

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION**  
**May 7, 2012**

**MINUTES**

**1) Residents to Address Commission (Non-Agenda Items)**

None

**2) Call to Order**

Chairman Garrison called the meeting to order at 6:30 pm.

**3) Roll Call**

Present were Chairman Garrison, Commissioners Eastman, Hulse, Craig and McAda. Also present Attorney David C. Chavez and Planning & Zoning Officer, Loretta K. Hatch.

**4) Pledge of Allegiance**

**5) Approval of Agenda**

Motion by Commissioner Eastman.

Motion seconded by Commissioner Craig.

Motion carried unanimously.

**6) Approval of the Minutes: April 2, 2012**

Motion by Commissioner Hulse.

Motion seconded by Commissioner McAda.

Motion carried unanimously.

**7) New Business**

**A. Request for a Conditional Use Permit as per Ordinance 10-1-11.E.2.h.**

Commissioner McAda asked to be recused due to Architectural Contractors, Inc. being a client of hers.

Chairman Garrison approved.

Swear in Attorney Matt Myers of Myers, Oliver & Price, P.C. address 1401 Central Ave. N.W., Albuquerque, NM 87104 on behalf of Bosque Farms Equities, LLC and WISE Recycling.

Mr. Myers states intent is for a recycling center that purchases and temporarily stores ferrous and non-ferrous metals. States there will be no scrap directly on the ground outside of the building. All stored materials will be in large roll off containers or within the building.

Mr. Myers agrees to comply with Ordinance 10-1-11.E.2.h. and 10-1-5.G. in regards to solid fencing.

States that there will be no off-site impacts that are disruptive to contiguous properties and there will be no bulk storage of hazardous materials. Any small amounts will be contained above ground in accordance with regulations and requirements of the Fire Dept. and FEMA.

Listed 6 conditions that must be met and believe that they have been met.

1.) Applicant must show ingress and egress to the property as well as the location of the proposed structures. They have shown this on the plans that they provided.

2.) Applicant must show off street parking and loading areas. They have shown this on the plans that they provided.

3.) All public and private utilities must be shown in reference to location, availability and compatibility. Claim to be in compliance and have already paid for sewer and water.

4.) Applicant must address whether there will be any noise, glare, odor and what the economic effects are on the adjoining properties. Believes they have been very careful to minimize the effects. No organic materials. Open from 9-5 6 days a week. No large noises involved with processing. Crushing of aluminum cans will take place indoors and not cause excessive noise. Large roll offs stored behind building to reduce visual impacts.

5.) Has to be a general compatibility with the adjacent properties.

6.) Must comply with all requirements of the New Mexico Environmental Dept. Claim they will comply. Will comply with any regulations from any imposing bodies.

They have erected the necessary public notification of development. Believe they meet the requirements.

Commissioner Eastman: Asked about NMDOT approved access and number of curb cuts.

Mr. Myers: Have notified and are working with NMDOT. States they have three curb cuts but will use two.

Show plans for curb cuts.

Commissioner Eastman :How many roll-offs will be on the property

Mr. Myers: He believes three roll-offs but defers to Mr. Karr.

Mr. Karr is sworn in. Fill Karr, Area Business Manager, WISE Recycling. 2525 Broadway SE, Albuquerque, NM 87102.

Mr. Karr: No more than three on the back lot at a time. Provides plenty of turn around time.

Mr. Myers: Most of the larger items will be put directly into the outside roll-offs. The aluminum cans and smaller non-ferrous items will be put in the inside of the building. When the public comes in they will go to the scale, be weighed, dump their loads, be weighed again, to determine how much they need to be paid. Unloaded items will then be collected. Ferrous items will be put in roll-offs and non-ferrous into the building.

Commissioner Eastman: Where will they dump this? On the ground?

Mr. Myers: No, on the concrete pad on the East side of the property.

Mr. Karr: That would be for steel items only. Ferrous is steel , non-ferrous is aluminum. Aluminums, copper, brass will go right in the building. The customers will back right up to the door, they'll go right in there. They will go into semi-trailers at the docks and be hauled out.

Mr. Myers: they will never be storing or dumping anything directly on the ground.

Commissioner Eastman: Since there are roll-offs and bins, will there be any more semi-truck trailers on the property?

Mr. Myers: Believes there will be at least one that will be backed up to the building so that when the aluminum cans are taken in they are put directly into the semi-trailer and when it is full it will be hauled off. Is that correct?

Mr. Karr: There's two docks on the back side of the building. There will be one possibly two trailers backed up to the docks. The docks are below ground level so they won't be too visible from the street.

Mr. Myers: That will all be done on the East side of the building, below grade to reduce visibility. Will look a lot nicer once building is up.

Commissioner Eastman: How long would you anticipate them sitting there before it got full?

Mr. Karr: There will always be a trailer at the dock. When one gets full they will bring in an empty one and take the full one off.

Commissioner Eastman: I did have a concern from a resident about semi-trailers being there more than 24 hours. That they should be hauled off by then.

Mr. Myers: I don't think that's a possibility, because that's the storage of the aluminum cans.

Commissioner Eastman: Next question about fence. You said you would be willing to construct a solid fence, which is required. You would definitely have to have a solid fence. What are you going to put?

Mr. Myers: there will be this fence. Currently it is a chain-link fence. Have spoken with Scooter Haynes and a fence manufacturer and we can put in slats into the existing chain-link fence to make it a solid fence.

Commissioner Eastman: I don't think that's allowed by our ordinance. I would have to re-check that, but I don't think that's allowed.

Mr. Myers: If it is not allowed we will do what it takes to make sure that we comply with the ordinance.

Commissioner Eastman: This fence will be how tall? The ordinance says 6 to 8 feet. How high are you going to make it?

Mr. Myers: We will make it 6 feet unless there are some concerns and then we could raise it a foot.

Commissioner Eastman: I think there are some concerns amongst the public because this type of business, because of the current rash of stealing of copper and other valuable things from buildings that they take and sell to recycling plants, that this building might attract some riff-raff, or people that would like to come into your business and steal something. I don't think a 6 foot fence is adequate to keep anyone out. I would like to see a very secure fence.

Mr. Myers: We will do what is necessary. We want it to be secure and block visibility, but there is a price concern. In order to have the business you can't put in a really expensive fence, but will put in what you think is necessary.

Commissioner Eastman: Will you be putting up security wire? Currently your fence has prison wire with barbwire on it sticking out.

