SUMMARY: The applicant is requesting a Special Use Permit within a D1 Zoning District (Low Density Residential) to remove two conditions from an approved Special Use Permit (Case #SU09-015) that limits the number of dogs to fifteen (15) and prohibits the lease, transfer, or conveyance of the property to someone outside of the family. The applicant is also proposing a future kennel of five hundred sq. ft. (10’ X 50’). The 1.16-acre subject parcel is located north of W. Picacho Ave. and east of Shalem Colony Rd., is addressed at 3980 Sparrow Rd., and is within Section 9, Township 23S, Range 1E. It is described as U.S.R.S Tract 8-4C as recorded in the DAC Clerk’s Office in Book 10, Pages 65-66 on April 7, 1995, and can be further identified by Parcel Acct. # R0317529.

REPORT CONTENTS: (1) Cover Page, (2) Applicable Policies and Ordinances, (3) Staff Analysis, (4) Site Plan and Supporting Documents, (5) GIS Information & Maps, (6) Applicant’s Supplemental Documents, (7) Opposition Documents
**Surrounding Zoning and Land Uses**

<table>
<thead>
<tr>
<th>SITE</th>
<th>ZONING</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>D1-L – Low Density Residential - Limited to single-family site built and manufactured homes.</td>
<td>Agricultural uses with some residential</td>
</tr>
<tr>
<td>South</td>
<td>D1 – Low Density Residential, Single-family site built homes, mobile homes, and related uses necessary to serve residential areas.</td>
<td>Agricultural uses with some residential</td>
</tr>
<tr>
<td>East</td>
<td>D1-L – Low Density Residential - Limited to single-family site built and manufactured homes.</td>
<td>Agricultural uses with some residential</td>
</tr>
<tr>
<td>West</td>
<td>D1-L – Low Density Residential - Limited to single-family site built and manufactured homes.</td>
<td>Residential and agricultural uses</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

**Existing Conditions/Zoning**

The subject property is a 1.16-acre parcel located within a D1 (Low Intensity Residential, 1.0-acre minimum new lot size, single family site-built and mobile homes allowed) Zoning District. The property is surrounded (Pg. 50) on the north and east by large area farms under production. The property south of Sparrow Rd. is another large farm in production. The neighboring property adjacent to the west property line is the only residential house and property adjacent to the subject parcel on the east side of Shalem Colony Trail. The subject property is the site of a bird dog training and kennel business (Wrangler Kennels) authorized with the conditional approval of Case #SU09-015 in December 2009. The property has a water well (#LRG-8256-POD2) permitted by the Office of the State Engineer for livestock and the watering of vegetation on the grounds. Water is provided by a local private mutual domestic (Doña Ana MDWCA) for household uses. NMED approved septic system (DA120169) provides wastewater treatment for the property. Access is gained to Shalem Colony Trail (the closest County maintained roadway) via Sparrow Road, an unpaved private 18’ road easement to the subject parcel. A 25’ road easement is located (Pg. 17) within the southern boundary of the parcel.

**The Request:**

The applicant is requesting a Special Use Permit within a D1 Zoning District (Low Density Residential) to remove two conditions from the original, approved Special Use Permit (Case #SU09-015) that limits the number of dogs to fifteen (15) and prohibits the lease, transfer, or conveyance of the property to someone outside of the family. The applicant is also proposing a future kennel of five hundred sq. ft. (10’ X 50’).

**APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL**

1. Ordinance No. 287-2016, Unified Development Code
2.4 SPECIAL USE PERMITS (SUP)

2.4.1 General Provisions and Procedures
An applicant has the option of either applying for an Administrative SUP or proceeding directly to the P&Z to consider the SUP at a public hearing. The Zoning Administrator may administratively approve a special use permit if no written objections are received within 21 days from the date that notice is provided consistent with Section 2.4.3 provided all agency review comments are satisfactorily addressed. The notice shall identify the property and state the nature of the SUP requested, and shall also state that if no written objections to the SUP are received within 21 days of the date of the notice, the SUP may be granted administratively without a hearing. If written objections are received within the 21 day period, the SUP will be submitted to the P&Z for a public hearing. **Special use permits shall not be considered a zone change.**

2.4.3 Notice Procedure for Special Use Permits

b. SUPs Decided by Public Hearing:

i. Signs supplied by the CDD, shall be posted for a minimum of 21 days on the subject property, in conspicuous locations, in a manner that is reasonably calculated to notify adjacent property owners and passersby of the hearing for the proposed special use permit.

ii. Notice of public hearing shall be published one time at least 21 days prior to the date of the hearing in a newspaper of general circulation in the jurisdiction of the County.

iii. Notice of the SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.

2.4.4 Decisional Criteria for Special Use Permits
A proposed SUP must be consistent with the health, safety, and general welfare of the residents of the County per the intent of this Chapter. The Zoning Administrator, P&Z, and BOCC shall use the following general criteria when reviewing special use permits but are not limited to:

a. Potential traffic flows and impacts;

b. Need for new commercial or residential activity;

c. Potential water and sewer needs;

d. Existing infrastructure capacities and the ability of existing systems to accommodate new development;

e. Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life;

f. The impact of a proposed SUP on surroundings properties; and

2.4.5 Approval Procedures and Conditions
The Zoning Administrator, P&Z or the BOCC may approve, conditionally approve or deny the SUP with right of appeal in accordance with the provisions of Section 2.16 Appeals. Approval may be granted with conditions that are deemed necessary to ensure that the purpose and intent of this Chapter are met and to mitigate potentially detrimental effects of the SUP to surrounding properties. In addition to the conditions, a time limitation on the SUP may be imposed. If a Special Use has not commenced within, or is discontinued for, a period of 1 year, said permit shall automatically expire. All improvements shall be in accordance with the development standards applicable to the zoning district or community type, and Article 6, except as otherwise authorized by the SUP.

2.4.6 SUP Site Plan Revisions
Minor revisions to a detailed site plan, following final approval, may be subsequently approved by the Zoning Administrator without a public hearing. **Major revisions to the detailed site plan are subject to the same requirements as an original application and may require a public hearing.** Minor and major revisions to site plans are defined in Section 2.8.5 Site Plan Revisions.

2.8.5 Site Plan Revisions
The Zoning Administrator may approve certain minor revisions to the approved site plan as listed below. Major revisions and all other minor revisions require new agency review and approval by the appropriate approving body.

a. Minor revisions to dimensional variations less than 25% that shall be approved by the Zoning Administrator:
   i. additional parking or landscaping;
   ii. adjustments to the landscape buffer, lighting or signs;
   iii. non-structural changes to buildings; and
   iv. rearrangement of accessory buildings and landscaping.

b. Major revisions including dimensional variations of 25% or more, include but are not limited to the following:
   i. **change in land use or intensity**;
   ii. modifications of vehicular or traffic volumes and circulation;
   iii. modifications to pedestrian connectivity;
   iv. increase in size of property or **change in location or configuration of structures**;
   v. revisions to approved access, circulation, drainage, grading, frontage and height.

ARTICLE 7 - DEFINITION: SPECIAL USE PERMIT
Authorization for a specific land use that is potentially appropriate in, and compatible with other uses in its zoning district, but due to the scale and nature of the use, has the potential to make a major negative impact on other uses in the district.
AGENCY COMMENTS

**DAC Engineering:** 1st Review: 1) Follow Section 2.8.2 for detailed site plan standards. 2) Provide a Grading and Drainage plan. 2nd Review: 1) All stormwater runoff from all impervious areas must be contained within lot. Provide calculations. Ponds must contain 125% of required volume.

**DAC Flood Commission:** Pursuant to FEMA Flood Insurance Rate Map (FIRM) No. 35013C1078 G, the subject property is not located in a FEMA Special Flood Hazard Area. The property can be further identified as being in FEMA “Other Areas” Zone “X”, “Areas determined to be outside the 500-year floodplain”, with a very small portion of the eastern boundary being encroached by a “Other Flood Areas” Zone “X”, Areas determined to be outside the 500-year floodplain.” Please be aware the lot is susceptible to flooding despite not being located in a Special Flood Hazard Area.

**DAC Fire Marshal:** No comments.

**DAC Building Services:** Building Services has no concern on the removal of previous conditions. Permits will be required for alterations to existing accessory structure. Permits will be required prior to construction commencement.

