



**Approved July 26, 2016 (5-0)**

**VALENCIA COUNTY PLANNING & ZONING COMMISSION**

**AMENDED-6/13/2016 @ 10:33 AM**

**June 28, 2016 @ 3:00 p.m.**

**M-I-N-U-T-E-S**

**Valencia County Courthouse Commission Chambers**

**444 Luna Ave, Los Lunas, NM 87031**

**Present**

Chairman Michael McCartney

Vice-Chairman LeRoy Baca

Commissioner Robert Q. Louie

Commissioner Frank A. Gurule

Jacobo Martinez, Community Development Director (not Voting)

**Via-Conference Call**

Commissioner Sue Moran

**1) Call the meeting to order**

Chairman McCartney

**2) Pledge of Allegiance**

Chairman Baca

**3) Approval of Agenda**

Motioned by Commissioner Baca

Seconded by Commissioner Gurule

Approved 5-0

**4) Approval of Minutes**

May 24, 2016

Motioned by Commissioner Baca

Seconded by Commissioner Gurule

Approved 5-0

**5) Swearing in of participants**

Chairman McCartney

**6) Action Item(s)**

**A) Request for Home Occupation Other Residential Conditional Use**

Application: CU #20162010

Applicant: David Adame and Mario Tapia

Location: 81 Sandhill Rd., Los Lunas, NM 87031

Purpose: Club/Facility for social, educational and/or recreational purpose for a non-profit organization

**Legal Description:** T6N, R2E, Section: 12, Map 8, N.M.P.M.; Lands of Peter and Lois McCatharn; Tract: D1; Zoned Rural Residential-2 (RR-2);



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*This property is located approx. 0.33miles east of La Entrada Rd off of Rio Del Oro Loop  
and approx. 0.37 miles north of Rio Del Oro Loop off Sand Hill Rd. on the west side of the road*

*This property falls within District II*

*County Commissioner Alicia Aguilar ♦ P&Z Commissioner Michael McCartney*

**Mr. Martinez:** The location of the property is on the north side of Tome Hill. It is located off of this parcel of land here with a neighbor to the north. (Mr. Martinez projected an aerial view of the location upon the wall for the Commission and audience to see). It is approximately 2.33 acres of land. The request is for a Conditional Use Club/Facility for social, educational and/or recreational purpose for a non-profit organization. This property is currently zoned RR-2 in the zoning jurisdiction. The use has been determined by the Planning Administration that it is a club or lodge by definition. A club or lodge is defined within section 154.006 in the Valencia County Code of Ordinances and that definition includes the following: the definition of a Club or Lodge is a building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A Club does not include a public or private kindergarten, school, college or research institution, daycare or rehabilitation facility of any kind. A club or lodge, as we have found through our research as we were trying to categorize what this use was and categorize how we were going to deal with the process of this use, we found that the club or lodge was defined within our Valencia County Code of Definitions. However, what we did not see is that a club or lodge is absent from any County zoning category. You will notice within our RR-1, RR-2 zoning there are permissive uses, and conditional uses, and prohibitive uses. The same is true in our mineral resource zoning and our commercial zoning. In our RR-2 zoning we have conditional uses for school or daycare facilities, but there was nowhere specific that a club or a lodge, although it was defined within our zoning ordinance, there was no place that it was actually categorized to tell us which way we would proceed. I made an interpretive memo about how a club would be categorized, and that interpretive memorandum is an exhibit within your packet. As I stated before the club or lodge is absent from any zoning category within the Valencia County Code of Ordinance and where as a school is defined as public or private elementary school, grade school, middle school, junior high school, high school, college or university, the term school as used in this chapter does not include commercial operation which offers classes of a primary recreation nature and whereas pursuant to 154.105 (C) 7, a public or private school including all buildings essential to the operation of a school subject to 154.035 thru 154.040 Site Design Review is allowed as a conditional use within an RR-1/RR-2 zoning district. Whereas I stated that a club or lodge is similar in character, scale and performance or similar noise, odor, traffic, air and water quality impact on neighboring properties as a public or private school pursuant to 154.037 and therefore should follow the type B process of Conditional Use within and RR-1/RR-2 zone. I wrestled with this thought and idea for a long time of how to take a land use such as this through a process. Let's take the example of shooting a gun. It is legal to shoot a gun on your property and it is legal to have guns on your property and shoot on your property as well, but at what point does that gun shooting become a club and at what point do we have to take it through a process? It is the same thing for a rodeo. It is legal to bring horses and to create a stable on your property. It is legal to have your friends and cousins and neighbors to come in that rodeo but at which point does it become an impact to the neighborhood by which we have to take it through a process. And that is the same thought I was having with this process as well. It's legal to train on your property, it's legal to put a boxing bag in a garage on your property and at what point does it become not permissive though but actually a



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conditional use by which it should go through a process. And I thought the scale by which this club had taken shape was a scale which will meet such a process to take it through the type B Conditional Use Zoning process, and that is why we are here in front of the Commission today. The facts to be found in this case are as follows: the land is 2.33 acres; the activity is for an after school summer program for youth through the use of a boxing club as defined in the letter that the applicant has written; the facility that is used for the activity is a barn, or had been used as a barn previously; research as to when the barn was built indicates that a pole barn was built on the property around 1996 or 2000. The Assessor's record's don't have a clear indication about exactly when that barn was built; the utilities such as potable water, septic, and electricity have not been established on this subject property; TNT is a non-profit organization; the hours of operation will be Monday thru Thursday from 5:30 to 7:30 pm; there are no employees on this property; access to the site will be off of Sandhill Road which is a County paved road with a forty foot road easement. We found evidence that in 1992 there was a lot split for this property so at one time it was the house and the barn as a single lot. Since the lot split in 1992 the lots have been since sold totaling about 2.3 acres each of land. Commissioners, I have presented you information as to why we are going through this process, about the application and what it is, about the zoning category and other facts. I will stand for any questions and the applicant is here as well.

**Commissioner Baca:** I don't have a question but I did have some questions when I was trying to see how this would fit into this category and I wrestled with this as you did and I went over this booklet and over the Comprehensive Plan and I couldn't see the rationale or how it would fit in this category. I know you made some interpretations there in a memorandum, however I just didn't see the connection as it does allow for a school but it doesn't really allow for a club like that and I couldn't really come up with how we can rationalize this.

**Mr. Martinez:** Know that I rationalized it as far as this process is concerned, as far as why I think a club or a lodge should be a conditional use within a RR-1/RR-2 zoning district. I believe it is similar in scale, noise and other amenities such as a school would be. An applicant can come in front of the Planning & Zoning Commission within an RR-2 zone and apply for a conditional use for a school. That school I believe would have similar use in scale and noise and other disturbances-well I wouldn't say disturbances but similar size and scale as this would have whether it is traffic coming in and out. The applicant claims to be an after school program of sorts and therefore I thought it to be similar enough to a school that it should follow within that same conditional use zoning category for a conditional use within an RR-1/RR-2 zoning district.

**Chairman McCartney:** Mr. Martinez, in your interpretive memorandum, did you go over this with the County attorney's?

**Mr. Martinez:** Yes I did.

**Chairman McCartney:** And they agreed with your clarities?

**Mr. Martinez:** I showed the proof to the attorney's and the attorney's felt that it was an adequate description for an interpretive memorandum.

**Commissioner Moran:** I do have some comments. Do you think the TNT project violates the county noise ordinance?



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**Mr. Martinez:** I can't say my opinion about that and we have not had any fact check about the noise at the site itself but I will say this: in consideration of a conditional use within a RR-1/RR-2 zoning district the land use should not violate any of our counties nuisance policies, therefore if we were to find that this application or an application of a school was within nuisance of that noise violation then we would go through our procedural abatement process in order to mitigate that noise.

**Commissioner Moran:** Do you think the proposal has met the type B application? Also can there not be conditions such as requiring the owners to build a fence to reduce noise levels within a period of time?

**Mr. Martinez:** This is a conditional use application and within a conditional use application the Planning & Zoning Board can make conditions to mitigate any potential issues they might find to move forward in the future so yes you can make a motion with conditions if that is the question.

**Commissioner Moran:** Can we make a condition that requires the activities to take place on the eastern side of the property where there are no neighbor's or perhaps further back on the property?

**Chairman McCartney:** Commissioner Moran I think we can save that question for the applicant.

**Commissioner Moran:** Ok I think that is all my questions at this point.

**Mr. Martinez:** I do just want to read off our 154.057 conditional use criteria requirements and the nature by which you should be deciding this case. 1) the use is not inconsistent with those goals and policies of the comprehensive plan which apply to the proposed use; 2) the parcel is suitable for the proposed use considering the size, shape, location, topography, existence of improvement and natural features; 3) the proposed use will not substantially alter the character of the surrounding area any more than the existing permissive uses in the zone or in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning districts; 4) the proposed use is appropriate considering the adequacy of public facilities and services existing or planned for the area affected by the use; and 5) the use is or can be made compatible with existing uses and other allowable uses in the area as well.

**Chairman McCartney:** In your interpretive memorandum, explain how you got there and why you didn't have them apply for a zone change.