Mr. Myers: It's a two way, on one hand it looks really bad but it's the security. Will defer to Mr. Karr. Will do what you want unless for security purposes.

Mr. Karr: I'm a victim just like everybody else. I don't like the look of barbed wire myself, but with the storage on the inside of the building, the barbwire is not that important. There's nothing outside to take.

Commissioner Eastman: Except the roll offs.

Mr. Karr: No one is going to go to that much trouble to steal steel.

Mr. Myers: The valuable stuff is not outside, it is in the secure building. I've done my research; the people who come with bad intentions is a very small percentage. They are worried about that themselves and that is why there are these rules and regulations that they will follow.

Commissioner Eastman: Is it less effective to have the barbwire to the inside of the property or to the outside of the property?

Mr. Karr: I would think it would be about the same. We can put up an electric fence or whatever, if they want in they will get in. It really doesn't matter. If you don't want the barb wire we can take it off.

Mr. Myers: Maybe Mr. Haynes has some information on fences.

Mr. Haynes is sworn in. Simon T. Haynes, Bosque Farms Equities, LLC. P.O. Box 9043, Albuquerque, NM 87119.

Mr. Haynes: I am not a fence expert and Mr. Karr may have more experience in that. We would like to do what our tenant and lease would like as well as the Commission.

Commissioner Craig: Are you going to have an alarm on the building or security system on it?

Mr. Karr: It will be an alarm plus security cameras.

Commissioner Craig: The valuable stuff is going to be inside?

Mr. Myers: Correct

Commissioner Craig: So they would have to get past a fence and break into the building and get past your security.

Mr. Myers: There are adequate provision.

Mr. Karr: There is 24 hour video monitoring on the property.

Commissioner Craig: You have already gone over some of the rules and regulations in the buying of the product. We have all heard about the copper thefts, I think I there have been some laws passed recently about some of the ways to handle that. If someone comes in with copper wire , you are supposed to document that transaction.

Mr. Karr: Correct.

Commissioner Craig: But that's it?

Mr. Karr: The new state statute that we have to follow is any regulated metal, we scan their driver's license into the system, take all their vehicle information and then record the transaction. My buyers are trained, if the scrap doesn't fit the individual we don't buy. It also depends with the local Law Enforcement as to what they would like us to do. In Albuquerque they want us to turn it away. In Belen they like us to buy it, get all the customer's information, call them and let them know so they can catch them. We haven't gotten that far here to see what you guys would like to do. My buyers are trained. If it doesn't fit the customer, you better start asking a lot of questions. If we do buy it, we have them on record. We have their vehicle. We have their picture, the stuff sitting in the corner. And we will help prosecute. We have to be licensed by the State, we have to have a Storm Water Permit. There's a lot of rues to follow. Hopefully with Law Enforcements help we will see the bad apples go away.

Commissioner Craig: Your intention would be to follow the rules and to go above and beyond what other scrapyards would have done in the past.

Mr. Karr: Without a doubt. Anybody who would like to come and look at our Broadway facility, to Belen, Roswell, we've got several facilities in Albuquerque. This is our Corporate, we run a tight ship, we run a clean operation. We don't want the thieves in there. We try to be good neighbors. We are trying to inject some money, keep the scrap from going into Albuquerque. We like people to be able to sell it here and keep their money here and save their gas, employ a few people and just be a good neighbor.

Commissioner Craig: Just to be clear. This is a receiving center and that's all you do is buy and receive, store it and then haul it off to a processing.

Mr. Karr: We call ourselves a Reverse-retail.

Commissioner Craig: That's all I have.

Chairman Garrison: Is that all you have?

Mr. Myers: I have nothing else at this time.

Commissioner Hulsey: I notice that you've got your Manager named. So who is the Manager of this new facility?

Mr. Myers: I don't know if at this point we yet have a Manager for the new facility. We know that the lessee or the person running the facility will be WISE Recycling. I don't think they have gotten far enough to have an Manager of the facility.

Mr. Karr: We have a Manager named.

Commissioner Hulseley: I don't have a piece of paperwork stating that WISE is the Manger. The paperwork I have is Simon Haynes which is the manager.

Mr. Haynes: I am Manager of the LLC., Sir.

Commissioner Hulseley: Ok.

Mr. Myers: I'm sorry. Maybe I did not respond correctly either.

Commissioner Hulseley: Important people are not listed on any of your paperwork in my book.

Mr. Myers: The thing is, the application was submitted on behalf of the owner of the property who is Bosque Farms Equities, Managed by Simon Haynes. I also have an authorization letter and a second applicant was WISE Recycling and are you the President of WISE?

Mr. Karr: I am the Area Business Manager.

Mr. Myers: The Area Business Manager of WISE Recycling.

Commissioner Hulseley: Ok. So there is a working agreement between the owner and WISE.

Mr. Myers: That's correct Commissioner. There is a lease in place between the owner of the property and WISE Recycling. It's a ten year lease to lease the property and operate it as a recycling center.

Commissioner Hulseley: So everything that WISE has stated is part of that lease, the owners is not involved in the business itself.

Mr. Myers: That's right the owner is simply the lessor. Of course anything that you guys promulgate, any zoning regulations and restrictions run with the land. So no matter who is there, be it a tenant, be it the owner, they are subject to whatever rules and regulations are in place including the Zoning regulations and they must comply with the site development plan and any rules in your ordinance.

Commissioner Hulseley: Right. Ok. So how high are those containers? What is the size of those container's?

Mr. Karr: I'm going to guess they are ten foot. Probably not, probably 9 foot.

Commissioner Hulseley: so they are going to be visible even with the solid fence. Right?

Mr. Myers: We are going to move them to the far, far East on the property.

Commissioner Hulseley: Are they going to be behind the building?

Mr. Myers: They are going to be behind the building. Correct.

Commissioner Hulsey: Are both of those spaces in the back lowered? Or is just one of them lowered?

Mr. Myers: They're both lowered.

Commissioner Hulsey: They're both lowered so you're going to have a pump, pumping that water out of there?

Mr. Myers: Absolutely if there's any water in there we will have it out of there.

Commissioner Hulsey: If it ever rains it's going to fill it with water. So my next question is then, where are your retention ponds shown on your site plan?

