



## VALENCIA COUNTY PLANNING & ZONING COMMISSION MINUTES

April 24, 2013

4:00 PM

Valencia County Administrative Offices  
Commission Chambers  
444 Luna Ave, Los Lunas, NM

1. **CALL TO ORDER**  
Commissioner Artiaga
2. **PLEDGE OF ALLEGIANCE**  
Jacobo Martinez
3. **APPROVAL OF AGENDA**  
Commissioner Milam motioned to approve the amended agenda.  
Commissioner Baca seconds the motion.
4. **APPROVAL OF MINUTES: March 27, 2013**  
Commissioner Milam motioned to approve minutes as corrected.  
Commissioner Jaramillo seconds the motion.
5. **SWEARING IN OF PARTICIPANTS**  
Commissioner Artiaga
6. **ACTION ITEMS**
7. **A. REQUEST FOR A CONDITIONAL USE- 2nd DWELLING: Legal Description: T7N, R3E, Section 26, NMPM, Tract A, Also Known As Mesa Estates Block 7, Zoned RR-1; Filed in Book 360, Page 12658, of the office of the Valencia County Clerk; Also known as Lands of Terry D & Sharon Pieper, Los Lunas, NM 87031.**

**Ms. Palmquist** stated that she moved to New Mexico in December to take care of her mother and father and is renting the property next door to them which currently has an abandoned mobile home on it left there by the previous tenants. **Ms. Palmquist** stated that she has her own mobile home and would like to utilize the abandoned one for her parents to live in so that she may assist them in their daily living activities.

**Commissioner Artiaga** asked if there were any questions.

**Commissioner Milam** asked how many bedrooms are in each mobile home.

**Ms. Palmquist** stated 3 bedrooms, 2 bathrooms.

**Commissioner Milam** asked if **Ms. Palmquist** had contacted the Environmental Improvement Division regarding the septic tank laws regarding dual mobile home on a single septic system.

**Ms. Palmquist** stated no.

**Commissioner Milam** stated that he makes a recommendation that **Ms. Palmquist** do so as he already spoke with them for clarification on the septic system and being as there are 6 bedrooms the septic system would not be in compliance.

**Ms. Palmquist** stated at this point only one bedroom would be utilized.

**Commissioner Milam** stated that he argued the same point with EID and was informed that there could always be the possibility of other people living there as well, and therefore recommends that **Ms. Palmquist** go speak with them.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Commissioner Milam** stated that there is only one power pedestal on the property and that to his knowledge each mobile home should have its own separate power pedestal and recommends she contact PNM to find out.

**Commissioner Jaramillo** asked if it was a pedestal or a meter.

**Commissioner Milam** stated it is not hard wired and there is only one meter, so there will need to be a meter for each home.

**Ms. Palmquist** stated that she has not done these things as she wanted to wait on the outcome of the hearing.

**Commissioner Jaramillo** asked **Jacobo Martinez** if the lot would have to be split if there were two separate septic systems on this property.

**Mr. Martinez** stated no.

**Commissioner Milam** stated because it is leased property.

**Commissioner Artiaga** stated that she noticed that **Ms. Palmquist** was able to get the title for the mobile home.

**Ms. Palmquist** stated that was correct and that Green Tree released it to her as it had already been written off by them due to the arrears.

**Commissioner Artiaga** stated she noticed that **Ms. Palmquist** has already moved her mobile home onto the property before the proceedings.

**Ms. Palmquist** stated that was correct due to the fact that the mobile home retailer lot she had it parked on was pushing her to get it off of their lot.

**Commissioner Artiaga** asked if there was anybody in the audience who would like to speak in favor of the request.

There were none.

**Commissioner Artiaga** asked there was anybody who would like to speak as opposed to the request.

There were none.

**Commissioner Artiaga** stated that there have been requests such as this in the past for children to care for their elderly parents and this is a 5 acre piece of property, not a little tiny piece of property, and it is always better when a family member can take care of their elderly parents and this kind of thing if done properly could be is good thing.

**Commissioner Jaramillo** stated that he thinks it is a good thing for the family and the people who propose to live there, but how about the next people that move into the property.

**Commissioner Artiaga** stated that this is conditional use request and it is only good for two years, only good for this applicant, and if her parents were not to live there anymore the conditional permission use goes away.

**Ms. Palmquist** stated that two of the neighbors had just dropped off letters and asked that they become part of the record.