**Mr. Martinez:** The next logical step from an RR-1/RR-2 zone change would be for a commercial zone change. It is very clear within our definition of a club/lodge that the definition of a club or lodge is a building or facility owned and operated for a social, educational or recreational, scientific, benevolent or charitable purposes to which membership is required for participation but is not operated primarily for profit or to render services which is customarily carried on by a business. I have defined this as a club or lodge and have not defined it as a business because it is a non-profit charitable organization, there are not any employees on the site itself and just like a school I think it is an educational, scientific, benevolent, or charitable purpose.

**Chairman McCartney:** So it is your perception or understanding the kids that participate do not pay any fees of any kind?



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**Mr. Martinez:** My perception is membership is required and there is not any profit that is rendered from this service that is customarily carried out as a business.

**Chairman McCartney:** So the kids do pay a fee?

**Mr. Martinez:** I think you would need to ask the applicant about that.

**Commissioner Gurule:** What period of time would the conditional use be good for?

**Mr. Martinez:** The conditional use does run with the property, but I will double check just to make sure and if you allow me to read the ordinance and then I can give that definition to you as we move through this process.

**Chairman McCartney:** Mr. Martinez I believe the time limit Commissioner Gurule is talking about can be for a minimum of a year and a maximum of two years, correct?

**Commissioner Baca:** For a conditional use, yes.

**Mr. Martinez:** I would like to be able to read out the ordinance language if you will allow me to take a look at it and look for it quickly and I will be able to read that to you specifically.

**Chairman McCartney:** Go ahead Jacobo.

**Mr. Martinez:** Under our conditional use I do see-a conditional use approval involving construction shall be null and void one year from the date upon approval unless completion or substantial construction has taken place; in any case where a conditional use approval does not include construction the approval shall be null and void 1 year from the date of final approval unless the approval has been implemented. The Department may extend the conditional use permit for an additional period not to exceed 2 years upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Department prior to expiration of the original conditional use approval. What I read there is that if a conditional use is approved then they have one year to create the project that they want to on the property or it can be extended to two years. I don't see a timeline for this conditional use as far as an expiration date. I do know in our temporary use/temporary housing conditional use for a manufactured home for a sick or infirmed family member, there is a date that is set for expiration and that is every two years and that is because that is a temporary home. This is not for housing this is for a conditional use for land use itself and I do not see an expiration date as of yet. I will continue reading as we move forward through this conversation.

**Chairman McCartney:** Hypothetically speaking you could put a time frame on it for this Board, correct?

**Mr. Martinez:** You as a commission can make a condition of a time frame.

**Chairman McCartney:** That way you give an opportunity to see what has transpired, especially with something that has mixed emotions on both sides.





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**Mrs. Adame:** My name is Jenny Adame, the wife of David Adame and I apologize because Mr. Tapia is in Dallas at the Junior Olympics with the children.

**Mr. Adame:** My name is David and TNT Boxing has been in existence since 2007. I became part of the organization in 2009. In 2011 we became a 501c3. The goal and purpose of our organization is to provide an alternative to delinquency for our local youth. Currently we have local youth from every part of this county-from Isleta, Belen, Peralta, Bosque Farms, Los Chavez, and Los Lunas. Throughout the years we have had to move from facility to facility and just never had the means or know how at that time to purchase our own piece of property to operate, which in a sense causes the club to lose money for funding to pay for rent and left nothing to give back to the kids. We found this piece of land and purchased it and have since then converted this barn into a boxing gym. We have not made any significant changes to the land and at this time do not intend to. We hope to get FFA and 4H involved to operate on the land and maintain it so they can do their educational purposes for it. We have a long term goal of eventually creating a youth community center in another location so we can expand this program. Right now we are doing what we can to move along and give these kids a place to go and a place to be safe. Right now we have approximately fifteen to twenty five youth daily, which in a sense is fifteen to twenty five families that we are serving. We do have a club fee, and unfortunately only ten percent have the means to pay for it. The fees we do get go to pay for everything from insurance for the organizations, equipment, traveling. Basically, myself and Mario Tapia fund this organization out of our own pocket for the love of the sport and the love of the kids. Our operation hours are normally Monday through Thursday 5:30 pm to approximately 7:30 pm but there are always chances of changes because sometimes we have to cancel practice and we make up for it on a Friday, Saturday or Sunday. Myself and Mario work full time jobs and have our own families and do this just for the love of it so we make it up to the kids and have different hours sometimes. It's not often. Fortunately I have some older kids that I have had since they were in seventh grade and are now are twenty-one and twenty-two years old and are still operating with this facility and becoming mentors for us as well. I can't tell you and explain to you how many lives we have impacted or how many success stories we have had. Until you are actually there and have seen it and talked to some of these kids, then you will understand. Me being up here and nervous, trying to defend a reason for kids to have something else to do than cause trouble on the streets dumbfounds me that I have to do this and makes me nervous. I see that the issue is the land use and we have stripped the land because we are trying to grow some grass because when it rains we play soccer in the grass. We are trying to grow some corn in the back, but we are not farmers. One of the reasons I am trying to get FFA and 4H involved is so they can maintain that land for us and do what they need to do and have the facility that they can do that with. Currently we have a 4H kids that live in the city of Los Lunas that cannot have animals and we are trying to provide them that place. We have not actually set forth on that yet because we have been trying to get this done instead of moving forward and expanding the way we want to expand and make it useful the way we want to make it useful. As far as the facility itself, we can do this outside and not have anything over our heads. We have done it before. We have done it in backyards and have had nothing before. Now we have something. The goal of this whole thing is that when Mario and myself retire from doing this those kids back there are the ones that are going to keep carrying on this tradition, giving more youth in this community the opportunity to succeed.

**Mrs. Adame:** I find it a huge honor and opportunity to be here because I feel like not very many people realize or know what an amazing resource we have through the time and mentorship of these two gentlemen. It may seem biased as I am the wife of this coach and kind of a "work wife" of the other one



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because our families share so much of our time. These two men volunteer twenty to forty hours every single week to these kids and do not get paid a cent to do so. My husband is a former military member-Iraqi war veteran-and thrives on serving his country, and serving his community. He is a fire fighter/EMT. He is very reputable and a great mentor for these kids as is Coach Mario Tapia who is away from his family right now with the junior Olympic boxing team who is nationally representing New Mexico for our gym. We do have two kids competing at nationals and one of them is my daughter. This is such a valuable resource and you hear so many sad and bad things in the news. But this is an amazing thing for Valencia County and this is an amazing thing for the families and youth. How many people do you know that are willing to volunteer twenty to forty hours a week just to support youth and give something positive to our community. I just wanted to point out the sacrifice these men are making on behalf of these kids and the kids that benefit from it and is something that we should all work together and make sure it continues in Valencia County. Thank you for the time and thank you for hearing us out.

**Commissioner Gurule:** As far as the utilities, it says you are going to establish them by the end of July?

**Mr. Adame:** Yes sir, some of the utilities. Let me explain some of that and I will also bring up the fencing issue so that way it can be addressed appropriately. We do have water rights for irrigation. We currently do not have electricity, we do not have sewer and we do not have potable water. It is in the works and we have talked to contractors to do it but we have to wait until after the fourth of July. This club operates both fireworks tents in Los Lunas and is our biggest fund raiser of the year. Unfortunately instead of using that money for other things, we have to use the money for that, which is not going to be a problem. The sewer and water will be done by the end of July. As far as the electricity we will have to keep operating off a generator. Because there is not an easement between the two properties, PNM said they have to lay poles and the cost of electricity is going to be about ten to twenty thousand dollars and until that funding, or a charitable donation, or PNM is willing to help us out, electricity is going to have to wait. As far as I know there are not any rules or laws against operating with a generator. It is basically just for the lights and the bell that we have for boxing. The fence line was an issue because originally in our first proposal that was made to Planning & Zoning we wanted to put up a fence right away to keep the peace between the neighbors and us. Unfortunately it didn't happen because the neighbor didn't think that the line that was in place was correct so we had to wait for a survey to be done and I do have the paper work showing the survey was done and that we did pay the full price and was not split amongst the neighbors. The other issue was that when we agreed to put up that fence the neighbor unfortunately was not too happy with the type of fencing that we wanted to put up-she wanted something very specific without splitting the cost and it created a little bit of an issue there. After the survey we did gain two inches, and we do have the fencing and plan on doing it but it is a matter of trying to come to a compromise with the neighbor on what it is exactly that they want and how much they are going to put into it. Otherwise I will just put the fence up on our side of the property and I don't want to cause any type of tension like that. We wanted to be negotiable but we have to do what we have to do.

**Mrs. Adame:** We are a non-profit and do not have a lot of money.

**Commissioner Moran:** (via conference call) I do have to leave the meeting for a few moments but I do want to ask another question about the membership and the (inaudible).



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**Kerrie Maes (secretary):** Commissioner Moran's question is how many members do they have?

**Mr. Adame:** We average fifteen to twenty five youth daily which is fifteen to twenty families. There are occasions when we only have five youth. We do have slow periods just like any other sport and there are times when we are packed and have to create three different sessions in three different areas because we just have that many kids. For us it is not an issue because we feel we are doing something positive and giving them something to do and cannot emphasize that enough. The story is that there is nothing in this county for the kids to do...yes there is and I am providing something. It may not fit for everyone but I am trying.

**Commissioner Gurule:** Is this for girls and boys too?

**Mr. Adame:** Yes sir this is for boys and girls. We start from five years old-we don't usually like to have the five year old because they are a little too young but we do take them to give them something to do, and usually if we have the younger kids they are usually siblings, but we traditionally start at eight years old with no age limit after that.