Mr. Haynes: The ponding will occur on the 30 foot DOT easement that is on the North side of the property. We have a 30 foot easement there on the property that is essentially unusable for development. We've designed a pond to retain some of the water. The existing run off as it exists currently will continue to flow into the DOT retention ponds that will be behind our property which is already discussed with DOT.

Commissioner Hulsey: You do have clearance for the drainage that is presently there to drain it to that.

Mr. Haynes: That is correct. We cannot increase existing flows in volume or cubic feet per second, so the amount of existing flow which they have calculated into their ponding capacity and we are allowed to continue the existing flows. Any new flows created by either the building or the material that is placed on the rest of the property will have to be dealt with onsite. We have planned for it.

Commissioner Hulsey: So it's gonna be in this 30 foot easement.

Mr. Haynes Absolutely.

Commissioner Hulsey: On the North side.

Mr. Myers: That's correct.

Commissioner Haynes: This whole area can be used for ponding.

Mr. Hulsey: And that's the third gate?

Mr. Haynes: Mr. Myers had mentioned the third gate, which we have no intention for use, but yes your correct it is for access to the DOT access to their easement for their construction maintenance.

Commissioner Hulsey: So all your property and all your everything is going to be on the South side of that private drive that's going back to the housing back behind?

Mr. Haynes: That is correct. Our property, the property that I have purchased for this project is to the South of that, there's that 30 foot easement that's a perpetual easement construction maintenance easement for the Department of Transportation and then on the South side of that of that easement is where the construction will begin. And use of the property will begin.

Commissioner Hulsey: Your fence that's going up is going to be directly behind the two residents that are there now.

Mr. Haynes: The residents on the South side? Is that..

Commissioner Hulsey: Right.

Mr. Haynes: Correct.

Commissioner Hulsey: I noticed your drawings don't have any stamps from CID or Mechanical Engineers or Electrical Engineers.

Mr. Haynes: If I may address that, the plans that were submitted to the Planning & zoning Department were submitted prior to submission to CID. Per the Ordinance that is the first step. Once we achieve the Development Review process the plans are submitted to CID. In fact we already submitted to and received a building permit from CID. In this case, because the project value is under \$400,000.00, New Mexico state allows an architect to stamp the plans, in this case we do not need any engineer stamp.

Commissioner Hulsey: Have you checked with Valencia County? Instead of CID?

Mr. Haynes: Valencia County no longer has a building and construction dept. so they referred us to the state.

Commissioner Hulsey: So they're not doing inspections.

Mr. Haynes: Correct. The state is responsible?

Commissioner Hulsey: So you're trying to say that projects at CID do not need stamps?

Mr. Haynes: Projects under a monetary value of \$400,000.00 do not need engineer stamps.

Commissioner Hulsey: That's something new for me so I'll have to check on that.

Mr. Haynes: I understand your concern but we have received and I believe we have with us a copy of the CID building permit.

Commissioner Hulsey: I've got, there's one submitted here that you have a permit but it's not stamped, it's not signed. I can't believe CID...

Mr. Haynes: If I may...

Mr. Myers: Commissioner, I certainly understand your concerns and I believe we can address those concerns here. What I had simply submitted was the site.

Commissioner Hulsey: Shown like that?

Mr. Haynes: Exactly.

Commissioner Hulsey: That's fine.

Mr. Myers: Great.



Commissioner Hulsey: We should have got copies of everything. Those signatures and everybody that looked at those drawings and that would have solved a lot of problems. You need an Electrical Engineer to make sure that the grinder is installed, the connections to the grinder is installed by the Plumber that's going to be doing the plumbing. The Village is only going to be installing the grinder in the ground and connect it to the pressurized system.

Mr. Myers: I apologize.

Mr. Haynes: I'm sorry can you ask that question again?

Commissioner Hulsey: The grinder.

Mr. Haynes: Who installs that?

Commissioner Hulsey: The Village installs the grinder.

Mr. Haynes: Correct.

Commissioner Hulsey: Your plumber connects to it.

Mr. Haynes: Correct.

Commissioner Hulsey: The Electrical Contractor does the electrical.

Mr. Haynes: Absolutely.

Commissioner Hulsey: And it needs 30 amp instead of 15.

Mr. Haynes: We have a 30 amp for it. Absolutely.

Commissioner Hulsey: Ok. Alright that's cut down a bunch of questions. Are you going to revise your drawings. It's got the typicals on it? So those drawings show the bathrooms just the way it is and everything. These drawings show...

Mr. Haynes: Typical is just a common term used on plans for typical construction. So in other words those were actually approved as the plan set that you have in front of you. There will be no revision to the word typical on those plans.

Commissioner Hulsey: I don't have any more questions.

Commissioner Eastman: I have a couple.

Chairman Garrison: Commissioner Eastman.

Commissioner Eastman: Concerning this 30 foot easement which you're going to use for the retaining ponds and waste water or drainage water. Is that 30 foot easement the Fegan's driveway?

Mr. Haynes: If I could...

Commissioner Eastman: Their driveway is on their property? And your easement is on your property?

Mr. Myers: Correct. Here's a survey.

Mr. Haynes: On the survey.

Mr. Myers: He knows more about it than I do.

Mr. Haynes: This here is Bosque Farms Blvd. as we sit, this is the Fegan's driveway here, shown as a gravel driveway. This is a survey done February 2012 I purchased the property approximately February 27<sup>th</sup>, so this is an up to date survey of the property.

Commissioner Eastman: So this is their driveway but this is your easement.

Mr. Haynes: Correct. It shows this easement is inside our property.

Commissioner Eastman: Second question. Is there any Gross Receipts effect to the Village of Bosque Farms from this business? It appears that you're buying stuff not selling stuff.

Mr. Myers: I don't know the answer to that question. Perhaps Mr. Karr does.

Mr. Karr: Most everything is shipped out of state, there is some tax, sales tax. I'm not sure how it is figured to be honest. Mostly our CFO does that but, most of it is reverse retail.

Commissioner Eastman: Ok. My last question, I guess, has nothing to do with the ordinance exactly. How come you tore down Fegan's fence to put up another one without even talking to them?

Mr. Myers: It's my understanding, Commissioner, that the fence was located on our property as demonstrated by the survey. However, I have contacted Mr. Fegan's attorney and said that we would happily discuss that, and if it was demonstrated that the fence was actually not on our property and we tore it down, would make that right. I've told their attorney that, simple as that. We are not trying to dodge that, you know, simple as that.

Commissioner Eastman: Ok. That's all I have.