**DAC Addressing Coordinator:** No comments.

**DAC Zoning Codes:** No zoning violations found.

**ACO Codes:** When I was called to this address it was in reference to the number of dogs on the property, as far as the kennels and the condition of the dogs, they are fine from what I have seen. There [are] no issues with anything. There have not been any noise complaints in this area or any issues with dogs from this property that have been reported to Animal Control. Officer Snow 2/22/18. On Feb.26 site visit at this address I did not see any issues or reasons they should not be approved. DAC AC Officer Jimmie Snow.

**NMED:** Wastewater Treatment and Disposal: If the applicant is discharging the waste from the kennels into a septic system, the system will need to get a permit through either the Environmental Health Bureau or Groundwater Bureau. Water Supply/Water Quality: The Drinking Water Bureau does not have any issues with the Special Use Permit. Property is greater than 3,800 ft. from the nearest PWS well. Solid Waste Disposal: The Solid Waste Bureau has no concern relative to solid waste matters. Surface Water Bureau: No comments received.

**NMDOT:** No significant impact to states highway system.

**CLC Planning Dept.:** No concerns. If property is annexed into the City limits property would require a zone change for compliance.

**Mesilla Valley MPO:** Shalem Colony Trail is a minor arterial requiring 100' R-O-W. Sparrow Rd. is a local road.

**EBID:** No objections.
State Eng. Office: 1st Review: Office of the State Engineer records show well LRG-8256-POD2 permitted for one household / livestock use in an amount up to 3 acre-ft./yr. If this well is going to be used in conjunction with a commercial operation then a permit to change the use of the well and metering will be required. Also, permit issued March 9, 2009 to drill well LRG-8256-POD2 required that old well LRG-8256 be plugged, however no plugging record has been received in our office that confirms the old well was ever plugged by a licensed well driller. 2nd Review: Mr. Gonzales was in contact with the District Office and clarified that his well, LRG-8256-POD2 will only be used for his livestock, lawn, and garden as permitted. City water will be used for the kennel business. Documentation showing the old domestic well LRG-8256 has been capped. There are no further concerns from our office in regards to this request.

PUBLIC NOTICE / NOTIFICATION

- Seventeen (17) letters of notification mailed to area properties on February 13, 2018.
- Agenda was posted in the Las Cruces Sun-News on February 11, 2018.
- Signs were posted on the property in a timely manner.
- Applicant submitted letters of support (Pgs. 24-30) and a petition in support (Pgs. 22-23) signed by neighborhood residents.
- An opposition letter and petition (Pgs. 43-46) with 16 signatures was submitted Feb. 28 by David Thompson.
- No other correspondence was received by staff in opposition or support of the Special Use Permit request.

STAFF ANALYSIS

Special Use Permit:
The Special Use Permit (SUP) application request to remove two conditions from the previously approved SUP (SU09-015/Gonzales) and to convert, in the future, an existing 500 sq. ft. (10’ X 50’) structure into another kennel. Staff considers the removal of the two conditions and the future addition of a new kennel structure a major revision subject to §2.4.6 (Pg. 4) of the UDC. New agency reviews (Pgs. 5-6) were obtained and a new hearing was scheduled to allow the P&Z Commission to review and make a decision on the new SUP proposal.

The original SUP Case # SU09-015, was conditionally approved in December 2009 and included five conditions (Pg. 19). The removal of two of those conditions is part of this SUP request. Condition #4 states, “A maximum of fifteen (15) dogs shall be permitted by this Special Use Permit.” Additionally, the applicant is requesting the removal of Condition #5 that states, “The Special Use Permit shall terminate when the property is conveyed, transferred or leased outside of the immediate family.”

On December 27, 2016 the applicant, in response to an Animal Controls action for too many dogs on the property, submitted a SUP application (Pg. 20) for a major revision to the original SUP (SU09-015). Two weeks prior to that submittal (Dec. 13, 2018) the DAC County Commissioner’s adopted the new Unified Development Code (UDC) with February 2, 2017 as the effective date. After clarification from the DAC Legal Dept. concerning finalizing all cases within the jurisdiction of the Extra-territorial Zoning Commission, the applicant
submitted a Zone Change request application (Pg. 21) on June 30, 2017. That Zone Change was dropped when the BOCC, on November 14, 2017, approved Amendment No. 1, Ordinance No. 294-2017 to the UDC, including amendments to Table 5.1, establishing the right to operate kennels in residential neighborhoods with the approval of a SUP. On January 16, 2018, the applicant submitted this SUP application request.

Original Conditions of SU09-015:

The applicant is requesting that Condition #4 (maximum of 15 dogs) be removed citing Section 134-15 (Pg. 36) of Animal Control Ordinance No. 266-2013. Section 134-15.C states, “Any commercial kennel, grooming parlor, pet shop animal shelter, state inspected veterinary facility or federally inspected laboratory facility, or zoo shall be exempt from the multiple animal site requirements and restrictions under this section.” He also states that a nearby kennel opened up after he received approval and had no comparable restrictions (SU15-007/Dickerson). The commercial kennel in question (Your Pet Space) is an indoor kennel located on W. Picacho Ave., within an EC2 (Community Commercial) Zoning District. This kennel does not breed and train bird dogs as Mr. Gonzales does. The conditions placed on that SUP addressed parking, location of an outside dog run, and a requirement for a 6-8 ft. fence, but did not include either a limit on the number of animals or a restriction to convey or sell the business outside of the family.

Condition #4 was placed on the Gonzales SUP due to some opposition to the kennel from some of the neighboring landowners because of the impacts of a commercial kennel. The ETZ Commission placed the conditions to the approval to mitigate the impact of the kennel by placing a limit on the number of dogs. Mr. Gonzales indicates, in his narrative, that there have been no dog barking complaints on the property which was verified by the Animal Control Office comments (Pg. 5). Mr. Gonzales has also submitted letters (Pgs. 24-30) from clients, some of his closest neighbors, and two veterinarians, one from the area and one from Los Lunas, that he uses in his business. A petition was also submitted (Pgs. 22-23) and staff prepared a map (Pg. 31) showing the location of the letter writers and petitioners. All complemented the kennel operation, the condition of the property, the dogs in his care, and some expressed concerns about the condition restricting the number of animals.

Mr. David Thompson (#8 on List) submitted a letter and petition (Pgs. 43-46), with 16 signatures, expressing their concerns for noise, disposal of waste, and the flies, odors and insects associated with the waste. A map (Pg. 47) produced by staff locates the signatories to the opposition petition.

The applicant is requesting the removal of Condition #5, “The Special Use Permit shall terminate when the property is conveyed, transferred or leased outside of the immediate family.” The applicant indicates (Pg. 14) that he is retiring and the operation of the kennel will be his full time job. He also states, “…none of the other commercial kennels approved in my zone have any of these restrictions.” He also indicates that the kennels are “a necessary and vital means of income for the family once I retire.” The ETZ Commission added this condition restricting the sale or conveyance of the business to anyone outside of the family because some in opposition were concerned that it would be considered commercial property if the property changed owners. Staff is not aware of other approved kennels in the area with a similar condition pertaining to restrictions on the sale or conveyance of the business to outside persons. Per §2.4.1 (Pg. 3) approval of a SUP does not constitute a zone change and as long as the kennel operation does not violate the Ordinance, Animal Control
regulations, or state or local laws the operation should be allowed with appropriate conditions.

The applicant is also proposing an expansion to the kennels with the future conversion of an existing 10’ X 50’ (500 sq. ft.) structure into another kennel on the west side of the parcel (Pg. 18). Accessory structures on the property include a 553 sq. ft. (41’ X 13.5’) slab with shaded kennels, a 1,008 sq. ft. (54’ X 20’) 3-sided and covered kennel with an enclosed welping area for puppies. Additionally, there are, two small sheds, 80 sq. ft. (8’ X 10’) and 180 sq. ft. (12’ X 15’), and a 500 sq. ft. (10’ X 50’) corral structure. The applicant is proposing to convert this structure, in the future, to another kennel. The total square footage of the existing and proposed accessory structures is approximately 2,393 sq. ft. which is below the 5,000 sq. ft. limit per Table 5.8 of the UDC, thus meeting the Code.

**Plan 2040**

The SUP request supports the following elements of the Plan 2040:


Mr. Gonzales states in his narrative and in the Decisional Criteria (Pg. 16) that many of his clients are from out of the area and when they do come into the area they stay in local hotels, eat at the local restaurants, and spend money with local businesses which enhances and bolsters the local economy.