**Commissioner Gurule:** And where do you compete at?

**Mr. Adame:** We compete nationally. We are a nationally competitive team. As my wife said earlier, we have three local youths right now in Dallas competing for the national championships, one of them competing for the women's U.S Open.

**Commissioner Gurule:** And that is boxing?

**Mr. Adame:** Yes two that are competing in the Junior Olympics right now, age twelve and fifteen and then a seventeen year old that is in the U.S Open category.

**Mrs. Adame:** Two of those youths have never been on an airplane in their entire lives before. Some of these youth have caught their first fish with TNT Boxing or have never even left the county before TNT Boxing and they have had the opportunity to see outside of Valencia County and appreciate what they have here and also see that there is a great big world out there and set goals for themselves and see that when you dream something it is possible and I think that is important.

**Mr. Adame:** We also have a basketball team, female and males, and practice at the schools. We have five different teams all for youth. We are doing what we can for this community and it seems weird for me to have to come up here and defend what I am doing.

**Commissioner Gurule:** Do you have liability insurance?

**Mr. Adame:** Yes we actually have three different insurances. We have property insurance for the land, another one on our home insurance because I am on it and we also carry USA Boxing insurance which is a million dollar insurance on land and individuals. So when you say we do try and get a little bit of money from these kids, we have to otherwise we can't operate. We have three vans because we travel all over the country. We do as much as we can for these kids to give them the opportunity to know that there is something out there and that they can achieve and succeed.





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**Commissioner Baca:** First I would like to applaud you for doing things like this because I know it takes a lot of effort and diligence and that a lot of these kids really need something like that. I was involved in the junior wrestling program for many years and it takes a lot of effort and I know there are a lot of kids who need these programs however I do have some questions about how you are going to implement this program. There are two entities here, the boxing and then the farming. How are you going to get that together and assimilate those two things? How are you going to do the FFA and how big is the building because I thought it was only fifteen hundred square feet?

**Mr. Adame:** The building is actually twenty-two hundred square feet. We would like to build a track on the back side so the kids can go running for warm up but what we would like FFA and 4H to do, and whether they do it or not, is to have the land available to them so they can do what they need to do. I won't take any responsibility on that. They can grow what they need to. They are over here by the state school growing alfalfa, but what? I don't know to be honest and if they want to grow alfalfa on our property great. Also there are a lot of kids who live in the city and want to have animals but can't because they live in the city limits and have to pay a lot to store their animals somewhere. I am trying to give them that facility so they can do that at no cost and have animals and store them. We will provide the water since we do have water rights but they will have to provide everything else themselves just as they do at other facilities for animals.

**Mrs. Adame:** Another thing, at TNT Boxing gym boxing is really not even the main thing we do there. We mentor the kids by trying to keep them in school and out of trouble and something else to do. We do want them to connect with nature. Not very many kids get to go out in the dirt and see things grow to understand the process and appreciate and love the land. It will make them less likely to litter and tag, and more likely to understand the work that goes into taking care of land. These kids weed and participate in the upkeep of the facility from sweeping and anything else that is required of a farm. They are learning responsibility and connecting to the land I think is beautiful and a great opportunity. Boxing is just one of the things this club does. We fish and camp and do other things. This is a great way to expand these kids experience beyond boxing. We are excited about this. Kids stay inside too much and we want them to get outside and see nature.

**Mr. Adame:** I am just a figure head at this gym. This gym belongs to all of these kids. They really do maintain it.

**Commissioner Gurule:** Do you have a board of directors?

**Mr. Adame:** Yes we do. We have an executive board that consists of four members and our regular board which would be the president, vice-president, secretary and treasurer. It is part of the 501c3 process that we have to have executive board members and those individuals don't have anything to do with the organization except oversee us and our funding that we may or may not get. Their sole purpose is to make sure we are staying in compliance as a 501c3.

**Commissioner Gurule:** What kind of funding have you been seeking?

**Mr. Adame:** Within the last year we have not received any funding. We do apply for grants. I got a DFA grant last year and the year before that. We have additional funding that comes in from YDI, CYFD, JPA, Teen Court, Drug Court, we work with the mental health facilities and the entire Los Lunas



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School District. I work with everybody on some level and they are ultimately trying to do so also. I am an outlet for those organizations to refer or to sanction. This year we do have a grant that is pending on this hearing. As far as what kind of funding we get, to sum it up-none.

**Commissioner Louie:** You are estimating fifteen to twenty-five individuals?

**Mr. Adame:** Yes sir. Fifteen to twenty-five individuals and on occasion the parents do stay there. A few of the parents do like to stay and hang out but most of the parents just drop off or the kids carpool. We also transport ourselves because we do have the vans. If the kids need a ride they call each other or me or Mario. I couldn't give you a solid number because we do fluctuate. During December and January I am lucky if there are five kids in there.

**Commissioner Louie:** So what is your facility capacity?

**Mr. Adame:** I couldn't tell you that. We did have a pre-inspection by the Fire Marshall and he did not at that time give us that kind of capacity until we were actually ready for our full blown inspection which is also pending on the outcome of this hearing.

**Commissioner Louie:** Are you running now?

**Mr. Adame:** We are as a conditional use.

**Commissioner Louie:** Do you think that area will support that many people?

**Mr. Adame:** I could probably have twenty vehicles there but it is rare that I have more than four or five that are actually parked there. The ones that are parked is usually the parents and the teen-agers that are capable of driving, not counting mine and coach Mario's vehicle or if we are driving the vans as we do own three vans.

**Commissioner Louie:** You're talking about FFA doing farming there and right now it looks unimproved. Is there anything growing there now?

**Mr. Adame:** A little bit of weeds and a little bit of grass and a couple of corn here and there. We do have a garden area and it is growing just fine. We need to put a little more effort into it as far as getting the soil treated since it hasn't been treated for so long it is just sand. We did strip it and turn it to try to get some stuff going.

**Commissioner Louie:** Your sketch of the property depicts a field in the front and a field in the back of the property for the FFA to raise something. So what would be your vehicle capacity then?

**Mr. Adame:** It would be the same. There is an area that will fit about twenty vehicles. 3

**Commissioner Louie:** Will there be that many vehicles there at all time?

**Mr. Adame:** No sir just during the operational times that we have. As I said our traditional hours are Monday thru Thursday from 5:30 to 7:30, give or take. A lot of times I have these kids until 9:00 at



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night because they don't want to go home. There are times when we fluctuate hours for example the kids that are at nationals now needed to practice every day and not just the four days we normally open.

**Commissioner Louie:** Are you anticipating any team events there at this facility?

**Mr. Adame:** No sir not at this time. We use the schools when we have events.

**Commissioner Louie:** What is the age of the oldest members that attend?

**Mr. Adame:** The oldest are twenty-one and twenty-two that have been with us since seventh grade. There are five or six others that are full grown adults and have good jobs, and have finished high school and college. I could say-but it is better that you hear from them-it was the program that did it.

**Commissioner Baca:** You said the barn is twenty-two hundred square feet but here it says fifteen hundred square feet.

**Mr. Adame:** It is twenty-two hundred square feet based on the measurements we took. On the contract that we have from Heritage Title it states its twenty-three hundred square feet. Right now there is a twenty by twenty boxing ring inside and I have a small office in there as well. There are also eight hanging bags, a storage area and an area for the parents to hang out in. There is also an area with thirty lockers and there is still room to other things.

**Chairman McCartney:** Do you have a full scale boxing ring?

**Mr. Adame:** Yes sir we have two and the one that is in the gym right now is a twenty by twenty.

**Chairman McCartney:** I noticed two of these letters of support are from some of the organizations you were referring to. I find that commendable and want to thank you for your service.

**Mr. Adame:** Thank you sir.

**Chairman McCartney:** How long have you been in operation?

**Mr. Adame:** The organization was first created in 2007. I became part of the organization in 2009. Between 2009 and 2011 my goal was to make this organization a real organization and make it a 501c3. As of February 1, 2011 we were recognized by the U.S. Government as a 501c3.

**Chairman McCartney:** Commissioners do you have any other questions for Mr. and Mrs. Adame? (There were none). Thank you for your time you might be called back. Is there anyone in the audience that came in after people were sworn in that are here to speak? Stand up and raise your right hands. (Chairman McCartney swore in participants). How many people want to speak for this request? (show of hands). How many people want to speak against it? (show of hands). We will take those who want to speak for it first. Please step to the podium in whatever order you choose, state your name for the record and where you live.