Mr. Chavez: Mr. Chairman? Are you concluded with this part?

Chairman Garrison: We are concluded.

Mr. Chavez: Then I have a couple of questions. Mr. Karr, you listened to the testimony or the presentation by your attorney Mr. Myers tonight is that correct?

Mr. Karr: Correct.

Mr. Chavez: You've heard and understood everything that he has represented to Council is that correct?

Mr. Karr: Correct.

Mr. Chavez: You acknowledge that the representation that was made by your attorney were truthful and accurate and honest?

Mr. Karr: To the best of my ability that I know.

Mr. Chavez: Do you adopt those statements as being truthful and accurate to the Commission?

Mr. Karr: Sure.

Mr. Chavez: Mr. Haynes. You heard the statement that were presented this evening by Mr. Myers who's you're attorney acting for and on behalf of Bosque Farms Equities, correct?

Mr. Haynes: Correct.

Mr. Chavez: And you are the managing member of that entity, is that correct?

Mr. Haynes: I am the manager. I'm not a managing member. No.

Mr. Chavez: But you are the person that is authorized on behalf of this LLC to come before the Commission this evening.

Mr. Haynes: That's correct.

Mr. Chavez: You've heard the statements, the presentation that Mr. Myers made before this Commission this evening. Is that correct?

Mr. Haynes: I have.

Mr. Chavez: And were those statements made truthful and accurately as to what the operation is going to consist of.

Mr. Haynes: With the exception of two things. Mr. Myers represented I was President. We have corrected that. I am the manager. And secondly I would like to address Commissioner Eastman. You stated you have received a letter from DOT that only one driveway would be permitted. At this point I have not seen that letter and we are working with DOT. With the exception of those two things, I am confident in what Mr. Myers has represented and I do adopt it as my own.

Mr. Chavez: So then what is the status of the ingress and egress as Commissioner Eastman posed the question.

Mr. Haynes: As we know, the driveways exist, and have designed the property around the existing driveways.

Mr. Chavez: So if this is approved it would be subject to driveway approval. You understand that.

Mr. Haynes: You understand we are working with the Department of Transportation.

Mr. Chavez: Understand. But the representation that was made to the Commission you are going to have two points of ingress and egress.

Mr. Hayes: As it exists, yes, absolutely we have two currently.

Mr. Chavez: So the question is if this is approved by the Commission, that's the representations that were made, that is going to be part of your Conditional Use Permit that you're going to have two so are you going to have two?

Mr. Haynes: I am representing that we are working with the Department.

Mr. Chavez: So what ingress and egress do you have currently, that you can represent to the Commission, let me rephrase the question. On your application are you requesting one driveway and you're saying that's adequate ingress egress. Or are you going to represent that you are going to have two driveways for ingress and egress?

Mr. Haynes: We are representing that we are trying to utilize what exists.

Mr. Chavez: Ok so two.

Mr. Haynes: We are utilizing what exists and working with the department.

Mr. Myers: To answer your question, currently there are two. We believe that we are going to get two approved, however this can certainly work with only one ingress and egress. And if it comes to that it can certainly work just as well with one, but we currently have two.

Mr. Chavez: Because the Commission is going to make a decision on that this evening. And you've represented you have two ingress egress points, as you pointed out earlier. So it just needs to be clarified, what you're asking for and what's going to be approved because if you ask for two and we approve two. Then that's what you're going to be required to have on site. And it just needs to be clarified, just pointing that out. Don't want to have any misunderstanding.

Mr. Myers: Yeah. Certainly understand that. So I think the way to address that is that we want two, we are asking for two, if we can get two, great. If for some reason DOT says you can only have one, well then we think we can only have one, and we would move forward like that.

Commissioner Eastman: Ok. Let me clarify, because it does not state the number on the DOT letter.

Mr. Myers: Ok.

Commissioner Eastman: On the DOT letter, it says you can't have any new ones.

Mr. Myers: Yes and there's existing three exist.

Commissioner Eastman: Ok. It says. Here's exactly what it says. Owner is constructing improvements at the property to use the property as a recycling service center. Access to the property from HWY 47 will be by means of existing curb cuts and no changes or additions to the existing access points will occur. When I ask you about that, looking at your map, I only saw one driveway.

Mr. Myers: Ok.

Commissioner Eastman: I did not realize that you had more than one. So they're not going to let you have any more than what you already have, but if you already have them, that answers my question.

Mr. Haynes: That is correct. We are utilizing existing access points.

Commissioner Eastman: Ok.

Mr. Myers: Anything else?

Chairman Garrison: Do you have anything else?

Mr. Myers: I do not. Thank you very much.

Chairman Garrison: You may be seated.

Mr. Myers: Thank you.

Chairman Garrison: Are there members of the public who would like to speak to this request? Please come forward and be sworn in.

Swear in Loretta England, 1575 West Bosque Loop, Bosque Farms, NM 87068.

Chairman Garrison: In the future, Mrs. Hatch would you have the people who come up speak into the microphone so we can hear their names. Will you state your name again?

Mrs. England: I'll try. I'm nervous. My name is Loretta England. I know he had stated that they have a crusher in the warehouse or in their building. But I am wondering are the doors going to be closed when they're utilizing them or are they going to be open. And then also what the decibel level is going to be. I don't live near a recycling facility so I don't know what the noise level technically is. So I'm just kind of concerned about that because there are houses behind and I would assume that would kind of irritate people running even from 9 to 5 hearing it constantly. So that's one of my main concerns.

Mr. Myers: Commissioners. I could address in fact the exact level of the noise of the crusher. You're correct. There's a crusher inside the warehouse.

Mrs. England: Ok.

Mr. Myers: When it operates it's at 88 decibels. Which is the same as a motorcycle.

Mrs. England: Ok.

Mr. Myers: And it will be within the building and the only openings I guess will be on the, Mr. Karr, is it the, there will be an opening. Everything will not be shut when the machine is going. There will be one opening I believe.

Mr. Karr: Commissioners. There's two doors on the North side of the building that will be open during business hours. This machine runs a maximum of maybe an hour, hour and a half a day. You will not hear it outside of the building.

Mrs. England: Ok, so they won't even though there are going to be some doors open?

Mr. Karr: You will not. It's run so sporadically you'll never notice the noise.

Mrs. England: Ok. Thank you.

Mr. Myers: Thank you.

Chairman Garrison: Yes Sir. Please step forward.