Below is a brief recap of the §2.4.4 Decisional Criteria as submitted by the Applicant (Pg. 16) for the Special Use Permit: a) Traffic to the site is minimal as many dog owners are from out of the area and leave their bird dogs with the kennel for training. b) The demand for the kennels and bird and gun dog training services is high for this area. c) Water and septic infrastructure are adequate and will not be adversely impacted. Kennel waste debris is disposed of with Mesilla Valley Disposal and not put into the septic system. d) Existing kennels are adequate and theirs is ample room for the proposed new kennel. e) No known areas of historical significance, environmentally sensitive areas, or any endangered species on the property. f) Impacts to the neighborhood are mitigated by the location and orientation of the kennels. g) Applicant did not address this specifically, however meetings with Mr. Gonzales resulted in his agreement to follow all requirements as identified.

**2.4.4 Decisional Criteria Analysis** *(Applicant responses Pg. 16)*

**Staff analysis in bold.**

**a. Potential traffic flows and impacts:**

Traffic generated by customers is very light as many of the dogs are owned by out of area customers who leave the animals in Mr. Gonzales’ care for extended months while bird dog and gun dog training is undertaken.

**b. Need for new commercial or residential activity:**

The applicant states (Pg. 14) “…we have a very high demand for our pups and for gundog training for all different bird dog breeds…” The applicant indicates in his narrative (Pgs. 14-15) that he has clients from throughout the US and even international clients, his webpage has had over 1.5 million hits, and he is one of a
limited number of gundog trainers in this area and has 30 years experience training and breedingbirddogs. He submitted two letters of support (Pgs. 27-28) from veterinarians in the area and state praising the condition of the kennels and animals in Mr. Gonzales’ care. The original SUP restricted the number of dogs to fifteen (15) based on the Animal Control regulations in effect at the time. The applicant states that he misunderstood the regulations and the Ordinance and, at times, had many more dogs than the original SUP allowed demonstrating that there is a need for the kennels services.

c. Potential water and sewer needs:
Public water provided by Doña Ana MDWCA, will be utilized by the applicant for the operation. The water well on the site is not used in the operation of the business, rather for landscaping and vegetation on the property. Septic system is used for the residential needs of the owner and not for the kennel operation.

d. Existing infrastructure capacities and the ability of existing systems to accommodate new development;
The existing infrastructure is adequate for the proposed expansion of the business. Water is available from Doña Ana MDWCA, septic system is not utilized for the business, and Sparrow Rd. is adequate for the limited traffic generated by the operation outside of normal residential traffic.

e. Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life;
No known areas of historical significance or any endangered species have been discovered on this parcel as it has been residential in nature. The surrounding properties have been in agricultural production for many decades and any environmentally sensitive areas would be known.

f. The impact of a propose SUP on surrounding properties;
Impact to the surrounding property owners is mitigated by the placement and orientation of the kennels. Mr. Gonzales has stated during various meetings and conversations, that almost all of the training is done off site so noise is not a problem. He also points out that there have been no noise complaints against the property. ACO Codes verified this statement (Pg. 5) in their agency review comments. Mr. Gonzales’ clients are located all over the country. The animals are left at the site to be trained over several weeks or a few months and the traffic generated by these clients is light. Mr. Lithgow, Mr. Gonzales’ closest neighbor, submitted a letter (Pg. 24) in support of the kennel.

At the time of the Building Permit review by DAC staff, any Best Management Practices that are identified will be noted and included in the reviews and staff will work with the applicant and his contractor to ensure implementation of those practices.

Staff’s analysis of the ſ2.4.4 Decisional Criteria indicates that the request complies with the Decisional Criteria of the UDC Ordinance.
STAFF FINDINGS:

1. The property is outside of any incorporated municipal zoning authority and is within Doña Ana County, therefore the Planning & Zoning Commission has jurisdiction to hear this case.

2. Pursuant to §1.4.3.b, the Doña Ana County Planning & Zoning Commission shall receive, hear and make final determinations on applications for variances and special use permits as prescribed by, and subject to, the procedures established herein.

3. Public notice requirements have been met as prescribed in §2.7.1 Public Hearing and Approval.

4. The 1.16-acre subject parcel, owned by Mark & Crystal Gonzales is within Section 9, Township 23S, Range 1E, and described as U.S.R.S Tract 8-4C as recorded in the DAC Clerk’s Office in Book 10, Pages 65-66 on April 7, 1995.

5. The subject property is located within a D1 (Low Density Residential) Zoning District.

6. Special Use Permit Case #SU09-015 was conditionally approved by the ETZ Commission on Dec. 17, 2009.

7. Special Use Permit Case #SU09-015 includes two conditions: Condition #4: “A maximum of fifteen (15) dogs shall be permitted by this Special Use Permit,” and Condition #5: “The Special Use Permit shall terminate when the property is conveyed, transferred or leased outside of the immediate family.”

8. The applicant was the subject of an Animal Codes Enforcement case for exceeding the number of animals on the property per the original SUP condition.

9. A Special Use Permit is required for all major changes to an approved Special Use Permit site plan per §2.4.6.

10. The Special Use Permit conforms to the following elements of the Plan 2040:


11. The Special Use Permit meets the Decisional Criteria for Special Use Permits per §2.4.4 of the UDC.
STAFF RECOMMENDATION:

Based on the Findings of Fact, staff analysis, and the proposed Special Use Permit meeting §2.4.4 Decisional Criteria for Special Use Permits, staff recommends **Conditional Approval** of Case #SU18-002/Gonzales with the following condition:

1. Applicant shall file a Notice of Intent with the NMED Ground Water Quality Bureau.
### GENERAL APPLICATIONS

Pre-application meeting is required prior to filing application. Incomplete application will not be accepted.

<table>
<thead>
<tr>
<th>ZONE CHANGE</th>
<th>SPECIAL USE PERMIT</th>
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<tbody>
<tr>
<td>VARIANCE</td>
<td>SIGN PERMIT</td>
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<tr>
<td>APPEAL</td>
<td>AFFORDABLE HOUSING OPTION</td>
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<td>LEGAL-NON CONFORMING USE</td>
<td>CLAIM OF EXEMPTION</td>
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<tr>
<td>SUBDIVISIONS</td>
<td>MASTER PLAN/COMMUNITY TYPE</td>
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(Preliminary/Final/Summary/Vacation or Amendment)

Community Development Department (CDD) will assist and coordinate with applicants to ensure the efficient processing of application. For information on a your application, please refer to the attached resource list or visit donaanacounty.org/UDC

### SUBJECT PROPERTY

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<tr>
<th>Address: 3980 Sparrow Rd Las Cruces</th>
<th>Parcel(s) ID: R0317529</th>
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<td>Section/Township/Range: 9 T23 South, 1 East</td>
<td>Area of Property: 1.1572 AcreTract</td>
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<td>Existing Land Use/Zoning: ER 1.1572 D1</td>
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<td>Supplemental Information/Narrative: Attached</td>
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<td>Pre-Application Meeting Date:</td>
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<tr>
<td>WATER WELL PERMIT/SERVICE LETTER</td>
<td>SEPTIC TANK PERMIT/SEWER SERVICE LETTER</td>
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### APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Applicant/Agent: Name(1): Name</th>
<th>Property Owner(s): Name(1): Mark Gonzales Phone: 575-699-4501</th>
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<tr>
<td>Firm: Phone:</td>
<td>Name(2): Crystal Gonzales</td>
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<tr>
<td>Address:</td>
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<td>City: State: Zip:</td>
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### DEPARTMENT USE ONLY

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<tr>
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<th>Case Number: SU18-002</th>
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<td>Related Case (s): SU09-015</td>
<td>Proposed Use: Kennel, Commercial</td>
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<tr>
<td>Fee: $600.00 Receipt#: 7002447</td>
<td>□ APPROVED □ DENIED Date: / /</td>
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New file location will be listed.
1. Doña Ana County recognizes English as the official language for public meetings. By signing this agreement, I agree to provide translation services to any and all public or private meetings they are required to attend in the event that he/she does not speak English. Doña Ana County will not assume any liability either explicit or implied for the quality of the translation.

2. I certify that the information provided in this application is correct to the best of my knowledge.

3. I, the property owner of record of the herein described property, certify that I have seen and read the plans and statements presented with the application, and consent and agree to the filing of the application.

4. I, the property owner’s authorized representative hereby certify that I have obtained the owner’s permission to perform stated work.

5. If this application process requires a public hearing it is the responsibility of the applicant to attend such hearing. In the event that the applicant or representative cannot attend, a request for a continuance must be made prior to the day of the Hearing. Failure to appear or request a continuance will result in denial of this application.