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**Father Mundie:** Robert Mundie. I am a neighbor not too far from there at 53 Inspiration Drive. Good afternoon ladies and gentlemen. I do speak in favor of this. I do have the privilege of serving Valencia County as the Chair for the Juvenile Justice Board. I also serve as the President for the Valencia County DWI Council. I also serve on the Community Wellness Council and a few other things. In my regular day life I am the Vicker at St. Matthews Episcopal Church and also serve as the Dean for the North West Deanery of the Episcopal Church of the Rio Grande. The TNT Boxing Club has come to my attention mostly through the work that I have been involved with primarily through the Juvenile Justice Board. We have been looking to bring them on as one of our subcontractors for years. We finally have the opportunity to do so and it would be my goal and dream and aspiration to see them coming in as a supported organization and watch that grow as they grow. Right now they do need to get their feet on the ground, but they already have their feet on the ground. What I say to many people is we are going from glory to glory, but we have to start somewhere. As we do get started there is help that comes and arrives and what these people have done touches my heart greatly, especially when I know the conditions that so many of the children that they are addressing and ministering to in their work, are the ones in the greatest need. As you know the family situation in Valencia County is that we have so many broken families, families where the grandparents are raising the kids, and so many times that is because they failed with their own kids. There is story after story about how many of these people have an incarcerated member and are trying to make ends meet. They don't have the guidance and understanding of how to raise the children that have come into their lives. Here you have TNT Boxing coming in and what you see is a really dynamic family that ends up happening. They have grown and become family and I think that is what they are really trying to help youth understand, is that this is a much deeper and realer organization than just a club. Just a club is just a club. These people have come together and formed a family. They are totally full of incredible gifts and joy in the teaching they are giving down. I know in our laws we don't have control over who is going to be our neighbor. Fortunately, I am gaining a new neighbor and incredibly happy that is happening.

**Chairman McCartney:** Sir I know you are for it and I think all the Commissioners do and I want to let you know there are a lot of people who want to speak.

**Father Mundie:** Ok but you know where I stand on this?

**Chairman McCartney:** Yes sir.

**Father Mundie:** Thank you and God Bless you.

**Ms. Duran:** My name is Desiree and I am a member of the team.

**Chairman McCartney:** Do you have children in the club ma'am?

**Ms. Duran:** No sir I just had a baby daughter. I am for this team and it blows my mind also that we have to come and defend this because they don't understand exactly what this is. I came from a broken home. My mother was a teenage mother with a seventh grade education. My father was a gang member who had a sixth grade education and he was a drug addict and things were always crazy at my house so needless to say I grew up with a lot of anger. I have been with this club since I was thirteen and it has always been an outlet for me. I do admit I have made a lot of bad decisions but this club has helped me to move forward and grow into becoming a better person. I was addicted to painkillers and always on



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the streets fighting and going crazy, but every time I came to this club it gave me something to look forward to. There was a point between the end of high school and beginning of college where I was going from house to house and kind of homeless and I could remember being at the club and not wanting to go home because that was the only place that felt like a home to me. Everyone there has always been family and are the ones who got me through that hard time in my life when I thought I had nothing to look forward to. I would look forward to going to the gym every day. I graduated from high school and I just graduated from college. Unfortunately, I am a single mom, but because of the club I am able to go out and not worry about making money or having a low income job and supporting my child because since I graduated with a college degree I do have options. That is a lot more than my mother was ever able to do for me.

**Commissioner Gurule:** What kind of degree do you have?

**Ms. Duran:** I have an Associate's Degree in General Studies.

**Mr. Munoz:** Cruz Munoz and I live in Los Lunas. I am a proponent for the conditional use approval for this TNT Club. I am employed by YDI and we serve many programs for youth throughout Valencia County. I am also a member of the Juvenile Justice Board with Father Mundie. We are proponents for people like David Adame and Ginny Adame who sacrifice their time and their lives to support the youth. Tomorrow I have twenty three young people graduating tomorrow with a ceremony at Daniel Fernandez Park. This is what we do. We support the youth and we need programs like this. We must have these intervention programs because these young people back here are not the ones we need to be afraid of because they are trying to make something of themselves. They are good kids and this is what we need to support and for this reason, along with our affiliation to TNT, is a very integral part of our education programs. We use them extensively. Any time we have young folks that come in and have committed a crime of battery, they are referred over to David Adame and Mario. Our youngsters need this outlet. TNT has a means to re-energize young lives in a positive way. Thank you.

**Mr. Ewing:** My name is Marcus Ewing and I have been a member of TNT since I was fourteen and am now twenty two. I started getting into trouble when I was younger. I found TNT through Mario and he brought me to the gym and changed my life and my way of thinking. He created a good work ethic for me. Everything that I have done that is good has pretty much come from TNT. He has taught me how to box as well and I became a state champion several times and am now the current Golden Gloves State Champion and I went to nationals this year. I have met so many people through the club and have taught a lot of young kids and actually teach them now as well. If we lose our gym here, that would crush me and ruin everything.

**Commissioner Gurule:** What weight did you box at?

**Mr. Ewing:** 141.

**Mr. Lares:** My name is Jose Lares and I live in Los Chavez. I just want to say that TNT is awesome. I saw the ocean for the first time and went bowling for the first time with the team. They taught me who to hang out with, not the bad kids. If it wasn't for TNT and all my friends back there I would still be hanging out with the wrong friends and smoking marijuana with them.





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**Mr. Graves:** My name is Jeffery Graves and I am from Los Lunas. TNT has given me a lot. I used to be a lazy, overweight kid who was always rude to my family and never showed any respect. David and the club showed me that was wrong. If it wasn't for them, I would still be doing that and I would still be overweight and I would have probably failed in school. They have given me so much and I plan to have a future with them and hope to grow with this. That is all I have to say.

**Ms. Cabrea:** My name is Kimberly and I live in Los Lunas. When I started with the club I was looking for something to do because I was bored. I thought it was going to just be boxing but, no, it has really helped me a lot with stuff. Coach David is someone I can talk to. He has really helped me a lot with thing with my family. He showed me a lot of stuff with fundraisers such as the AppleBee's flapjack fundraiser that we do. It gave me an opening to try out being a waitress. I never thought I would do that. And now with the fireworks tents in Los Lunas, I never imagined helping to set those up and run them. It has been a really good experience for me. I plan on doing something with them in the future and staying with them even through my high school years.

**Commissioner Gurule:** What can you tell the new kids that are coming up about TNT?

**Ms. Cabrea:** That they really teach you how to be a better person. They show life skills and teach you to do the right things and not the wrong things. They show you respect.

**Commissioner Gurule:** What is your goal in life? What do you want to do?

**Ms. Cabrea:** I want to go to college and study out of New Mexico something like international business because I have always liked to travel. And even after that I would want to come back and join the team again.

**Mr. Watchman:** My name is Bryant Watchman and I live in Los Lunas. I would like to say that before I joined, there was one kid that use to bully me and threaten to kill me. Then my parents found TNT Boxing. When I went over there they treated me like family all of the time, especially my coaches. Even the kids there were always respected. They showed discipline. The coach showed me the ropes and showed me how to exercise. He never gave up on me. It wasn't like when I was in football. When I was in football, I would get weaker. They wouldn't push me like coach would do. Every time I would come back coach would push me more. Coach wouldn't give up on me ever. He would push me again, push my limits, and I thank him for that, for helping me. He gave me a heart to help others to. They are all like family, like brothers and sisters. They are like a second family and I always feel comfortable in that gym. That is all I have to say.

**Mrs. Claus:** My name is Carol Claus and I live in Belen but I work right around the corner and down the road from TNT's Boxing location at UNM Valencia in adult education where we help people get their high school credential. Adult education starts at age sixteen. I don't know if you are aware that the program requires their members to be in school and maintain a GPA and help my program serve adults and not children. It also keeps them from drugs, pregnancy and everything our county is trying to fight against. They are a factor we really need and I hope you approve this conditional use permit for them.

**Mrs. Tapia:** I am Dean Tapia and I am Mario Tapia's wife. Thank you for this opportunity to tell you all about TNT. This is near and dear to my heart. I work a full time job. David, Ginny, and Mario this is



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their additional job. The program began in 2007. My husband has always been a boxing fan and one day decided he was going to start a gym. I thought he was crazy but I never thought that I would see such much change come from this. He has given all of these kids so many opportunities that it baffles me that some of them have not had a chance to go fishing, leave the city, or compete in tournaments and meet new friends. They are giving the kids opportunities and like David said, this gym would happen no matter where it was. Getting a location to call our own home and being able to save money to put into the club and the team we are trying to put together is something we are looking forward to. This right here is just a speed bump. I think we will go on no matter what and I think it is important that we share with you what the team is about. Mario's passion for TNT-he doesn't get paid for it and neither does David. They spend hours and hours there. This is not something they are trying to gain anything from. Instead they see what they can do for others and make young responsible adults out of kids who may not have had that chance before. Thank you for giving us this opportunity and I know Mario wishes he could be here and if he was I think you would hear the same thing.

**Mrs. Wilson:** My name is Ione and I am Dee Dee's mom and I just want to reiterate what she said. Mario has given his heart and soul to this organization. He has brought these kids to our family functions like Easter and Halloween when they didn't have anything else to do. He has brought them to my house which I enjoyed. I have known Marcus since he was in seventh grade. I just wanted to voice my opinion. Thank you.

**Mrs. Watchman:** My name is Lavona Watchman and I live in Los Lunas. Thank you for this opportunity. I think this program for TNT is a positive thing for the kids. I have seen most of the kids grow up with TNT. Not only do they practice there, but the coaches encourage them to do their homework. If they have too much homework or need help he tell them to bring it during their practice time. Some of the parents, the coaches and other students will help the kids with science, English, or algebra or anything they are having problems with. We all try to help the kids. And sometimes I am one of the parents that stays. Coach even helped me with my first 5K run. I didn't think I could do it but he pushed me and he ran with me. He is a positive role model for me too.