Swear in Jeff Albright, 4611 Almeria Dr. NW, Albuquerque, NM 87120.

Mr. Albright: Thank you very much Commissioners I appreciate the opportunity to come before you this evening. I am council for the Fegan's, for Charlie and Nancy Fegan I'm going to ask them to say a few words here as well this evening. I just very recently, in fact as early as this morning, have spoken with the Fegan's about this particular issue and I've had the opportunity over a period of about four or five days to look through some of the material. I won't profess to be an expert on everything that's before the Commission but there are some concerns that I think that on behalf of my client that I would like to share with the Commission tonight. I did happen to have a conversation with both my colleague the attorney representing the applicant in this case and also with the Commission's Council, earlier today regarding this matter.

I'm here really to request that the Planning and Zoning defer the decision on this matter while my client Charles and Nancy Fegan, my clients have the opportunity to sit down, review the material that's before the Commission. Also as I expressed to Council for the applicant that we perhaps meet them and meet with Bosque Farms and look at some of the potential issues. As a basis for our own argument, I don't think the record is clear and is fraught with some decisions and with some facts that I think make a decision tonight somewhat arbitrary and capricious on the part of this Commission.

First of all is one of Notice. If you look at the sign that is posted, it took me a couple of days, in fact it took me some discussion with my colleagues council today to find out that this really wasn't Architectural Contractors application if you look at the sign as posted that's the only name that appears. No where do you see WISE Recycling, no where do you see the Bosque Farms Equities or any of the other participants in that. We've not had the opportunity, I'm sure the Commission has, but we haven't had the opportunity to look for example at what we now learn is a ten year lease by the lessor to the lessee to see what provisions and what those might have.

Additionally, moving things from the road so that they are less apparent to the road puts them right up against the heart of my clients property so even though they might be distant from HWY 47, the roll-offs and so forth appear to be that they are going to be toward the back of the building which is going to put them in close proximity to the homestead site of my clients.

In looking at the Conditional Uses, I think a couple of things do need to be pointed out when you look at the guidelines for a Conditional Use Permit. I think those were addressed by Council for the applicant when they talked about noise, glare, odor and the economical effects of the conditional use on the adjoining properties. Talked about how the hours were going to be de minimis by being between 9 and 5 Monday thru Saturday. That would minimize the effect. Also talked about the lack of organic compounds which would also reduce the effect of odors and so forth. However the economic impact, the economic effect on the adjoining properties, certainly there has been no estimation or evaluation as to what kind of adverse economic effect it is going to have on my clients property which immediately is adjacent to it. And I would think that that would be a prerequisite at least under the, what's labeled as, the minimum of guidelines that this Commission needs to consider when approving one of these, this particular application.

I think the fact that the Business License was granted prior to the hearing on Planning and Zoning requirements may or may not be an anomaly. I have not looked, had sufficient time to adequately look at that just yet, but I am concerned about that. And I think in the broader context, whether or not the Commission should or should not consider whether or not it's in the health and public safety of the community. I come down here quite frequently to Bosque Farms to visit my Mother and Father-in-law who live here in Bosque Farms and have for about a dozen years so I am pretty familiar with the area and the sense of community that you folks have. I also know not to long ago you folks looked at a long range planning issues and people wanted to make sure that you maintained the type of climate that you currently have within this community.

I have not, and again perhaps my fault, but I have not seen a final plat of the site. I don't know if that was just received by the Commissioners tonight or if that had previously been provided but certainly it's something that my client believes he should have the opportunity to review and assess with regard to the impact on their property. And so we are looking at a general compatibility, and really just not having had an opportunity by my clients to weigh in on this matter until this evening.

I would like to point out that if the Commission does decide to proceed, and go forward and approve this, this evening, and I think there's a lot of issues that still need to be resolved, Environmental Department, the Transportation Department, and get some of those things resolved.

I do want to point out that there is a provision within your Planning & Zoning for an Appeal of this decision which we would have every intent on doing within the next two to three days, if need be, if it is approved. And the way that the Ordinance reads as far as a Right of an Appeal of the Planning & Zoning Commission, that such an Appeal shall set forth specifically whether errors, abuse of discretion, or where interpretation, decision, or action was not supported by evidence in the record. And I think there's a number of evidentiary shortfalls in the sum of which I have already mentioned. And this appeal of decision by the Planning & Zoning Commission to the Council. And the guidelines are laid out pretty well in section 10-1-22 with regard to an appeal process. I don't need to belabor those now. One important aspect is that in an appeal, the appeal shall stay all proceedings in the action unless the Village Clerk/Administrator certifies that a stay will cause imminent peril to life or property. And I would not see that as being the case and condition that would be satisfied in this particular case.

And then if there is such a certification then the proceedings may be stayed by order of District Court. So again, we won't go through that, I just want to have the opportunity to have a look through all of the documents and make sure that things have been complied with, we think that there has been, whether it has been intentional or by accident, there has been some obscuring of the different entities, who's in charge, who is doing what, and particularly agreement between the parties.

So I won't take up more of your time. I will certainly stand for questions, but I would like Mr. Fegan to come up and just address his particular concern since the property runs, sits on the North and East of where this particular recycling plant that's going to be, will be offered.

Commissioner Eastman: Mr. Chairman.

Chairman Garrison: Commissioner Eastman.

Commissioner Eastman: I would like to state, in defense of the Village, all this plan has been available in the Village Office for at least two weeks. We've had it in our books for ten days, about ten days, when we get ours. When this issue first came up last month, which was a surprise to us, the plans were in the Village Office. So it was available to be looked at. I won't say that it wasn't available if somebody wanted to come in and look at the documentation.

Mr. Albright: Ok. I certainly accept that and understand that. Charlie?

Swear in Charlie Fegan, 1210 Bosque Farms Blvd.

Mr. Fegan: Hi everybody. I will try to make this short as I can. I have a few things, and I've learned a few things obviously tonight. I just found out tonight that I'm going to own a large piece of property next to a hazardous dump. When I came here tonight, I was very disappointed that I have now acquired a piece of property that I've had that is now turned into the equivalent of South Broadway, which is known in Albuquerque as Junk Yards, Recycling. That's what they call Junk Yards.

