioner Lane** stated that it could be the next week they could come back. **Commissioner McCartney** stated that those petitions that he was referring to where from when the bridge wanted to come across. **Commissioner Lane** stated that never the less it is his bag not theirs, and they knew that it was going to be the way it was before but it was civil and it went well, and at the last meeting he was told that they were disappointed in him and he went home like his mom got mad at him, and it was expected and it went a lot smoother than he thought it was going to go. **Commissioner McCartney** stated that he has a friend for over 40 years and the mother is one of the ones that were in opposition and he has a feeling that she will not talk to him anymore. **Commissioner Lane** stated that he respects them for their passion in this case. **Commissioner Artiaga** stated that she agrees with Commissioner Lane. **Commissioner McCartney** stated that he respects Ms. Padilla because he is very passionate about everything she does and he has known her for years. **Commissioner Lane** stated that the biggest part about this is that he hopes that the applicants are going to do what they say they are going to do. **Commissioner Edeal** stated that he is working with them to make a thing right and he can't swear but the intent is to put in a landscaping business and that's what they want to do. **Commissioner Lane** stated that if it doesn't become what they say it's going to become then he would like to see the commission pull the C-2 zoning from that property. **Commissioner Edeal** stated that they need to do that because it would be in the contract that they wanted to do. **Commissioner McCartney** stated that he hopes that Mr. & Ms. Garcia understand that they are going to be watched every day. **Commissioner Edeal** stated that he thinks that they know that. **Commissioner Lane** stated that if they were in that group and they saw stuff going on would they have brought in pictures of that. **Commissioner Edeal** stated that he does the car collecting and he has her bug that was there since the first meeting they had. **Commissioner McCartney** stated that if they would have been in violation that first gentleman that had all the pictures from the first time would have been here at the meeting. **Commissioner Edeal** stated that it is their house and they live there and it's clean and it has never looked better. **Commissioner Artiaga** stated that the property looks beautiful. **Commissioner Lane** stated that they are only making a recommendation that's all they are doing. **Commissioner Edeal** stated that he is trying to get through to these people the P&Z is not building it. **Commissioner McCartney** stated that he wishes it would come up after November 3<sup>rd</sup> because they could have a lot of politics play into this. **Commissioner Artiaga** stated they should just let the poor people use their land. **Commissioner Lane** stated that the point where the opposed wanted to table because they were not prepared but it was not his case to do that and he is not the one that paid for this meeting. **Commissioner McCartney** stated that Commissioner Artiaga had a point when she said that Mr. Williams wrote in 2 weeks before the meeting and he just did that because of what happened last time. **Commissioner Lane** stated that legally he has not right to table a request because he is not the applicant. **Commissioner McCartney** stated that the last time they were here they wanted to get an attorney. **Commissioner Edeal** stated that he does not know if they just paid him for a day work because they could have just said we will give you 100 bucks to go and do this since he wasn't prepared, because if he is going to represent them the whole way it is going to cost them a lot of money. **Mr. Martinez** stated that he does have the right to ask that the



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case be tabled from their side and they did take that under consideration and they made the decision but they do have that right to ask that the case be tabled. **Commissioner Lane** stated that he doesn't think that they have that right. **Commissioner McCartney** stated that they would have to prove to them that they submitted something in writing two weeks before the meeting and not on the day of the hearing. **Commissioner Lane** asked if they make a decision would they be protected by the county attorney if they come after the commissioners. **Mr. Martinez** stated that he does not have an answer for that but he believes it is true and they are working for the county. **Commissioner Edeal** stated that they would be protected by the county. **Commissioner McCartney** stated that he is an attorney and he could defend himself. **Mr. Martinez** stated that they need to remember that there was not final decision made today it was a recommendation only and the final decision will be made by the county commissioners. **Commissioner McCartney** stated that he did not like that they were saying that Commissioner Artiaga was already leaning one way. **Commissioner Lane** stated that they did that at the last meeting they accused the commission of making a decision before it was made. **Commissioner Artiaga** stated that she thinks that the Garcia's went out and did their homework and they saw their neighbors and they got them settled down. **Commissioner McCartney** stated that only 2 people that spoke plus their attorney. **Commissioner Artiaga** stated that there were 4 people that were against it and there were 6 people in favor. **Commissioner McCartney** stated that he didn't think that Mr. Maestas was against it. **Commissioner Artiaga** stated that he was for the landscaping business he just didn't trust them. **Commissioner Lane** stated that he asked Mr. Maestas if he was for the landscaping business the way they presented it and he was okay with it, and asked if there was no more discussion. **Commissioner McCartney** made a motion to adjourn the meeting. **Commissioner Artiaga** seconded the motion.

#### 8. NEXT MEETING: July 25, 2012

#### 9. ADJOURN