**Mrs. Ortiz:** My name is Claudia Ortiz and I have two kids in the program. I can't stress how important this is to the community and to the kids who attend how positive this is for them. A lot of these kids don't have the means to be part of a team or a bigger family. A lot of kids come from different parts of town where there is nothing around. And if there is they probably don't have transportation or their parents don't have the means. I just want to stress that this is a positive thing. I don't know why it is that we have to fight to keep this because it is for our future and for our kids. Thank you for your time.

**Mrs. McNabb:** My name is Lilly McNabb and I live in Bosque Farms. First of all Mr. Chairman and Commissioners I want to thank you for allowing this to happen. To let these young people and myself, an elder, which I am so particular about my senior projects and programs and this is the second closest to me because I deal with seniors constantly, which most of you know. But this is our roots coming up. This is what we are talking about. Our parents taught us, our grandparents and now it is our turn to raise these kids to leave roots for their children, and we really need to implement in this county, which I know they have backed us up in so many functions. I know most of you up there today and I want to thank you. I have seen my grandson Mario and Dee-Dee bust you know what to make sure these kids have something to eat on these trips. Car washes-they would do anything to get the money to get these kids to where they needed to be or get a vehicle at the last minute to try to get them to that tournament. The



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people here do not realize, and I would love to implement that I would love to have them as my neighbor. I would love to have them next door because if we don't reach out and help them who is? These youth need all of us. It just doesn't take mom and dad because sometimes they are not there. Grandparents aren't there. It takes a village and a county and a state to help them get there. So I would like you to consider backing TNT. Also, please don't put so many conditions that they won't be able to climb that hill. They need to have the backing of the county. Thank you and I appreciate everything you have done for us, especially with my different programs.

**Chairman McCartney:** Is that the last person to speak for this request? (There were not any others). Ok those in opposition can line up just like they did.

**Ms. Dakin:** My name is Becky Dakin and I live at 79 Sandhill Road, the property abutting TNT Boxing. Mr. Chairman, Commissioners, and Mr. Martinez, friends and neighbors, thank you for the opportunity to speak today. My husband, Ted Christman and I, as I said live on the adjoining property. We are at 79 Sandhill, TNT Boxing is at 81 Sandhill. My husband and I would like to state that we greatly admire what TNT Boxing is doing. They have a tremendous heart for children. Our complete opposition is where they are conducting their activities. Our primary concerns are in four areas: zoning, compatibility, density, density and our property value. Our bedroom wall is 107 feet from the metal barn where TNT Boxing is operating. Our garden is less than 50 feet away. First we all recognize that the property is RR-2. When we bought the property we understood that the property was for single family residences and single family small scale farming activities. Schools of course are allowed because we are required to school our children in the area as well. This Rural Residential designation was our understanding three years ago when we bought the property and is the existing use of our neighborhood; except for the past ten weeks since TNT Boxing has been there. Our second concern pertains to compatibility. As it states in the Rural Residential District's Ordinance, there must be compatibility with existing use of the district. Our neighborhood on the north side of Tome Hill is a quiet residential, small scale farming neighborhood. Our family and our neighboring families spend evening outside enjoying the peace and quiet of our rural properties. In addition, we benefit from the quiet, spiritual and historical influence of Tome Hill. TNT Boxing is not compatible with the existing use of the neighboring properties. My husband and I can no longer spend evenings on our patio because of the noise, traffic on the property and the nuisance. Density is another substantial concern of ours. The Rural Residential District's Ordinance also states "ultimate density limitations in the RR District shall be determined by prevailing lot sizes, community character, and compatibility with existing use in the district." On a continual basis TNT Boxing has two to six vehicles parked on the property. In addition to this, starting in the late afternoon, ten or more additional cars drive on to the property. The most I have ever counted is thirty two cars in an evening. During the late afternoon and evening hours there are dozens of people coming and going, dropping off their kids, participating in the boxing and fitness activities, coaching their children and waiting for activities to conclude. In the front page feature article in the Valencia News about TNT Boxing, they stated that they wanted to expand community center boys and girls club. If this would happen or that they would expand even further than they currently are, it would bring on more sever density issues. A major challenge with all of this activity is that the TNT property is only 160 feet wide so everything they do impacts our home and our property tremendously. Our final concern is that of our property value. My husband and I purchased our home three years ago. This is a very beautiful home on 2.3 acres with surrounding rural property on all sides. The area was quiet and beautiful and there were no busy, noisy organized activities of any kind. Our property abuts the TNT property and now our property value has been substantially injured by the inordinate nuisance as well as the non-



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residential and non-rural activities of TNT Boxing that are not keeping with the intent and culture of the area. There is quite a lot of literature to substantiate that we have experienced an estimated drop in value of 10%-20%. Our realtor agrees with this decline and also told us that overall, the time to sell our home will be greatly increased if we are able to sell it at all. My statement that I put in your case file tells additional concerns relating to noise, the lack of infrastructure and the substantial drainage issues that transpire during monsoon season. In conclusion, my husband and I have extensive concerns. Not with what TNT Boxing is doing, but specifically pertaining to where they are conducting their activities. We ask that you, our Valencia County Planning and Zoning Commissioners who represent our homes in this Rural Residential portion of Valencia County, recognize and uphold the existence of the quiet, low density culture of our rural residential neighborhood. We ask that you immediately require TNT Boxing to cease and desist all non-rural and non-residential activities and deny their request for conditional use that is not compatible in any way with our existing neighborhood. Mario Tapia and David Adame have conducted the activities of TNT Boxing since April in full non-compliance of our zoning ordinances. I would ask you to make this to stop. Thank you.

**Kerrie Maes:** Commissioner Moran is back on the line.

**Chairman McCartney:** You missed a long list of people that were in support of this request. We are now doing the opposition.

**Commissioner Moran:** Ok.

**Mrs. Stratton:** My name is Andra Stratton and I have two homes in the area. One right at the end of Sandhill, at the opposite end of this property we are discussing and just above in Gurule Estates. First I would like to say that I am in opposition of the zoning and the conditional use. I am in no way in opposition of TNT Boxing and the children and all of the wonderful things they do. I could talk about advocacy and how wonderful I think this is. I am a mother of four children that are two pre-teens and two teens. And I am also the caregiver of an eighty year old Alzheimer's patient that resides on Sandhill. So, for me, community involvement and activities are my world. In addition I have a non-profit 501-3c for a rare that I have and I work with patients globally. So when it comes to advocacy and what they do hands down, fantastic. And I would love to support them. The issue that I have is that this not a compatible property. My greatest concern really is that all the discussion we have had tonight, what has not been discussed is the integrity of the community that exists there. These children, all of our children, are incredibly important. I am at the end of Sandhill and we can hear the generator. I am a gardener and an avid user of our rural area. I frequently take my children on walks, on bike rides on these ditches right past this property. And one of the things always makes me feel uncomfortable is when I am going past a quiet house and just our walking disrupts the animals. The livestock get very upset, the dogs bark. I encourage my children to go quickly so that we don't rile that home up out of respect for my neighbors. What I want you to envision is hours of that. That is really the issue. There is so much activity that has already occurred that the livestock and the dogs in this rural area are disturbed constantly. And my question to you and them is, which no one has addressed this, which really make me feel concern for the respect of the rest of us that are there, is how do I handle my mother-in-law when she is sun-downing at 7:30 and is incredibly confused about where she is and what noise and why the animals won't start barking. Her peace and her livelihood is of value as well. And I haven't heard a single suggestion that addresses that for us. This is a fantastic organization. This is an incredibly inappropriate spot. It is not zoned for this kind of activity. Thank you for your time.





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**Mrs. Padilla-Gutierrez:** My name is Rita Padilla-Gutierrez. I am in a neutral place. I want to commend the young people who came up here because it takes guts to do that. I hope it is a teaching moment for them and hope they understand that people on this coming up and saying certain things is not about them personally but when they grow up and have their families and buy a house they may be on the other side, you never know. I commend them for having the strength to come up here. I think what has happened here again is some procedural problems at the P&Z level where maybe the situation wasn't presented correctly to both sides and now we have a situation again where two communities are at odds. I would have appreciated that the Town of Tome Land Grant would have gotten a notice of what was going on because we are right there. We preserve, own and operate the Tome Hill. It is the public's sure, but somebody has to make sure that it is intact, so I come from that perspective. It is a sacred site and we should have been notified so we could have a say. Again with the traffic. I hope these children understand they are within a sacred site of the Tome Hill and that they would help us preserve that situation. If you notice lately as you pass by the Hill we have had to move boulders to try to keep ATV people from going up those sand hills. And they still move them and go up there. We need you to appreciate the kinds of things we are doing to help preserve that particular area and now we have a situation that might impact it again. I thought about the 35-40 businesses in Belen that are locked up. There must have been many options where TNT could have gone. I think there are better sites maybe for it.

**Chairman McCartney:** I have a question for you Rita. You said you are neutral. Based on the testimony you have heard today-and I know how involved you are and all the time and effort you have contributed to Tome-maybe these kids could go help and clean up the Hill. I am just asking because I know how strong you feel and I don't know if this is going to be approved or not but I think if it was I think with the type of children you heard today maybe there could be some togetherness and they could maybe help you with the Hill.

**Mrs. Padilla-Gutierrez:** This is the first time I have met Mr. Adame and am hearing the children.

**Chairman McCartney:** I think we can bring more community people together for a positive reason instead of negativity all the time would benefit you guys.