Mr. Chavez: The characterization of property, is probably unfair. It's more hostile to what we're here tonight, if you could keep your comments more directed as to why you believe and I think that you are talking to the devaluation of your property, rather than try to disparage other people, because they have every right to have the opportunity to present this project to the Village and they have done so correctly. They were very professional in the way they did it. And I'm just ask that you also make your comments directed more to your direct property and how it effects you, versus claiming this is a hazardous dump. There has been no indication of any type of hazardous dump. There's been no indication of another area that you might believe is a blight area that is comparable to this area here. And it would be clearer for the record and more proper to have your testimony received more factually based so they can make the decision rather than disparaging the project itself. Thank you.

Mr. Fegan: Thank you for your time. From this point forward I would like to keep my statement mine. Your attorney has his take on the matter and I have mine. So I am here to speak to everybody here, but I'm not here to get attorneyed by your attorney. Does that make sense? I think that everything that I have said the hazardous waste, I think that it needs to be documented. It came out of their mouth tonight, that they are going to meet all of the rules and regulations of the hazards. So if they are bringing hazardous materials whatever those rules and regulations are, is why the EPA and so forth, I'm not a hazardous waste professional, but they are going to meet those criteria. So now I'm living next to that. I think that I have a say in that. I also am confused on right now we are talking, and I am living next to this place, so it's not like I can't see it, this has been on record I guess for a few weeks here. The dirt work and the fence has been up longer than two weeks. I'm just at a loss at some of this, I mean, I know that we're going to get to some of these things, but we obviously, we're talking about tonight, I think some of their dumpsters were going to go to basically the North-East side of the property which is at our front door. They are going to be two or three feet higher than the fence, and that is where they are going to set, and this is my concern. This is why I am here today. I have this disposal site move into our backyard or our front yard, that's what I call it. And I also have the hazardous waste. I'm sure they will meet all those rules and regulations. I've been in Bosque Farms for quite some time, some twenty years and I feel that the direction of Bosque Farms wasn't this direction. And I hope you understand why I want fight for the wellbeing of Bosque Farms. I've been a resident here a long



time. I believe in the rural community. We have a horse arena and horses and that's why I am here. I'm kind of a little bit short here with this because they have already done the dirt work over a weekend. They have already put up their fence. They tore down our fence. And there is an argument, was it on their property line or our property line and I have a survey that shows that it was on ours and they'll have one that shows that it's not I'm sure, and I do have to say, that's probably the nicer quality surveying equipment they have today versus when it got surveyed last. But needless to say we're at this point. You can understand me being upset. Somebody's coming and tearing down our stuff. They're building this building and it looks like it's happening no matter what. And I just want to let you know that this is of great concern. Eighty-six decibels. Can I ask that?

Mr. Karr: Eighty-eight.

Mr. Fegan: Eight-eight decibels. That's having a Harley Davidson three hundred feet from your house. That's not having a Honda. That's having a Harley Davidson. By the way, I don't want to go on forever, but that's why we're here trying to get where everybody gets a little educated. They're building a building they said tonight. I am not aware, I am not an expert on code, but they are building a building where they dug a hole and they have to pump that out. I don't believe in any code there is, you can build something that you have to have an external pump to pump water out of your loading dock. All these things don't make sense. I just think we all need to have the opportunity to review these and bring them out in the open. And I know they've gone a long way. They've already put up a fence. They've already done their dirt work. And we're having our first meeting that I am aware of. So I believe that's all I have to say. Alright. Thank you.

Chairman Garrison: Thank you Mr. Fegan.

Mr. Myers: May I address the Commissioners just very shortly in response.

Chairman Garrison: Mr. Fegan, I would like to correct one thing. I believe your wife was at the last meeting.

Mr. Fegan: I was at the last meeting I believe too but, are we talking Planning & Zoning?

Chairman Garrison: You're the ones who brought an issue to us.

Mrs. Fegan: May I speak?

Chairman Garrison: If you come up and get sworn in you may speak.

Swear in Nancy Fegan, 1210 Bosque Farms Blvd., Bosque Farms, NM.

Mrs. Fegan: I was here April 2<sup>nd</sup> at the Planning & Zoning meeting. And I brought up the concerns because we had just, we were trying, well as I said that night, I was trying to do my homework, trying to find out what was going on. What you guys expressed to me was that you didn't know what was going on and Loretta who unfortunately just took over the job, it was like, it looks like, I think pretty close to the quote, it looks like there's things that Loretta needs to look into, is what I was told. We've been contacting the Village. I've been in there. We've been phoning. It's not like we have not been trying to do our homework. So yes I was at the April 2<sup>nd</sup> meeting but at that meeting my understanding when I left was that you guys knew nothing about this project. So I just wanted to clarify that.

Chairman Garrison: That's correct.

Mrs. Fegan: Ok. And in the meantime, since that meeting, we have been trying to find out stuff. Trying to figure out what's going on, what's right, what's wrong. I think my favorite quote from one of the realtors was that in her 27 years she's never asked by anybody to buy property located next to recycling center or a scrap yard. So I'm concerned about the value of our property but more as much the community too. This is not, as I stated in that meeting, this is not a direction that we thought Bosque Farms was going. Thank you.

Chairman Garrison: Anyone else who would like to speak to the Commission? Yes Sir.

Swear in Ronald Gigger, 1855 Murray Loop, Bosque Farms.

Mr. Gigger: One of the things I worked in the power industry for years. EPA is very hard to do anything with. Number one, the first thing that comes to mind if a person comes in with a Driver's License and a License Plate, the last eight years I've been working security, at least two a week wrong license plates on cars or no license plate what so ever. Driver's Licenses are the easiest thing to fake there is. That's easy.

Second, when they come in they said, the way I understood it they were going to put it on a cement pad what was in the material that they are bringing? Brake shoes, asbestos, water right in the soil. Contamination One Hundred percent. What's in the pipe that they bring in to sell? Do you take samples of what you receive? Now, today in your business. If a boiler tubing comes into there and they sell it, that's the most dangerous thing you can have. Any type of metal holds whatever it has on the inside, oil, chemical. Whatever it is. Now they or whoever takes it in, if they are not sampling anything then they don't. In the power industry number one brake shoes, which we had a fleet of about a hundred cars and trucks those brake shoes had to be put in bags. Asbestos bags buried in a pit that was lined so there is no contamination. You couldn't throw a boiler tubing away. They were buried. You couldn't throw wood away. It had to be buried. Because they didn't know what was in it. And almost all of these companies that do this, they do not sample anything. It comes in, it goes out. We'll be the ones that suffer in Bosque Farms by the contamination left over.