Mark L. Gonzales
Signature of Applicant(s)/Agent
1/14/2018
Date

Mark L. Gonzales
Signature of Property Owner(s)
1/14/2018
Date

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
The foregoing instrument was acknowledged before me this 16th day of January, 2018, by
Mark L. Gonzales
Notary Public
My Commission expires: 05/04/2019

New file location will be listed.
Applicant’s Narrative (Pg. 1)

REASONS FOR SPECIAL USE PERMIT REQUEST

On December 17, 2009, the Las Cruces Extra-Territorial Zoning Commission approved us on a 7-0-0 vote for a Special Use Permit, Case #SU009-015, to operate a commercial bird dog training and kennel business along with a future proposed kennel building site. At the time, we only had a 6-kennel operation and the special use permit was approved with conditions.

Since December 2009, we have grown and our business has flourished both in the need for top bred hunting dogs and for gundog training. In 2010, we added and built the approved kennel building site. It is a 54 ft. x 20 ft. kennel building on a cement slab that includes a 20 ft. x 12 ft. temperature controlled heated and cooled whelping area. The whelping area is fully enclosed and the rest of the kennel structure has a metal cover, backing and siding. The building has electrical and lighting and is a first-class structure for dogs costing over $25K. The structure was constructed and placed in a way to best minimize and muffle noise and lighting. We still have the original kennels on cement now measuring at 25 ft. x 15 ft.

Due to our growth and expansion, we are requesting for the removal of the fifteen (15’), dog limit, Case #SU009-015 (#4) along with the removal of (#5) which reads “The Special Use Permit shall terminate when the property is conveyed, transferred or leased outside of the immediate family”. It is my understanding that none of the other commercial kennels approved in my zone have any of these restrictions. One of those commercial kennels was approved after our SUP was issued and their distance is approximately just over a half mile away from us. It only takes two or three minutes to arrive there from our location. In addition, we are requesting approval for a proposed future kennel site to accommodate any further kennel needs. If approved, the new proposed kennel site will be approximately 50 ft. x 10 ft. and will be covered and strategically placed in a location to direct sound and lighting away from neighbors.

I am very proud to say that we have not had one single complaint from Animal Control or customers since starting our commercial kennel business in 2009. My wife works out of our home and is there most of the day in case the dogs should bark or need any care. I will also be retiring from PERA on May 31, 2018 after 25 years of service so I will be home to care for the dogs as well. This will be my full-time job and a necessary and vital means of income for my family once I retire. My wife and young kids are involved in the operation of the kennel and my children are learning the moral value and responsibility of having a family business and taking care of our dogs.

As mentioned, we have a very high demand for our pups and for gundog training for all the different bird dog breeds. There are not very many people that train gundogs. It is a rare trait so the need for it in our area and specifically NM is quite high. I have 30 years of professional experience both in breeding and training gundogs. Our breeding stock is out of national field champion stock and we must maintain quite a few dogs just for the breeding aspect of the business. We are not a puppy mill, as we specifically breed only the bloodlines that I have spent years establishing and perfecting. Our pups have been placed coast to coast in the US as well as foreign countries such as Spain, Canada and Mexico. We have had bird dogs come as far away as New York, Minnesota and California for training at our kennel. I do all aspects of bird dog training from puppy to complete gundog training including obedience. Our website has over 1,500,000 hits since starting it in 2009. This kennel is very successful but more than that we
are a top notch professional operation. We take great pride both in the care of our dogs and the daily cleaning, sanitization and appearance of our kennels. It is worth pointing out that we also bring business into Las Cruces/Dona Ana County. Our clients from out of town stay at our hotels and eat at our restaurants and come here to hunt upland birds with their dogs.

Some people may have a concern on the removal of the 15 dog limit. However, I want to point out that I have had as many as 50 dogs at any given point since 2014. It was not done purposely but rather by misinterpretation of policy on my behalf. In January 17, 2014, Dona Ana County Animal Control put out a new animal control ordinance. Section 134-15 specifies that “Any Commercial Kennel” shall be exempt from the multiple animal site requirements of the fifteen (15) dogs. I have included a copy of that ordinance with my paperwork. I was not aware that the ETZ Planning and Zoning requirements on my special use permit took priority over their policies. It was not until November 2016 during a scheduled meeting with Animal Control and Steve Meadows of Planning & Zoning that I became aware of this. Understandably, there was some general confusion with Animal Control that arose from all of this regarding commercial kennel aspects within the two entities (ETZ & Animal Control). I want to point out that I filed for a SUP to help resolve and remediate this issue on December 27, 2016 shortly after the meeting between Animal Control, Steve Meadows and myself. Then I followed up with a UDC application June 30, 2017 but all of this has been prolonged until now due to the on-going change in amendments. We have been trying to get in compliance with the correct paperwork and we are also following the requirements set forth on my special use permit on any further expansion beyond the approved site plan (#3).

I want to reaffirm to the UDC & the Las Cruces Extra-Territorial Zoning Authority that we will make every effort to continue forward in a positive manner with our kennel operation and not have a negative impact on our neighbors. We will continue to do everything in our power to divert noise and lighting away from our neighbors and make sure to keep conscious of this at all times. Thank you very much for your consideration.
2.4.4 Decisional Criteria Responses

2.4.4 Decisional Criteria for Special Use Permits

a. Traffic flow will be very minimal. Dogs that are in training are left for long periods of time from 3 to 6 months so there will be an occasional drop off and pick up date for dogs in training. Any in between sessions or follow ups regarding the training of client dogs are scheduled on weekends along the Rio Grande or other public lands so that clients can see the progression of their dogs there. This eliminates most all traffic flow to our property. There may be an occasional pick up of a puppy to be sold but the majority are flown out of state via El Paso International Airport.

b. I have raised and trained bird dogs for over 30 years. All my dogs are out of national champion field bred stock. There is a big demand for professional gundog training and breeding superior bird dogs both in the Las Cruces area and New Mexico in general. We have large vast quantities of public upland bird hunting opportunities in our area. There is a large number of bird hunters wanting trained gundogs that would justify the need for it. Gundog training is a rare niche and I only know of one other professional trainer in the Las Cruces area. There is a general lack of gundog trainers in other states as well as we have had a demand to train gundogs from many different states.

c. There is no significant change due to small scale operation. I have both city water and a domestic well. I clean and dispose of the waste daily and it is hauled away weekly by Mesilla Valley Disposal.

d. I have a 54 ft X 20 ft covered kennel with backing and siding on a cement floor. I have plenty of room to add another 50 ft X 10 ft kennel structure as I reside on a 1.16 acre parcel.

e. None known to my knowledge.

f. & g. I have a large drive way and access to my property. The current 54ft X 20 ft kennel structure we have has metal backing and siding to help minimize and muffle sound and lighting away from neighbors. We have also strategically placed the kennel so that it faces towards open farm land away from any nearby neighbors. If approved, we also plan to do the same with the proposed 50ft X 10 kennel structure. The metal backing and siding will help detour and muffle sound and lighting away from neighbors and we will face that kennel towards open farm land.

Mark A. Gonzales
Survey of Parcel
Close-up of Survey
SU09-015 Approval Letter W/Conditions

DECEMBER 21, 2009

Mark Gonzales
3980 Sparrow Rd.
Las Cruces, NM 88007

RE: Status of Case #SU009-015

Dear Mr. Gonzales,

The Las Cruces Extra-Territorial Zoning Commission (ETZ), at its regularly scheduled meeting on December 17, 2009, approved your request, by a 7-0-0 vote, for a Special Use Permit, Case #SU09-015, to operate a commercial bird dog training and kennel business within the ER 3M Zone (Residential, 1-acre minimum new lot size, single-family site-built and mobile homes) at 3980 Sparrow Rd., Las Cruces, NM 88007. The subject property is located within Section 9, Township 23S, Range 1E, is described as U.S.R.S. Tract 8-4C as recorded in the Office of the Doña Ana County Clerk in Book 10, Pages 65-66 on April 7, 1995, and can be further identified by Map Code #4-003-134-266-430. The request was approved with the following conditions:

1. Applicant shall file a Notice of Intent with the NMED Ground Water Quality Bureau.
2. Obtain Business Registration to bring business into compliance with Doña Ana County Ordinance.
3. Any further expansion beyond the approved site plan shall require review and approval by the ETZ Commission as a revision to this Special Use Permit.
4. A maximum of fifteen (15) dogs shall be permitted by this Special Use Permit.
5. The Special Use Permit shall terminate when the property is conveyed, transferred or leased outside of the immediate family.