**Mrs. Padilla-Gutierrez:** We have a baseball field there in Tome that we have been begging people to use but we can't get people to use our field. That is available. I do come from a social work background and understand the advocacy and all of what is going on here. But I think procedurally the P&Z office should have done a better job.

**Chairman McCartney:** What you need to do is put a request in so that anything that affects your community in any capacity that you would be on the notification list as an organization.

**Mrs. Padilla-Gutierrez:** We and Mr. Martinez are aware that for three years our group has worked diligently to try and get an historic overlay plan approved. Unfortunately it was killed by posing the seventy five percent buy in for it.

**Mr. Martinez:** Mr. Chairman if I may, we did send a letter out to the Town of Tome Land Grant, PO Box 55 is what we have.





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**Mrs. Padilla-Gutierrez:** I didn't receive it and I get the mail.

**Mr. Martinez:** We did send out a certified letter to that address.

**Mrs. Padilla-Gutierrez:** And that means that someone had to sign for it?

**Mr. Martinez:** That is correct and we have not seen it come back yet. But we will look into that.

**Chairman McCartney:** Mr. Martinez you have her information so I think just a quick e-mail to let her know what is going on, ok?

**Mr. Martinez:** Yes sir.

**Chairman McCartney:** I still see you are still neutral.

**Mrs. Padilla-Gutierrez:** Yes but good luck to all. We are also a non-profit and volunteer so I know exactly how many hours go into volunteer work.

**Commissioner Louie:** What is the physical size of the Tome Hill Historic site?

**Mrs. Padilla-Gutierrez:** The Hills circumference is about 264-284 acres going up, and then we own the 11 acres on the side where the statues are plus the parking area there.

**Commissioner Louie:** Anywhere else?

**Mrs. Padilla-Gutierrez:** No.

**Mr. Ross:** My name is Tom Ross and I am a neighbor just off the top right hand corner of Sandhill and I am speaking in opposition. This is obviously a wonderful program the Adame's are putting on. But the question for the Planning & Zoning Commission is not whether it is a good club or a bad club, but whether it is compatible with the rural residential district. It was pointed out that the definition of a club is spelled out in the Ordinances but is not spelled out under a conditional use. I have a question for Mr. Martinez-how many clubs have actually received a conditional use?

**Mr. Martinez:** Since the interpretive memorandum this is the first one that has gone through the process.

**Mr. Ross:** So this is new. It is not a matter of whether it is a good or bad club, but you as a committee are going to be setting precedent today when you vote on this issue. My next door neighbor has a large shop similar to that structure. What happens if tomorrow he decides he wants a square dancing club there? Is it a good club, a bad club, it doesn't matter, it is a club. You have set the precedent and maybe it is a bridge club, a bowling club, or a gun club. Can anybody have a club anywhere? I think one of the important things is that this argument is that this club is similar to a school, a private or public school which is obviously a conditional use. I think that is stretching it. This is an extremely small parcel of land and wouldn't be a useful piece of land for a school. I think a club should be more like a day care facility. I notice in the conditional use under conditional uses a daycare facility has to be in conjunction



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with a primary dwelling. This building has no primary dwelling, it has no power, no water, no sewer and is not a house. At least if my neighbor is going to use his shop as a club, at least he has a house and a bathroom, power and is a house and maybe has a club on the side. This has none of that. It is a great organization. Does it belong in this neighborhood? I don't think so.

**Chairman McCartney:** In that nearby vicinity, do people do roping and barrel racing in groups?

**Mr. Ross:** In our area no.

**Chairman McCartney:** Not anywhere up and down that road?

**Mr. Ross:** Not that I am aware of, no. Everybody farms a little bit. I have seven acres. It is a pretty tight knit neighborhood. We have Friday get-together's. But I know there are other areas in the county and they do a lot of roping and feed lots.

**Chairman McCartney:** Correct me if I am wrong Mr. Martinez but that is allowable correct.

**Mr. Martinez:** Mr. Chairman that would be allowable under the RR-1/RR-2 zone.

**Chairman McCartney:** The operating hours are 5:30 to 7:30. How much impact does that have on you and your family?

**Mr. Ross:** Not as much because I am on the other side of the ditch. We can hear the generator run occasionally. This house is incredibly close to that barn. It used to be one property and then it was split up and the people who owned the house walked to the barn and it was very close by. It is really an impact if you have ever seen this site. It is amazingly close.

**Chairman McCartney:** The generator is that loud that you can hear it at your house?

**Mr. Ross:** Occasionally. As I said it is a very quiet neighborhood. We are off in a quiet loop. There is quite a bit of traffic on Sandhill Road now that it has been paved in the last ten years.

**Mrs. Plat:** My name is Katarina Plat and my house is not in this picture but is just a little bit south of the homes here. Yes we can hear the generator. I commend these folks. I have four children myself and they belong to 4H, FFA, soccer and various clubs. Anything we can do to help occupy children and give them positive things-absolutely. But it comes down to the compatibility issue. There is no commercial property or other type of property up and down Sandhill. This would be the first. Again at the base of Tome Hill which is a State Park and carries some sacred value to all of our community, I believe this belongs in a retail area because of the traffic issue. We have two and half acres and these people here in the white house (pointing to a home on the map on the wall) I believe have a two acre parcel and maybe a five. It is a very spread out, quiet farming community. There aren't any commercial roping's or barrel racing's or anything to that nature. This big piece north of it is forty acres and AP Zoning, agricultural preservation. There is a reason AP zoning is in place. They want to preserve the nature of the area. And the lady speaking that lives just abutting it-I am a real estate appraiser and I can contend with her ten to twenty percent value devaluation and a significant long marketing time if she can sell it. It would be a huge detriment to her property.



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**Ms. Rhodes:** My name is Geri Rhodes and I do not live right close to the Hill but I do know the people who do and I lived for many years before I moved to Tome renting. I know what it is not to have money to do what I want to do. I waited until I could afford to do it right. I think the testimony we have heard from those that oppose has been clear-we all sympathize with the goals although I do think some of the goal are little bit vague. For instance I heard David say "We don't plan to make any changes" and then a little while later "but we want to expand." "We don't need a roof, we could be anywhere", a gym is good enough. But now he has bought the property and committed to it and I can see why he is trying to make it work. I think at this point if you do decide to grant conditional use, you need to do several things. One is you need to encourage mediation between the neighbors close to TNT and TNT Boxing. I heard some misconception tonight. One was the issue of the fence. I believe that Becky and Ted are honest when they say they were willing to give water and electricity to TNT in exchange for a wall that would protect them from the disruption. I didn't hear David say that. I heard him say they weren't willing to help split the cost. I am not saying he is dishonest. It is easy to misrepresent things unless you are in a mediation where you can talk things out and work things out. But it seems to me this whole project was started too soon before the requirements were met. I don't know if P&Z was notified of this plan. I know there a lot of organizations that are pulling for them and that is a strong pressure to approve. In addition to mediation I think a year-long to find out if this organization is going to succeed is too long. You can give them the year if they meet certain requirements within a time frame. They say they are going to have water and electricity by the end of July. They haven't said when they are going to have septic. Hold them to water and electricity by the end of July so the generator is no longer a problem. I lived near a generator when Main Street was being widened years ago in Los Lunas and it was terrible. It changed the character of the place. Then say "you need a septic tank" and give them so much time within the year to get that. I heard their hours but I didn't hear how long the summer is going to last. I didn't realize it was just a summer program. If that is the case will they be around to fulfill the requirements of the conditions? I don't know. Are they planning to be coming out during the winter when it's cold? Will they have any heat to do what needs to be done? For instance I didn't hear anything about putting a floor in the barn. It has years of animal manure in there, or at least the smell of it from what I heard. There is a drainage problem. Put a time limit for when they can ameliorate that problem. If the water comes down off the Hill, not to mention the mesa, I can imagine in a dirt floor barn there is going to be a problem. I remember years ago I went to Cotton Wood at the end of Los Lentes, it was a rehabilitation center for alcoholics. It was a beautiful place and I don't think it bothered the people on Los Lentes at all. I visited someone there and it was a peaceful, rejuvenating place and I think my friend who was there recovered. If that is their goal to have a place like that then set it up so it is rejuvenating and if you need a gym or storefront or something else that would serve as well until you are ready to do it right then that would be my recommendation. The Comprehensive Plan is set up for activity centers where infrastructure is either available or easy to provide. I think it is the county's duty to provide a place for this organization. There is any number of places they could situate with the county's help. They have plenty of help already so why just because they managed to scrape enough money together to make a contract on some property, why use that inertia to force everyone else to go along with this half-baked plan.