The other question is, is the roll-ons sealed? Where the water cannot drain to the ground? Because that pit, if they pump it over in that thirty foot pit next to it, that's right in our water. These things need to be looked at, and questioned long before it's approved. I thank you.

Chairman Garrison: Anyone else?

Swear in Lee Wharton 1320 Lillie, Bosque Farms

Mrs. Wharton: I haven't heard anything tonight about lighting. So I am wondering about the impact of lighting on adjacent properties.

Chairman Garrison: Thank you.

Swear in Virgil Proctor, 500 Mitchell Dr., Bosque Farms.

Mr. Proctor: One thing as Mr. Gigger was bringing up anything that goes into that ponding that then would go into the State holding pond, those ponds are supposed

to be sealed and that's part of the deal, but, if you'll notice in those ponds there's trees growing in them so they're not a hundred percent sealed. So that's one thing that I think as far as them dumping into that pond, I agree then you're going to have all kinds of stuff going, running off that property into those ponds which are not a hundred percent sealed. Because if they were a hundred percent sealed then trees roots couldn't be going down through them, anything else can go down there also. And the other thing is as far as the DOT easement, on our property we had existing driveways, but I don't know if they've gone far enough to get, I mean they want to know traffic count, I mean even though there is existing driveways on property, that still doesn't mean that DOT is going to approve those driveways for that type of traffic. Now is DOT signed off? Are they complete? That those driveways are adequate for this. I understand they were just submitted to them. They're approved?

Chairman Garrison: They have been submitted. And they had been approved.

Mr. Proctor: They have been approved for DOT for this type of business?

Chairman Garrison: Correct.

Mr. Proctor: Ok. But anyway, I think you should look at the run off on this and where is it going that is contained. Commissioner has a familiar look that she gives me when I'm applying for something.

Commissioner Eastman: Looking again at this letter, it actually is the application letter. We do not have any DOT letter. Loretta do we? The application letter yes.

Mrs. Hatch: Mrs. Eastman what I've been provided is via hand delivery is a notification use of existing access points, for the property at 1220 Bosque Farms Blvd. and it states that Bosque Farms Equities, LLC is owner of the property. Owner is constructing an improvement at the property to use the property as a recycling service center. Access to the property from HWY 47 will be by means of existing curb cuts and no changes or additions to the existing access points will occur. That's all that it states.

Commissioner Eastman: Ok but this is not from the DOT. This is the application to the DOT.

Mrs. Hatch: Our, the way that it is stated in our Ordinance is that we have to have proof that they have been notified.

Commissioner Eastman: Ok. So they have been notified but they haven't objected in any way.

Mrs. Hatch: No ma'am.

Commissioner Eastman: Ok. Thank you.

Mr. Proctor: That's all.

Chairman Garrison: Thank you. Anyone else? Ok. Mr. Myers you wanted to.

Mr. Myers: Thank you Commissioner. I'll make this pretty short. I just wanted to make it clear that Mr. and Mrs. Fegan spoke with my client Simon Haynes about twenty-one days ago. At that time he discussed the project with them, he gave them his cell phone number and said you know, call me if you want to discuss

this. That was at least twenty days ago. Of course we also submitted our application as required pursuant to Ordinance twenty days prior to this hearing. So it has been on record for at least twenty days here at the Planning and Zoning Office. I think it's also important to note that Mr. Albright talked about being cautious of arbitrary and capricious behavior. I think it's important to make it clear that New Mexico case law states that arbitrary and capricious behavior is that which is unreasonable or irrational. The fact that we are here today discussing this for an hour and fifteen minutes, I think goes to show that we are being very reasonable and very rational in looking through these Ordinances and comparing this. I think it is also important to note that when we have the Public speaking, certainly I know it's in their community and they are concerned but we also have to know that there has to be substantive evidence put into the record that directly goes against what we have said already and they have to demonstrate that in the confines of the Conditional Use Application and I don't believe that has been done today.

There was also a mention by Mr. Albright that there was some confusion on his part, his clients part, regarding which entities were involved. I believe we've clarified that today. The owners of the property are Bosque Farms Equities. The Lessee of the property will be WISE Recycling. Architectural Contractors is the builders who are going build the building. On the signs that were posted we submitted our application to the Planning and Zoning Office, they filled out the signs for us. We took those signs from them. And we posted them as we were supposed to pursuant to the ordinance. So that's how that got all about. And I think the signs were perfectly fine. Mr. Albright says he would like to take a look at the lease. I really don't think, one that they are entitled to do that you can't go and ask your neighbor to see the lease for his home, you're not entitled to look at that, but certainly I can understand his concern that the Lessee be subject to and adhere to the rules and regulations in place that you guys promulgate and that your decision today, and of course that will be binding on the Lessee because they were part of the application here as Mr. Karr testified and they are subject to the ordinances and regulations of the Village. So that is my little spiel there. I'm done unless you have any questions.

Chairman Garrison: Thank you Mr. Myers.

Mr. Myers: Thank you very much.

Chairman Garrison: Questions from the Commission or anybody?

Commissioner Eastman: Yeah, I have one more. Which Lee Whorton brought up about the lighting.

Commissioner Hulsey: I have the answer to that if you want.

Commissioner Eastman: Oh you have the answer.

Commissioner Hulsey: Yeah.

Commissioner Eastman: Ok. What's the answer.

Commissioner Hulsey: There's six metal headlight 150 watt lamps, bulb fixtures. Two on the North, two on the South, one on the East and one on the West. They are metal.

Commissioner Eastman: And are they shielded do we know according to, we do have some regulation relating to lighting, but I.

Commissioner Hulsey: They comply with regulation.

Commissioner Eastman: They do comply with the outside lighting?

Commissioner Hulsey: Yes.

Mr. Myers: Yes. Thank you Commissioner Hulsey.

Commissioner Hulsey: They are just like the ones at First Baptist Church. Which is according.

Commissioner Eastman: Oh, ok.

Mr. Myers: He knows this stuff better than I do so.

Commissioner Eastman: Ok.

Commissioner Hulsey: I saw it on the drawings.

Commissioner Eastman: As I said, I'm not an Engineer.

Commissioner Hulsey: They're mounted fourteen foot high on the building. And I think the building is a foot and a half above grade right now. At least that's where the grade is at, so that's going to make them about fifteen foot high.

Mr. Myers: And certainly we want to comply with your lighting ordinance, but also as long as we're still complying and we can put something there to minimize the amount of light that escapes, we can certainly do that.