Please retain a copy of this letter for your records to verify approval of your Special Use Permit in the event any questions arise. There is a thirty-day (30) appeal period from the hearing date that must elapse before the decision of the Extra-Territorial Zoning Commission is official. If no aggrieved party to this decision appeals to the Extra-Territorial Zoning Authority (ETA), within the allotted thirty-day (30) period, the Special Use Permit will go into effect on Monday, January 18, 2010.

Please contact me at 525-6121 if you have any questions.

Sincerely,

[Signature]

Steve Meadows
ETZ Planner
## Las Cruces Extra-territorial Zoning Authority
### Las Cruces Extra-territorial Zoning Commission

### APPLICATION FOR SPECIAL USE PERMIT

**APPROVAL OF THIS PERMIT DOES NOT CANCEL OR REPEAL ANY DEED RESTRICTIONS OR COVENANTS THAT MAY APPLY TO THIS PROPERTY. It is your responsibility to check for deed restrictions and covenants that may be filed with the County Clerk. If you do not follow deed restrictions or covenants, affected property owners may sue you in Court.**

**APPLICATION FEES:**

(Effective 12-04-2007)

- **Non-Commercial:** $350.00 + postage
- **Commercial:** $600.00 + postage

---

### Section 1: Applicant Information:

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Telephone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark &amp; Crystal Gonzales</td>
<td>575-649-4501</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>Applicant's interest in property (owner, buyer), Property owner of record must consents to SUP request.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3980 Sparrow Rd., Las Cruces, NM 88007</td>
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<table>
<thead>
<tr>
<th>Agent of Applicant (if any):</th>
<th>Telephone Number:</th>
</tr>
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<tbody>
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</tbody>
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<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>Signature of Agent:</th>
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### Section 2: Property Information:

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Lot / Block / Tract #:</th>
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<tbody>
<tr>
<td>3980 Sparrow Rd., Las Cruces, NM 88007</td>
<td>UCRST Tract 8-4-C</td>
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<table>
<thead>
<tr>
<th>Location of Property by Streets (directions):</th>
<th>Current Zoning:</th>
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<tbody>
<tr>
<td>230 ft. East of Shaken Colony; 3/10 mile from Shaken Colony to Picacho</td>
<td>ER 3M</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section, Township, Range:</th>
<th>Land / Lot Size (acreage):</th>
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<tbody>
<tr>
<td>9,234 South / East</td>
<td>1.16 acres parcel 1</td>
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<table>
<thead>
<tr>
<th>Name of Subdivision:</th>
<th>Uniform Property Code Number (13 digit number assigned by Assessor's Office):</th>
</tr>
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<tbody>
<tr>
<td>N/A</td>
<td>4-002-134-366-430</td>
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</table>

<table>
<thead>
<tr>
<th>Does property have direct access to County/City or State Roadway (Specify):</th>
<th>If property is accessed by assessor, attach subdivision plat or plat of survey.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shaken Colony</td>
<td></td>
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</table>
 Zone Change Application Jun. 2017

--- GENERAL APPLICATIONS ---
Pre-application meeting is required prior to filing application. Incomplete application will not be accepted.

<table>
<thead>
<tr>
<th>Application Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE CHANGE</td>
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<tr>
<td>SPECIAL USE PERMIT</td>
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<tr>
<td>VARIANCE</td>
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<td>SIGN PERMIT</td>
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<tr>
<td>APPEAL</td>
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<tr>
<td>AFFORDABLE HOUSING OPTION</td>
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<tr>
<td>LEGAL NON CONFORMING USE</td>
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<td>CLAIM OF EXEMPTION</td>
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<tr>
<td>SUBDIVISIONS</td>
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<tr>
<td>(Preliminary/ Final/ Summary/ Vacation or Amendment)</td>
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<tr>
<td>MASTER PLAN/ COMMUNITY TYPE</td>
</tr>
<tr>
<td>(Small Village/ Village/ Town/ Neighborhood/ Urban Center)</td>
</tr>
</tbody>
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Community Development Department (CDD) will assist and coordinate with applicants to ensure the efficient processing of application. For information on your application, please refer to the attached resource list or visit donaanacounty.org/UDC

--- SUBJECT PROPERTY ---
Address: 3980 Sparrow Rd, Las Cruces, NM 88007
Parcel(s) ID: 130C265
Subdivision: N/A
Reception #: N/A
Book/Page: N/A
Lot Number(s): N/A
Legal Description: see attached Deed
Section/Township/Range: 9 T23 South, 1 East
Area of Property: 1.1572 acres
Existing Land Use/Zoning: ER 3M
Proposed Land Use/Zoning: Attached
Pre-Application Meeting Date: W
WATER WELL PERMIT/SERVICE LETTER
SEPTIC TANK PERMIT/SEWER SERVICE LETTER

--- APPLICANT/AGENT ---
Name(1): Mark Gonzales
Phone: 575-649-4501
Name(2): Crystal Gonzales
Address: 3980 Sparrow Rd
City: Las Cruces State: NM Zip: 88007

--- DEPARTMENT USE ONLY ---
Date of Application:  
Case Number:  
Related Case(s):  
Proposed Use:  
Fee: $______ Reception #:  
□ APPROVED  □ DENIED  Date: / /
Petition In Support (Pg. 1 of 2)
Petition In Support (Pg. 2 of 2)

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diana Messingale</td>
<td>Diana Mes...</td>
<td>6685 Shalem Colony Tr.</td>
<td>2/13/18</td>
</tr>
<tr>
<td>Leo Evans</td>
<td>Leo Ev...</td>
<td>2775 Shalem Colony</td>
<td>2/13/18</td>
</tr>
<tr>
<td>Monta Medina</td>
<td>Monta Med...</td>
<td>2225 Shalem Colony</td>
<td>2/13/18</td>
</tr>
<tr>
<td>John D. Segale</td>
<td>John D. Seg...</td>
<td>3585 S. Alamo Rd.</td>
<td>2/20/18</td>
</tr>
<tr>
<td>Brenda Lewis</td>
<td>Brenda Lew...</td>
<td>1395 Shalem Colony Tr</td>
<td>2/21/18</td>
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<tr>
<td>Fred Johnson</td>
<td>Fred Joh...</td>
<td>1427 S. Alam. Tr.</td>
<td>2/21/18</td>
</tr>
<tr>
<td>Francisco Mendez</td>
<td>Francisca Mend...</td>
<td>1765 Shalem Colony Tr</td>
<td>2/21/18</td>
</tr>
<tr>
<td>Crystal Gonzales</td>
<td>Crystal Gon...</td>
<td>3980 Sparrow Rd.</td>
<td>2/22/18</td>
</tr>
<tr>
<td>Mark Gonzales</td>
<td>Mark Gon...</td>
<td>3980 Sparrow Rd.</td>
<td>2/22/18</td>
</tr>
</tbody>
</table>
February 08, 2018

To Whom It May Concern:

My name is Steve Lithgow and I reside at 1900 Shalem Colony Trail. I am the closest neighbor to Mark Gonzales and the only neighbor that borders a residential property to his residence at 3980 Sparrow Rd. He is surrounded by large plots of farm land on all other directions to his property.

I have known Mr. Gonzales for more than twenty years and I have no problem or issues with his request for a new kennel site permit. I also have no issues with his request to remove the existing conditions #4 & #5 on his original Special Use Permit #SU009-015. I understand that one of those existing conditions limits Mr. Gonzales to 15 dogs.

I am in full support of Mr. Gonzales for the removal of the 15-dog limit. I feel that a commercial kennel permit should allow for more dogs. Mr. Gonzales is responsible, and has the experience and the professional knowledge needed to run a commercial kennel business without these restrictions. He also has a great kennel facility to meet that demand for his dogs.

Regards,

Steve Lithgow
1900 Shalem Colony
January 25, 2018

Dear Dona Ana County Board Members:

Mark Gonzales has asked me to write a letter on his behalf and I am more than happy to do so. I am the closest neighbor to Mr. Gonzales’ northern property boundary. There is farm land between our properties.

I have never had any issues what so ever with Mr. Gonzales and his dog kennels. Mr. Gonzales has been a great neighbor. He has a very clean and professional facility and takes exceptional care of his dogs.

I support Mr. Gonzales in the removal of his 15-dog limit & the condition that specifies his special use permit will terminate when property is conveyed, transferred or leased outside of the immediate family. I am also in support of Mr. Gonzales adding a new kennel site building for his commercial kennel business.