**Mr. Dods:** My name is Walter Dods and I live at the end of Sandhill Road. I only want to reinforce what others have said in opposition. Nobody is arguing about the validity of the organization. The good heart and intentions of the organizers are not in question. The courage of the young men and women to both address their concerns and to get help to continue to be an asset to our community is not the



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question. The issue at hand is the negative effect the organization has already had on the local residence wellbeing. I live three miles away and I can hear the generator. It is not from 5:30 to 7:30, it is till 9:00 or later almost every night. Becky said thirty two cars in the parking lot at one point. I haven't seen that many but I have seen twenty five or more. It does not fit with what we have all designed and moved to this area for. Again there are many options and this is not one of them

**Mr. Christman:** My name is Ted Christman and I live at 79 Sandhill Road. My wife is Becky Dakin. I am in opposition. I think TNT Boxing is a phenomenal program. I see the dedication in Mario Tapia's eyes. We have spoken at length across our kitchen table trying to come some sort of agreement about water, electricity, and fencing. Unfortunately all of those attempts failed. After five weeks of no action We turned off the water and electricity. We were under no obligation to maintain that, they did not buy it and we did not charge them for it. April 16<sup>th</sup> occurred and my wife told me they were putting a boxing club next door and I thought it was a joke. I had no idea that you could put an operating business in the middle of our residential/rural residential area. I thought those zoning laws were there for a purpose. They are to protect the people that live in the area. We are unprotected.

**Chairman McCartney:** Hold on sir let me stop you right there. Were you here for the entire meeting?

**Mr. Christman:** I have been here since day one.

**Chairman McCartney:** Did you hear the definition that was given and approved by the attorney's in regards to a club? So your comment about how you can do this in an RR-2 zone is irrelevant.

**Mr. Christman:** The question is about that issue right there, when my wife called Mr. Martinez very concerned about this he said "Oh yes, by the way I am going to write a declaration and change the law" which is what he did.

**Mr. Martinez:** Mr. Chairman if I may, I did not change the law. What I did was make an interpretive memorandum of the law. As my position as Zoning Director I can interpret that law.

**Mr. Christman:** So in other words, he has the power to change anything you guys are trying to enforce. Is that correct?

**Chairman McCartney:** That is a good question.

**Mr. Martinez:** Mr. Chairman if I may. I don't feel I have the power to change any laws on the books. I have interpreted this as a land use that was not in a zoning category and I tried to find the correct procedure to follow this zoning designation.

**Chairman McCartney:** For you sir I think I understand his interpretation but I think when he gave his presentation the question I asked him was did he have this reviewed by the attorneys for the County and Mr. Martinez replied "yes."

**Mr. Christman:** As you say sir.

**Chairman McCartney:** I am just going by what I have heard here today.



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**Mr. Christman:** Be that as it may, on April 16<sup>th</sup> when TNT Boxing set themselves there and started doing that, there was no zoning at that time that allowed them to it. Then retroactively Mr. Martinez came in and reset the law. They didn't do it right and go through Planning & Zoning and say we want to do this and would like a conditional use permit so that we can. They just set up shop and now we are expected to pay the price for them to run their boxing academy. So I can just put anything out in my yard and I can have a business right out in the open.

**Chairman McCartney:** Sir I think it is on a case by case business and you are trying to engulf everything in to one because you are against it. We understand you are against it and understand why you and your wife are. But it doesn't mean that somebody can start a carnival next door. You obviously stopped by Mr. Martinez's and you are here for a public hearing. You have the right to your opinion just like they do. It is not like somebody is going to start a-whatever- on a piece of land the next day. Your (inaudible) avenue is wrong.

**Mr. Christman:** Then I will rescind what I said.

**Chairman McCartney:** Did they not come here before this board and present their case as you got to present your opposition? That is what democracy is all about.

**Mr. Christman:** I thought that we-my wife and myself-and our neighborhood had been driving this. We have written letters, made phone calls and we pushed and pushed and pushed.

**Chairman McCartney:** We are ultimately here and having the meeting. Maybe it didn't happen as fast as I am sure you would have like but we got here.

**Mr. Christman:** I simply want to say that I oppose this and do not believe that TNT Boxing belongs where it is at. If they move, if it stops, I will even support them. I will take money out of my wallet and help them out because I think it is a great program. Thank you.

**Ms. Jaramillo:** My name is June Jaramillo and I am a resident of Tome. I am opposed to this, not because of what they are trying to accomplish because I am a former educator. I can only imagine what these neighbors are going through. I live next to a property that has innocuous noise. The cell phone tower located right behind me has a generator that runs day and night and has destroyed my peace and quiet and my life and the property that has been held by family for generations. There is also a storage facility and a Family Dollar that were brought in into the middle of Rural Residential and Agricultural. Since they came in the traffic, the pollution, noise, neighborhood crime, and drug related crimes have increased. This type of facility will have the same type of impact whether we want to admit it or not. Second of all it is next to a religious site considered sacred to Christian and Non-Christian alike. The increased footprint and traffic will make it even more difficult for the Land Grant to take care of the Hill. There is also vandalism going on all the time. Does this mean that if this facility is approved is there going to be more police protection around our area? Are they going to enforce the noise ordinance? I don't think so. It does have to do with compatibility and what they are doing right there. I feel it is an inappropriate site for this facility. I am wondering what happened to their Peralta site. I feel it would be more appropriate in a village or township or city where they can be regulated. But not in a rural area where the seniors and livestock were there first. I would have found out what the general area





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was like and found out if it was compatible. This is in the middle of the greenbelt and we are trying to preserve the greenbelt.

**Chairman McCartney:** Are there any questions for Ms. Jaramillo? (There were none). Ok Mr. and Mrs. Adame you have heard the concerns and the opposition. Please try to address as many issues as you can. First I have a question. You moved these boxing rings in there April 16<sup>th</sup> and we are now at the end of June. Did you not realize that permits were required or a public hearing in any capacity?

**Mr. Adame:** Only what I spoke about with Mr. Martinez and everything was just pending. It wasn't that I was waiting on anything on my fault but waiting on the preliminary process of doing all of these things. As far as a permit for, I am guessing a business, again it was waiting on this and trying to define whether we were going to fit that area because we don't fit commercial and we don't fit rural residential so it was a waiting game.

**Chairman McCartney:** The fact that your club is a 501c3 organization, it is in actuality a business. I don't understand what is difference is. I worked for Valley Improvement Association. That was a business and they collected fees from all the owners of the properties.

**Mr. Adame:** There are different 501c3's. There are still 501c3's that have employee's and collect monies so that they can be paid and there are 501c3's that do not collect money in any way shape or form. There are 501c3's such as us that collect funding only to operate. So the definition of a non-profit is rather broad. There are non-profits that are not recognized by state or federal level. I am recognized by both. We are a true non-profit. We do not have any paid employees and do get funding whether it is from grants or dues from the youth but that is for operational expenses only.

**Chairman McCartney:** Ok go ahead and address the concerns that you heard hear today.

**Mr. Adame:** I was only told to address the questions you asked me. However, there are three that I particularly heard and one was noise; noise being a generator and vehicle traffic. I don't believe these individuals understand what they are saying themselves. As for vehicle traffic, there is more traffic on Sandhill Road than they realize and it is not us. You have the high school that has some kind of practice going on every day, even in the summer and those kids go through there every day. I see them.

**Mrs. Adame:** As for the noise. I am sure the county has some kind of noise ordinance that would regulate what kinds of noises are allowed out in that area and I believe our generator is in compliance. We do not operate past ten o'clock, which I am not sure what the cap on the noise is but we do want to adhere to the laws and if there is something specific that we are violating definitely bring it to our attention but we are operating only within a certain number of hours. We don't usually close past 9:30pm.

**Chairman McCartney:** What is the decibel level?

**Mr. Martinez:** Mr. Chairman if I may. Under § 92.21 Noise Nuisance (D) *Non-vehicular noise*. In areas zoned residential and commercial, and between the hours of 7 AM and 10 PM, the maximum permissible level of intrusive noise from non-vehicular sources is 80 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, measured at the property line. Between the hours of 10 PM and



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7 AM, the maximum permissible level of intrusive noise from non-vehicular sources is 70 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, measured at the property line. Therefore there is sound measuring that we can imply.

**Mr. Adame:** The only other thing as far as noise would be kids laughing and having fun. The other thing brought us is the site location. The reason we specifically chose that site is because I have kids from literally every part of the County and many of them don't have the funding to drive to Belen when they are coming from El Cerro, Meadow Lake, Los Lunas, or vice-versa. So we chose this spot because it is centrally located and equal for every family and it makes it easier for Mario and myself to transport the kids back and forth. It is ideal for us. As far as the last woman that was up here talking about security, just so the Commission knows, we open our facility free to all community service employees and we do have many police officers and fire fighters that do go there on a daily basis as well. So I think it's kind of safe.

**Commissioner Gurule:** As far as expansion, are you going to expand anymore?

**Mr. Adame:** As far as this location we do not plan on expanding. If anything we are going to refurbish the barn in order to make it better. As far as actual expansion, and wanting to expand into a youth community center, this place is not appropriate for that. That would be a true commercial size building for that.

**Mrs. Adame:** We operate year round and are not just a summer program

**Mr. Adame:** I never said that we are summer program. I specifically said that we have our slower days which are during December and January. The kids don't take breaks from delinquency.

**Commissioner Gurule:** What happened in Peralta?

**Mr. Adame:** I am not sure what the lady is talking about but when the club first started out it was in Peralta in 2007 and I said before we have moved all over the place. Every place we seemed to have moved, that kind of luck just seems to follow. It is usually a broken down facility and we go in there and people see cars and then other neighboring buildings next to us see there are people going in there so then they buy it and then the renter that we are renting from then wants to bump the price up and we can't afford that. For example we were in the SODA area and were there for about eight months paying six hundred dollars a month and as soon as SODA moved in all that stuff started happening they wanted twelve hundred a month. We are a non-profit and literally pay for everything out of our pockets.