Commissioner Eastman: Will those be on all night? I'm assuming.

Mr. Myers: Well, you know since the business hours are from nine to five, then I think for security purposes, we'll want some of those lights, you know, simple because as we talked earlier about the security concerns. I don't know, Mr. Karr, at your other facilities do you have those lights at least a few on at night for security concerns.

Mr. Karr: Correct.

Chairman Garrison: Ok, Commission. May I have a motion?

Commissioner Craig: Mr. Chairman, I make a motion that we grant the Conditional Use Permit as per Ordinance 10-1-11.E.2.h at 220 Bosque Farms Blvd. by Architectural Contractors for the purposes of a recycling center.

Commissioner Hulsey: Mr. Chairman.

Chairman Garrison: Yes.

Commissioner Hulsey: Do we need to put in there that all of the references made during this presentation will be incorporated.

Mr. Chavez: Mr. Chairman. What we would need to do is we would need to itemize all of the recommendations by the Commission as far as a Conditional Use Permit which would include the representations that were made as part of the presentation. We would need to do that part of the motion.

Mr. Hulsey: I believe the owner was going to come up with a solid fence and show us a solid fence that would be approved by the Commission.

Mr. Chavez: There's an issue and I'll just summarize the ones that I have. There are issues concerning, what you addressed which was during the presentation, was the semi-trucks would be out of sight. Number two they discussed the solid fence. Number three we discussed the drainage issues. Number four you addressed that their plans would be submitted with the proper approvals. We addressed the driveway issue. You addressed noise level. You addressed that the plant would be operated in accordance with State Law.

Commissioner Eastman: Lighting.

Chairman Garrison: What was the last one you read Councilor?

Mr. Chavez: The site would be operated in accordance with State Law which is the EPA regulations, rules and regulations. In that vein you have to address the issues of ponding, hazardous material, the sealed containers, the other issues that were brought up concerning the materials. So those would be covered. We would have to address the six different conditions that if the Council believes in the six different criteria were met and how they were met. That would be part two. And part three, we have to also address concerns that were raised with regards to notice, adverse economic impact and if the issues that were brought by the opposition rose to a level of health and safety. So if we want to take a brief recess.

Chairman Garrison: That would be very good. We'll recess for 10 minutes. Thank you.

Chairman Garrison: My call for recess was inappropriate.

Mr. Chavez: No. It was appropriate.

Chairman Garrison: I need to call instead, we need to go into Executive Session. And adjourn to that session so we may fully discuss and look at the issues as presented.

Mr. Chavez: And the reason we're adjourning into Executive Session at this time is on the basis of threatened Litigation for the Village of Bosque Farms concerning this particular matter.

Chairman Garrison: As stated by our Council.

Commissioner Eastman: I move it.

Seconded and unanimously in favor.

Chairman Garrison: Motion carries.

Chairman Garrison: Thank you for your patience. The previous. We are going to reconvene. The Planning & Zoning meeting at this time.

Mr. Chavez: You need a motion.

Mrs. Eastman: I move that we reconvene the Planning & Zoning meeting.

Commissioner Craig: Second.

Chairman Garrison: All in favor.

Unanimously in favor.

Chairman Garrison: All opposed.

Unopposed.

Chairman Garrison: Motion carries. We are now in session. The previous motion to approve the issue at hand is vacated because of lack of a second. And now the floor is open for a new motion.

Commissioner Craig: I make a motion that we approve the Conditional Use Permit as per Ordinance 10-1-11.E.2.h with the conditions listed by our attorney any findings and conclusions as he will now state.

Mr. Chavez: Thank you. The Commission would first of all thank the public for their input and also thank Council for well delivered presentations to the body. And the Council further appreciates the professionalism that was used in the presentations by all parties present.

The Commission discussed this matter and the Commission has made the following findings.

Number one, the application is proper and it is in a Commercial zone.  
Number two, proper notification on the application has been given.

Number three, the applicant has completed the requirements and they were received by the Village in a timely manner.

Number four, the application was available for review by the public at the Village of Bosque Farms.

Number five, the building permit is not before the Commission.

Number six, there is credible evidence or expert testimony of adverse economic effect on adjoining property owners.

Number seven, there was no credible evidence or expert testimony that the approval of the application would be harmful to the general health and welfare of the residents of the Village of Bosque Farms.

Number eight, there was no evidence of hazardous material that would be kept on this property that would not be in compliance with EID or EPA requirements.

Number two, the Village of Bosque Farms Planning and Zoning Commission recommends and approves the approval, and hereby approves the Conditional Use Permit for the Development Review/Floodplain Permit Application as follows.

A.) That the storage units, that two trailers, that two semi-trailers are permitted. That three roll off storage bins are approved. That the storage units will be kept at the East end of the property. That any salvage or scrap material will be unloaded on the appropriate concrete pads or in the inside of the building.

B.) Fencing. That a solid seven foot fence will be along the sides and the back if the property. That the applicant will contact the property owners Mr. and Mrs. Fegan to reach an agreement on the fence as agreed to by the applicant. The fence will be built in accordance with Ordinance number 10-1-5 d & g. Any security wire to be extended inside the property.

C.) Drainage. Applicant will submit a detail of the ponding and grading plan.

D.) Environmental compliance. Applicant will comply with all New Mexico Environmental development and Federal EPA requirements.

E.) Driveways. Applicant will have access to two driveways, a thirty foot and forty foot as indicated by the curb cut for ingress and egress.

F.) Noise. Eighty-eight decibels level will be the inside. The outside will not create a nuisance to the neighbors.

G.) Lighting. Applicants will provide a detailed plan to be submitted in accordance with section, with ordinance 10-1-5.F.

H.) Applicant to furnish the Village of Bosque Farms with approved CID

End of recording. Final copy of the Village of Bosque Farms Planning & Zoning Commission meeting of May 7, 2012 Finding of Facts, Conditional Use Permit Requirements and Findings of Compliance with the Conditional Use Permit Ordinance 10-1-5.J (C1-7) are attached. The above Minutes are not verbatim.

**12) Monthly Report**

No Monthly report for the month of March due to transition between Donna Baker and Loretta K. Hatch as Planning & Zoning Officer.

**13) Adjourn**

**PASSED, APPROVED AND ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

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Chairman, Dan Garrison

ATTEST:



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Planning & Zoning Officer, Loretta K. Hatch