Eileen McKeen
2210 Shalem Colony
Feb 22, 2018

To whom it may concern.

I Mark Galione am the closest neighbor to Mark Gonzales on his eastern boundary.

Mark operates Wrangler kennels.

My wife and I are in full support of the removal of the 15 dog limit.

The kennel is very very well maintained. The animals are well cared for and do not cause any sort of problem in the area.

It is my understanding that the ordinance for animal control does not limit the commercial kennel to a 15 dog limit.

We are in full support of Mark and his endeavors.

He is a great neighbor, always supportive and steps up to the plate any time it’s needed.

Mark and Parney Galione
3630 Sparrow Rd
Las Cruces, NM 88007
575-523-0926
February 15, 2018

To Whom It May Concern,

I am writing this letter in support of Mr. Mark Gonzales and his request for the removal of any restriction regarding the number of animals housed at his permitted commercial kennel.

I know Mr. Gonzales by way of his bringing his animals to our facility for veterinary care. The animals have always seemed to be well cared for and any recommended treatments were performed. His dogs are an investment and he protects them as such.

Mr. Gonzales has operated a kennel at some level for about 30 years and has provided an excellent environment for the dogs. Kennels and runs are much larger than provided at many facilities and provide protection from the environment.

It is my understanding that the county rules for a commercial kennel permit do not limit the number of animals housed. Several boarding and daycare kennels currently operate in the county and far exceed 12 animals on most days and during holiday periods exceed that limit by a very large margin. Most of these are in areas with a much higher human population density than Mr. Gonzales’s location and generate few if any public complaints.

In summary, I feel that it is unjustified to impose more stringent limitations on Mr. Gonzales than can be supported by the county regulations as well as being more restrictive than those imposed on other commercial kennels operating in the county.

Sincerely,

Richard K. Johnson, Jr.  DVM
McDougal (DVM) Letter

Los Lunas Animal Clinic

donald J. MacDougal D.V.M. & William C. Thompson III D.V.M. Ph.D.

February 2, 2018

Re: Mark Gonzales of Wrangler Kennels
SU18-002/Gonzales

Sirs or Madams of Dona Ana County,

I wish to provide a personal and professional reference for Mark Gonzales, owner of Wrangler Kennels, in Dona Ana County. This man has the utmost respect in the greater South West for raising and training Pointing dogs, all pure breds. Mark has spent the majority of his adult life, 30+ years, as a true dog professional. He only breeds the finest bird dogs and usually to bloodlines which hold various championship titles.

Having personally toured and used this kennel for my own dogs, I believe it's the top kennel in our region. It is always clean, sanitary, and safe. The design and construction are superior for a dogs well being and it's well located in a rural country setting where no one else would ever be bothered by its existence.

Due to the elite nature of theses bloodlines, litters are only produced occasionnally, but can quickly sky rocket the actual number of dogs in any kennel before they are sold. For this reason, limiting the number of dogs in quality, professional kennels like Wrangler defeats the purpose of owning and operating a business like this.

As a top breeders vet in New Mexico, I firmly believe in Wrangler Kennels today and its future expansion. New Mexico needs kennels like this one. They are few and far between in the land of Enchantment. Grant the Gonzales family the permits needed to expand and keep this great family business alive and growing.

If any questions arise, please feel free to contact me (505) 865-4604.

[Signature]

Donald J. MacDougal D.V.M.
Dona Ana County
845 N. Motel Blvd.
Las Cruces, NM 88007

1/29/2018

To Whom It May Concern,

I am writing this letter on behalf of Mr. Markus Gonzales, owner of Wrangler Kennels, located at 3980 Sparrow Rd. in Las Cruces, NM. I am acquainted with Mr. Gonzales both through our working relationship as well as a client of his kennel operation.

I met Mr. Gonzales through our current employer approximately three years ago. It was then that I found out Mark was the owner of Wrangler Kennels. I began discussing his operation with him as I was looking at obtaining a hunting dog for myself. After a year or so, I purchased my first hunting dog from Mr. Gonzales and have been very pleased with not only the demeanor of my dog, but also his health, stamina, and drive to hunt.

I have worked with Mark on training my dog for a little over a year. During this time, I have observed his diligence and attention to the animals he works with. He is always cognizant of the need for them to rest and cool down in the warmer months, as well as ensuring they all stay hydrated.

I have visited the kennels themselves on several different occasions and have noted how clean and well kept his property is. My dog has stayed on the premises while being trained and I have absolutely no worries when having to leave him there. One of the veterinarians where I take my dog has even commented on how well run and clean Mark’s operation is kept. He mentioned to me that he thought it was probably the best run kennel in the County.

If you have any questions, or would like more information about my experiences in working with Mr. Gonzales and Wrangler Kennels, please feel free to contact me @ 575-649-1242.

Sincerely,

Robin Lawrence
Whitlock Letter

To Whom It May Concern:

My name is Candice Whitlock. I was a former employee at Animal Haven Lodge & Salon at 3027 N Valley Dr, Las Cruces NM 88007. As part of my job duties I was in charge of cleaning and sanitizing dog kennels, bathing dogs, feeding and watering dogs, and prepared dog kennels for overnight stays. This facility was for both lodging overnight and for daycare. There was no dog limit as long as it was a safe and clean environment place for the animals. There was approximately 30 dog runs and outside spaces for the dogs to run and play.

Sincerely,

Candice Whitlock

[Signature]
Locations of Supporting Petitioners and Letter Writers

Location of Petitioners & Letters (L) in Support

Location of Subject Parcel

P&Z Commission March 8, 2018
Case # SU18-002 / GONZALES
Page 31 of 53
DAC ACO Codes Document

Animal Control / Codes Enforcement | Doña Ana County

VICKI LUSK
845 N. Motel Blvd.
Las Cruces, New Mexico 88007
Phone: (575) 525-8848
Fax: (575) 525-8853
TDD: (575) 525-5951

Our mission is to provide efficient and quality service to the citizens of Doña Ana County by providing protection for them and their property from the dangers and nuisances caused by stray animals, to protect pets from the cruelty they may face from irresponsible citizens, and to educate the public in the responsibilities of pet ownership, animal control, care, and welfare.

The purpose of this site is to provide the residents of Doña Ana County with information about animal control services and ordinances. Simply click on the section in which you are interested. If you have any questions regarding our services or the County ordinances please feel free to e-mail us at: ACO_Codes_Questions@donaanacounty.org

Service hours for Animal Control – 7 a.m. – 10 p.m. 7 days a week (10 a.m. – 6 p.m. on holidays)

Overnight On-Call (for emergencies only) Injured animal, dogs attacking livestock or bites to humans - Officers that are on call overnight receive calls from dispatch. The resident would need to call the non-emergency dispatch number 526-0795 and choose option 6.

If your pet is missing you can contact the Animal Services Center of the Mesilla Valley, (575) 382-0018.

Important Documents Regarding Animal Control

- Animal Control Permits and Pet License Fees - (PDF - 78Kb)
- Animal Services Center of the Mesilla Valley: http://www.las-cruces.org/departments/ascmv
- New Animal Control Ordinance (Effective Jan. 17, 2014) - (PDF - 1.3mb) (External Link)

EXTERNAL LINKS will be redirected to the GENERAL CODE website. Please be sure to Click on the "New Laws" tab on the left to check for recent Amendments to the Doña Ana County Code.

https://donaanacounty.org/animal

1/19/2017
tight receptacle, which shall be emptied frequently and in such a manner so as to prevent a nuisance or health hazard.

(1) Such receptacles shall be securely covered at all times except when opened to dispose of the animal waste.

(2) No animal waste shall be permitted, either intentionally or unintentionally, to accumulate except in such receptacles.

D. Public Defecation. A person owning or having charge, custody, care, or control over an animal shall not permit the animal to defecate on public property or the property of another unless such animal waste is immediately removed and properly disposed of.

§ 134-12. Found Animals.

A. A person shall not, without the knowledge and consent of the owner, hold or retain possession of any animal for more than twenty-four (24) hours without first submitting a Found Animal Report to the ASCMV.

(1) A person having possession of such an animal shall immediately surrender the animal to the Animal Controls Officer upon request.

(2) A person having possession of such an animal shall allow the animal to be scanned for the presence of an Identification Microchip by the Animal Controls Officer immediately upon request.

(3) If the animal remains in the custody of the finder and the owner of such animal fails to submit a Missing Animal Report with the ASCMV within seventy-two (72) following the submission of the Found Animal Report, the finder may thereafter claim ownership of the animal.