**Mrs. Adame:** We paid for program from our pockets, the rent from our pockets when we first started.

**Commissioner Gurule:** Do you think in time you can get a grant and go to a bigger place?

**Mr. Adame:** I was going to address that and I don't want to seem confrontational but the opposition is just like "oh go for it the program is so great", but go somewhere else. Fine I get it. If they are so willing to help we'd be willing to sell the property back. Or they can help us out and if the generator seems so loud, it is only going to cost ten to twenty thousand dollars. Not that much right? If they are so willing to help us out then help us out. This organization has been here since 2007 in every way possible for the youth. Everybody is so for it yet so against it. They want to preserve the land, but for who?



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**Mrs. Adame:** I would like to also point out that on the map you can see that this used to be a roping facility and you can see from the configuration of the land so I don't see how they can say there wasn't this type of activity.

**Chairman McCartney** asked Commissioner Moran if she had any questions. (She did not.) So you don't have any utilities out there. Do you have a port-a-potty?

**Mr. Adame:** We do have a port-a-potty and we did plan on after July 4<sup>th</sup> which is our biggest fundraiser, which we should bring in about sixteen thousand dollars, we will get the well which is going to cost about six thousand dollars and the septic system which will be about fifteen hundred dollars. As far as electricity there is nothing I can do about ten to twenty thousand dollars unless everyone is willing to help us out.

**Chairman McCartney:** So concerning the married couple abutting the property, what I am hearing from you is that there is no hope for mediation.

**Mr. Adame:** There is hope for mediation but I am not the one taking all those pictures and creating conflict. I am too busy trying to take care of this here. I will sit down with them and try to make this better. But since this is an adjoining piece of property and I am not going to pay for everything and I hope they understand that.

**Chairman McCartney:** The reason I threw it out there is that people need to just get along. They have their property and their needs to be addressed also. They bought their property...

**Mr. Adame:** Three years prior to us. Yes sir.

**Chairman McCartney:** They have rights to and I commend you for what you do but we have to come to a happy medium somewhere.

**Mr. Adame:** The issue is the fence again. We were willing to put up the fence but it wasn't to their desired effect.

**Mrs. Adame:** We just don't have the money right now. They wanted it surveyed before we put up a fence and we had to wait for the surveyor and we paid for it out of our own pockets and so they are asking for the fence to be put up in time period that is not in our control. Then they turn off electricity and water which we were grateful that they gave to us. Then it was just shut off and we went to ask why and that is when things fizzled and did not have a desire to go talk to them anymore because they had all these stipulations and rules. They want things done a certain way and it should be done in a way we can both agree upon.

**Chairman McCartney:** Does anyone have any questions? Commissioner Moran do you have any questions? (There were none). I would like to bring up the property owners of the abutting property. I would like to ask you a question just for my own... Is there any chance of coming to a happy medium here? Or are you just absolutely... if they are given a time frame to get certain things done like the fence and the septic tank, could we all just get along?



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**Mrs. Dakin:** I do not see that TNT Boxing is compatible with the rural residential area that exists nor what we bought, nor what our understanding was when we moved there nor the fifty thousand dollar hit that we have already taken to our property value.

**Commissioner Baca:** So what you are saying is there is no way that we could somehow...because I know that this is a really worthwhile program and you have a very compelling argument also, and I read this book and I know what my duties are and I know that we try to do the best that we possibly can and I know we have to vote on this. Maybe we can table the vote on this so that maybe perhaps you can come together and see how we can get this program rolling and see how we can satisfy everybody so that we don't have to vote either yes or no. That is what we would like to see.

**Mrs. Dakin:** How could we come together when we know that the value of our home has gone down fifty...

**Commissioner Baca:** That is all I am asking and if you don't agree with that then it's ok.

**Mrs. Dakin:** How can you recover from that? We won't.

**Commissioner Baca:** We can understand that.

**Chairman McCartney:** The reason we cannot take that into consideration is we have nothing to prove that.

**Ms. Dakin:** I can provide that.

**Chairman McCartney:** What I am trying to get at is that at one point you folks were talking and were talking about building the fence, and obviously there was some disagreement over the type of the fence and the style of the fence and the height of the fence.

**Ms. Dakin:** That was never discussed nor the disagreement.

**Chairman McCartney:** That's not what were told in testimony today.

**Ms. Dakin:** Correct.

**Chairman McCartney:** So you are telling me the requestor of the application is lying to us?

**Ms. Dakin:** I have not seen the application so I don't know what is on it?

**Chairman McCartney:** What Mr. and Mrs. Adame testified to.

**Ms. Dakin:** That is correct. His understanding is not correct. Would you like to understand what happened?

**Chairman McCartney:** Yes ma'am.



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**Ms. Dakin:** We sat down with Mario Tapia on April 16<sup>th</sup> the day they moved in and asked if we would give free water and electricity from our house in exchange for them building a fence and he described what the fence would be made of. It would be fencing wire on the back field and the front field and a solid wood 6-8 paneled fence between the house and the barn because they are matching as far as the visibility. They are side by side. And we said “Well that is a pretty good deal for us. That is a lot of money on your part. Free water and electricity that comes from our house, that doesn’t seem fair.” He said “We are desperate and have the manpower and can build that fence, we need the fence and we desperately need your electricity and water.” So we said great and he said “We will make this our first priority and this will be the first thing that we will do.” So we said ‘Ok good deal.’ Five weeks went by that we were continuing to give free electricity and free water of there was no evidence of any kind that any progress on the fence was made. And yes, we did insist that the property be surveyed. They bought a piece of property with no survey and did not realize the electricity and the water to the barn came from our house. They were not very well represented by the realtor who was also acting as buyer and seller agent. So after five weeks we felt like fools and turned them off. I did talk to Mario and asked for his forgiveness because that was rude. So I asked for his forgiveness and he gave it. In that same conversation we talked about other problems such as keeping the gate open so the dogs are not safe in retaliation for what we did. They said they would and the gate has never been closed. We are not talking well to each other and I do not trust that they will do what they say they will do.

**Chairman McCartney:** I think that is what Commissioner Baca is inquiring. This rift is too big.

**Ms. Dakin:** Mediation is a very good idea. It would be nice to have a third party there and that is exactly what would be required because we are not going to sit down with them and they will not sit down with us. They have never called me with any of their concerns and I would like them to.

**Chairman McCartney:** I appreciate your time. Commissioners, as the Chairman I cannot make a motion. Unless you have anything else under discussion I will stand for a motion.

**Commissioner Louie:** Mr. Martinez could you please fill me in on what I missed.

**Mr. Martinez** filled in Commissioner Louie with a brief synopsis.

**Chairman McCartney:** Mrs. Gutierrez said she was neutral and they can always use some help. You have kids that want to play baseball. Whatever happens here today I would like to see some people out there get together. She has done nothing but keep that sacred place in act and everything else.

**Commissioner Gurule:** What will you do if this is not approved?

**Mr. Adame:** We will continue to operate somehow some way. We are survivalists.

**Commissioner Baca:** I would like to ask Mr. Martinez, if it so happens that we approve this as a conditional use will it go in perpetuity with the land? I know that you read that it was two maximum years of condition. However this one is different so I am not sure if it goes with the land.

**Mr. Martinez:** If you give me just a moment I can find the language that will help clear this up.





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**Chairman McCartney:** Even if it was allowed to go with the land, as a check and balance you can put a time frame on it.

**Mr. Martinez:** That is correct and there is a list of conditions that include but you are not limited to and that includes increasing required parcel area of yard dimension, limiting the height, size, location of building a structures, controlling the location and number of vehicle access points, increasing the road width, increasing the number of required off street parking or loading spaces, limiting the number, size and location or lighting of signs requiring fencing, screening or landscaping to protect adjacent or nearby properties, prescribing exterior finish or building thereto, and prescribing a time limit within which to fulfill any established condition and of course that reads these conditions may include but are not limited to.

**Chairman McCartney:** Anything else Commissioners? I will stand for a motion.

**Chairman Baca:** So we could put a condition if you would. But I know the other party doesn't want to (inaudible) but I thought that if maybe we put a condition that maybe perhaps you would accept something. I want to make sure that I do the best possible job that I can as a Commissioner and that I do my duty.

**Commissioner Gurule:** I make a motion to approve the Conditional Use with the time limit of establishing the utilities. We have to give them a time limit to get these things established.

**Chairman McCartney:** First of all do we have a second?

**Mr. Martinez:** I think it would be good if we can define exactly what the time limit for the utilities would be.

**Commissioner Gurule:** Would that include the fence?

**Mr. Martinez:** You will need to make a separate condition and be specific on that such as where you want the fence.

**Commissioner Moran** seconded the motion.

**Mr. Martinez:** There was a motion and a second to approve the Conditional-Use with the following conditions: the applicant has one year from date of approval to establish all utilities on property which shall include, but are not limited to, potable water, septic, and electricity.

### Approved 3-2

#### Roll Call Vote:

Commissioner Gurule	Yes
Commissioner Moran	Yes
Commissioner Louie	No
Commissioner Baca	No
Chairman McCartney	Yes.



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**7) Discussion**

**8) Next Meeting**

July 26, 2016 @ 3:00 pm

**9) Adjournment**

Motioned by Commissioner Gurule

Seconded by Commissioner Baca