A. No person shall keep or operate a puppy mill. This section shall in no way be interpreted as applying to the ASCMV.

ARTICLE IV
Permitted and Prohibited Animals and Density Restrictions


A. Intact Animal Permit. A person owning or having charge, custody, or care over an intact dog or cat shall obtain an Intact Animal Permit from the Animal Control Unit for each intact dog or cat owned, whether or not the person intends to breed the animal.
(1) The permit application shall include an accurate physical description of the animal, and, if applicable, licensing and/or microchip registration information.

(2) The permit applicant shall pay the Intact Animal Permit fee before a permit may be obtained. The permit holder shall, thereafter, pay an annual Intact Animal Permit fee.

(3) The permit shall apply solely to the animal specified on the application.

(4) The Intact Animal Permit fee shall be refunded to the permit holder if the intact dog or cat is sterilized within ninety (90) days of the issuance of the permit.
   a. Proof of such procedure shall be submitted to the Animal Control Unit.
   b. Proof of sterilization shall consist of a written certificate by a veterinarian stating that the animal has been sterilized, or that sterilization would be an unnecessary surgical risk for the animal due to its age or physical condition.

B. Litter Permit. A person owning or having charge, custody, or care over a dog or cat and who intentionally or unintentionally breeds the animal shall obtain a Litter Permit from the Animal Control Unit for each litter born.

(1) The permit application must be submitted within ten (10) days of the birth of the litter.

(2) The permit application shall include an accurate physical description of the parent animal(s).

(3) The permit applicant shall pay the Litter Permit fee before a permit may be obtained.

(4) The Litter Permit fee shall be refunded to the permit holder if the reproducing dog or cat is sterilized within ninety (90) days of the issuance of the permit.
   a. Proof of such procedure shall be submitted to the Animal Control Unit.
   b. Proof of sterilization shall consist of a written certificate by a veterinarian stating that the animal has been sterilized, or that sterilization would be an unnecessary surgical risk for the animal due to its age or physical condition.

(5) Permit Number. Each Litter Permit shall include a unique Litter Permit Number provided by the Animal Control Unit.
   a. The permit holder shall not advertise, barter for, sell, or give away any puppy or kitten unless the applicable Litter Permit Number is displayed legibly in all advertisements.
   b. The permit holder shall furnish the Litter Permit Number to any potential recipient or Animal Controls Officer upon request.
(6) **Litters per Female per Year.** A person owning or having charge, custody, or care over an intact female dog or cat shall not allow or permit intentionally or unintentionally the animal to produce more than one (1) litter in a consecutive twelve (12) month period.

§ 134-15. **Multiple Animal Site Permits.**

A. No person shall operate a multiple-animal site without a valid permit. A person may obtain a permit under the conditions in Subsection B, after satisfactorily passing a pre-permit inspection, payment of the appropriate permit fee, and proof of business registration, if applicable. The operator shall post the permit in a conspicuous place on the premises. Permits are not transferable. Animal shelters, commercial livestock operations, state inspected veterinary hospitals, federally inspected laboratory facilities, and zoos shall be exempt from this section.

B. Permittees shall:

(1) Submit to post-permit inspections of the premises.

(2) Maintain animals in suitable enclosures. Where animals are maintained in pens, cages or runs for periods exceeding 24 hours, they shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Such cages holding cats must contain a litter box.

(3) Provide adequate weatherproof housing in all permitted premises with proper ventilation and temperature, and sufficient lighting and shade.

(4) Restrain animals by adequate fencing maintained at all times to contain the animals, or by the use of tethers or chains that are tangle-free, well-fitted, and equipped with a swivel device for attachment to the animal's collar or harness.

(5) Make provisions for the removal and proper disposal of animal and food waste, soiled bedding, dead animals and debris. Animals shall be removed from cages and protected from water and cleaning agents during cleaning. Disposal facilities shall be operated in a manner which will minimize vermin infestation, odors and disease. Adequate drainage shall be maintained.

(6) Eliminate excessive animal noise.

(7) Segregate, by sex, unneutered adult animals, except where otherwise indicated for health, welfare or breeding purposes. Animals shall be housed in compatible groups.

(8) Segregate diseased or injured animals.
(9) Provide all animals with clean, fresh, sufficient and wholesome food and potable water. Such water shall be available at all times. Food and water containers shall be kept clean.

(10) Provide sanitary, pest-free storage of food and bedding.

(11) Observe each animal daily. Programs for disease control and prevention shall be maintained. Sick, diseased, injured, lame or blind animals shall be provided with appropriate veterinary care. Humane euthanasia will be provided when necessary. The person in charge who suspects an animal of being rabid shall immediately notify the Animal Control Supervisor or his designee and segregate the animal.

(12) Limit the number of adult dogs or cats, or any combination thereof, as follows:
   a. The maximum allowable number of dogs, cats, or any combination thereof is fifteen (15).
   b. For sites with six (6) or fewer dogs, cats, or any combination thereof, no multiple animal site permit shall be required.

(13) Spay or neuter all cats and dogs except where the owner has a valid litter or intact animal permit for such animal.

(14) For animal shelters and professional animal establishments, shall keep a record of animal inventory, disposition, and inoculations.

(15) Comply with all applicable zoning regulations, including, but not limited to, use restrictions associated with specific zoning categories and restrictions on the total number of animals that may be kept on a parcel. If any provision of this section is in conflict with the provision of any applicable zoning regulation, the provision of the zoning regulation shall control.

C. Any commercial kennel, grooming parlor, pet shop, animal shelter, state inspected veterinary facility or federally inspected laboratory facility, or zoo shall be exempt from the multiple animal site requirements and restrictions under this section.


A. Outdoor Rehabilitation Aviary. A special permit is required by any person to keep or maintain an outdoor rehabilitation aviary. The County codes enforcement department will not issue this special permit without proof of a license issued by the federal government and the state department of game and fish.
February 16, 2017

Mark Gonzales
wranglerkennels@hotmail.com

RE: Representation Agreement

Dear Mr. Gonzales:

This letter will confirm the engagement of the Carrillo Law Firm, P.C. (the “Firm”) to perform legal services for you (the “Client(s)”), in connection with your planned zoning application. It also sets forth the terms upon which our firm will provide legal services to the Client(s), and the manner in which we will charge for services rendered and costs and expenses incurred. The Client(s) acknowledge that our firm is not your general counsel and that acceptance of this engagement does not obligate us to represent the Client(s), related entities, or their business interests in any matter not set forth herein.

Fees and Costs

Our charges for legal services are based on the amount of professional time spent on the matter, unless we have made other written and mutually approved arrangements with you. Statements for our services are the product of the hours worked multiplied by the hourly rates then in effect for the attorneys and professional staff performing the services.

Our hourly rates for attorneys or other members of the professional staff are based upon years of experience, degree of specialization and level of professional attainment. The Firm has the right to exercise its discretion in the staffing of your matter. Staffing decisions are based on many factors, including area of expertise, efficiency for the client, availability of staff members, including lawyers, and evolving needs of the assignment. Collaborative work is encouraged where the use of a different lawyer or staff member will advance the interests of the client or promote efficient and more cost effective handling of the assigned matter. For this matter, the hourly rates are $295 for Karen E. Wootton. The rate for paralegal time also depends on skill, experience, and the task assigned. The assigned paralegals in this matter bill at the hourly rate of $70. These rates are reviewed periodically and are adjusted from time to time with prior notice to you. As required by law, gross receipts tax will be added to all fees. Fees will be billed in one-tenth hour increments for all time devoted to the engagement, including time spent on correspondence, telephone
Representation Agreement  
February 16, 2017 
Page 2

 calls, meetings, research and analysis, document review, document preparation, document organization, travel, depositions, preparation time, court appearances, and other related work. We are not requiring a retainer, but we reserve the right to request a retainer in the future. You will need to pay monthly invoices as they are received. If we do not receive a payment within thirty (30) days, we will apply the retainer, and may suspend work on your matter until the retainer is replenished. The balance of the retainer will be applied to your final invoice after the work is completed, and any balance will be refunded to you. The requested retainer is not an estimate of or a limitation on the fees and costs that may be charged on this engagement. Actual fees and costs could be significantly more, or less. No interest will accrue in your favor on the retainer. We reserve the right to request an additional retainer. The firm charges interest at ten percent (10%) on all accounts past due thirty (30) days. If it is necessary for us to take legal action to collect any amounts past due, by your signature on this engagement letter, you agree that you will be liable for the additional attorneys’ fees for our time expended to enforce our right to payment, and for our costs incurred.

We cannot tell with certainty the amount of time it will take to complete the engagement. Litigation of a lawsuit is a process which can be slow, tedious, and time-consuming. You should not expect a quick resolution, but litigated cases frequently settle before the full process is exhausted. The time spent on a matter is a function of numerous factors including but not limited to the complexity of the legal or factual issues involved, the number of parties, the degree of the client’s cooperation, the number of witnesses and the degree of their cooperation, the number and types of motions filed and the extent of legal briefing required, the degree of cooperation of opposing counsel in scheduling matters, the number, type, and appropriateness of discovery requests propounded by opposing counsel, the amount of effort necessary to discover facts and the degree of cooperation of opposing counsel in responding to discovery requests, the number of continuances, etc.

In discharging our responsibilities, it may be necessary for us to incur travel-related expenses such as mileage, lodging and meals. These expenses, and those which are discussed below, are billed at actual cost to the law firm, (or IRS approved rates) and are not “marked up”. We may also incur costs and expenses for various items such as bulk photocopying, facsimile transmission where email and scanning are not available, and delivery services, and these costs are billed to the client. Finally, all filing fees charged by any Court or agency and paid by us in connection with our representation will be charged to the client. All the charges mentioned above will be separately itemized on our statements. Please see our Schedule of Charges for non-fee related costs which is attached hereto as Schedule A. These costs are non-refundable, and by signing this agreement you authorize the payment of costs by deduction from the trust account we maintain for you. If costs exceed the trust account balance we will invoice you for any excess at the close of each month. In cases where costs and expenses incurred for outside services (such as expert witness fees, deposition transcripts, fees charged by governmental agencies for certificates
Representation Agreement
February 16, 2017
Page 3

and copies of records, special photocopying projects and the like) exceed $250.00, we will forward the vendor’s statement directly to you, the Client, for payment, unless there is written approval from the firm and agreement has been reached in advance of the costs and expenses. We expect, and you agree, to discharge these invoices in a timely manner so as not to disrupt the law firm’s relationship with the service providers.

The Firm does not charge any amount in excess of actual time spent by the lawyer for the use of computerized legal research databases available through our Westlaw research plan. For specialized computerized legal research involving law not readily accessible, or which we can only obtain at an additional cost, the Client will be charged the published retail charge of the vendor, in addition to the fee for the time involved in conducting the research. Upon the Client’s written instruction however, the Firm will refrain from use of chargeable computerized research and perform necessary research manually, in which case you will be charged for all time required in the research effort.

Our statements will be prepared and mailed during the month following the end of the monthly billing period during which the services are rendered, and any costs or expenses are incurred. Our statements are due upon receipt, and are payable at our office in Las Cruces, New Mexico. If we do not receive comments about the statement within ten (10) days of the statement date, we will assume that you have reviewed the statement and find it acceptable. Under our standard office procedures, we will call a client to inquire about a statement which is not paid within thirty (30) days, to ask if the Client has a question or needs more information about the account.

Client Confidentiality

Please be advised that this law firm routinely sends clients electronic mail (“email”), and receives email, as a means of rapid and efficient client communication. However, all digital data transmissions, including email, attachments, and faxes, are susceptible to misuse, and one potential area of concern is the loss of the attorney/client privilege if electronic or digital transmissions are not properly safeguarded. The loss of the privilege, and a resulting loss in confidentiality of information shared, can occur where persons who are not the client receive email which contains confidential legal advice, including email strings that may contain such advice. By signing this engagement letter, you are granting us permission to send advice, information and data to you by digital device, and to receive such information from you by digital data transmission. If you do not wish to communicate with our team of lawyers and paralegals via email, please indicate that preference by checking the box below the signature line at the end of this agreement. It is this law firm’s policy to avoid text messaging clients on business matters. We do not store, save, or print text messages, or messages delivered through social media outlets such as Facebook or Twitter.
Represetation Agreement
February 16, 2017
Page 4

Document Retention

With regard to client documents provided during our engagement, please be advised that we will retain those documents in accordance with the mandates of the jurisdiction in which your matter is heard. Each state has different rules for the length of document retention, and we follow those rules in all respects. To the extent that there are original documents that the client requires for other business reasons, we will copy those documents, make note that we have a true and correct copy in our file, and return the original to the client at the client's request. At the conclusion of the retention period, we will send one letter asking you to retrieve documents or provide delivery instructions. Documents will be destroyed thereafter if instructions are not received within thirty (30) days of the mailing of our firm's letter. It is the client's responsibility to keep the firm apprised of a current mailing address.

Firm's Discretion to Exercise Professional Judgment

We will use our best efforts in representing you, but cannot guarantee any particular result in the engagement or in any other matters we may assist you with. We will always exercise our best professional judgment to advise you in the matters we undertake on your behalf. Our firm, and not the Client, has the sole discretion to determine the accommodations to be granted opposing counsel in all matters not directly affecting the merits of the cause or prejudicing the Client's rights, such as extensions of time, continuances, and court scheduling. In such matters, the Client does not have the right to demand that our Firm shall be unnecessarily unreasonable, rude or that we do anything contrary to our Firm's own sense of honor or propriety, or in violation of the Code of Ethics.

Client's Right to Terminate Representation

You, as the Client, have the right to terminate our services at any time. We have the reciprocal right, with or without cause. In either event, we will be entitled to payment of any outstanding balance for the costs and fees incurred through the date of termination, or the date of any order obtained from a court allowing or confirming our withdrawal. If we withdraw, you are not entitled to a refund of any fees earned by us. If we decide to withdraw, we will give you written notice of our intent to withdraw and a reasonable time in which to hire other counsel.

Please review this agreement carefully. If the foregoing terms of our engagement meet your approval and are agreed to, please date and sign this letter and return it to us along with any documents that we have already requested from you to facilitate representation. If this engagement agreement contains anything with which you, the Client, disagree, please contact us so that we can discuss whatever specific changes you deem necessary.
### SCHEDULE A

#### COSTS

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<td>Third-party charges</td>
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Representation Agreement
February 16, 2017
Page 5

Until the client has signed and returned this letter and paid the requested retainer, we disclaim any obligation to assist you or to advise you of anything that may affect your legal interests. If you do not hire us to represent you in the engagement described above, we urge you to immediately consult another attorney because you can lose valuable legal rights due to inattention or the passage of time.

We look forward to being of service.

Sincerely,

CARRILLO LAW FIRM, P.C.

Raul A. Carrillo, Jr.,
President

ACCEPTANCE OF TERMS OF ENGAGEMENT

By: Mark Gonzales

DATE: 5/11/2017

[ ] I do not wish to communicate with the law firm’s professionals or professional staff by electronic mail, or other digital media, and I agree to accept the delays in receiving some information which may result from this choice. I am willing to accept phone calls and voice mail in lieu of digitally transmitted data at the following phone number(s):
Opposition Petition Letter

Dona Ana County
Community Development Department
Dona Ana County Government Center
845 N. Motel Blvd.
Las Cruces, NM 88007

February 20, 2018

Dear Planning and Zoning Commission:

This petition is being sent to in opposition to the case #SU18-002, by applicant Mark Gonzales. The applicant is requesting a special permit to remove two conditions from an approved special use permit (CASE #SU09-015) that limit the number of dogs to fifteen (15), and prohibits the lease, transfer, or conveyance of the property to someone outside the family. The applicant is also proposing a future kennel of five hundred square feet on the parcel identified by Parcel Acct. #RO317529 3980 Sparrow Rd.

The following residents who live in the area of the Special Use Permit request have reasons for opposing the request of the applicant, Mark Gonzales. The current special use permit allows 15 dogs, and removing this condition is of concern. The dogs currently on this property create a noise problem in the area, and more dogs cause a significant increase in noise production. Another area of concern is in the disposal of the dog feces and sanitation in the area. The current method being used by the applicant results in the production of odor, maggots, and flies in the area. This is a problem, especially during the hotter months of the year. The residents in the special use permit zone have had to live near these unsanitary conditions and oppose any additional increase in excrement produced by another kennel.

Attached are the signatures by the residents in the area of the special use permit, and the comments from that the residents have chosen to register on the document.
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<td>530 S. Melendres</td>
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Location of Opposition Petitioners

Location of Petitioners in Opposition

Subject Property
Zoning Map
Area of Notification Aerial
Area of Notification Map
## Area of Notification List

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<th>CODE</th>
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