**Commissioner Artiaga** asked if these letters are in favor or against the request.

**Ms. Palmquist** stated they are in favor. (Letters are available for viewing in original case file).

**Commissioner Milam** stated that he needs some clarification and asked **Mr. Martinez** to explain to the petitioner what this conditional use permit is for and when her mother and father passes away what her obligations are so that she is fully aware of what she is getting into.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Mr. Martinez** stated that what **Ms. Palmquist** is applying for is a conditional/temporary use for a second mobile home or resident trailer dwelling in conjunction with the principle dwelling for a family member who is sick or infirmed. **Mr. Martinez** stated the permit is temporary and reviewed every two years to ensure compliance, and if still in compliance, an administrative renewal is issued, and when she is no longer in compliance, she will have to move the mobile home out. **Mr. Martinez** stated the conditional use runs with the applicant and not with the land and if she sells it to somebody else, they cannot have that second mobile home on the property.

**Ms. Palmquist** stated she understands.

**Commissioner Milam** made a motion to approve the request with the conditions as follows: 1) A letter from EID stating whether the current septic system can or cannot be utilized and what will have to be done to have a second septic system put in. 2) Contact PNM for approval for a second power pedestal.

**Commissioner Baca** seconded the motion.

**Mr. Martinez** stated there has been a motion to approve the conditional use for a temporary second dwelling on the condition that **Ms. Palmquist** go to EID and get information and permit from EID about the septic system, and going to Public Service Company of New Mexico and getting information about the power pedestal, and bringing it back to the Planning and Zoning office within 30 days and will now call for a roll call vote.

**Commissioner Milam** votes yes.

**Commissioner Jaramillo** votes yes.

**Commissioner Baca** votes yes.

**Commissioner Artiaga** votes yes.

**Commissioner Gaudette** was not in attendance.

**Mr. Martinez** stated the conditional use has been approved with conditions and there is a 15 day appeal process for anybody wanting to appeal.

**B. REQUEST FOR A CONDITIONAL USE HOME OCCUPATION: Legal Description: T5N, R2E, Section 8, NMPM, Tract 34-B-2-A, Zoned RR-2; Filed in Book 365, Page 12390, of the office of the Valencia County Clerk; Lands of Ignacio Baca; Also known as 1021 N. Gabaldon Rd., Belen, NM 87002. Hawks Dirty Work, LLC.**

**Mr. Hawks** stated his name is John and is asking the commission to allow him to run his business out of 1021 N. Gabaldon Rd. in Valencia County. **Mr. Hawks** stated he started the business 10 years ago, operated the business off N. El Cerro Loop for about 8 years, with a Valencia County business license, insurance & the same trucks he has now. **Mr. Hawks** stated he purchased the property he has now about a year and a half ago, and was unaware of any laws being broken. **Mr. Hawks** stated he has 12 employees, and the work vehicles are kept on the property. **Mr. Hawks** stated the employees drive their own vehicles to the property, and take the work trucks out, it is more of transfer station, there is not any work done on site, and the only work he does do on the property is farming, and farming is part of Hawks Dirty Work. **Mr. Hawks** stated he does farm work, runs tractors, and the public does come to the property to buy hay. **Mr. Hawks** stated there are 4 dump trucks, 4 or 5 pick-ups that haul tractors, every piece of equipment with the exception of 2 or 3 are used for the farming, and on the construction site, the farm tractors, rippers, and shanks for dirt work. **Mr. Hawks** stated they are a dirt work company and do dirt work, demolition, job site clean-up, stuff of that nature and actually do a lot of work in Valencia County, a lot of clean up on the Meadow Lake area. **Mr. Hawks** stated one of the reasons they have their home business is to be able to take care of their children when they need something. **Mr. Hawks** stated the only major maintenance work being done on site is bearings, wheels, air, air filters, cleaning, etc., most of the trucks go to the lube shop, some of the bigger trucks do get the oil changed on site, there is a container that holds the oil, the oil is then given to an individual for recycling, as well as his vehicles have been converted to run on vegetable oil.

**Commissioner Jaramillo** asked **Mr. Hawks** what brought him before the commission, what started this process.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Mr. Hawks** stated that his business license was up for renewal, and is assuming that there was a complaint which prompted Code Enforcement to act.

**Commissioner Jaramillo** asked **Mr. Hoss Foster** if this was the case and was there a complaint.

**Mr. Foster** stated there was a call that came in that a building was being built, code enforcement went to check the property out and found out it was Hawks Dirty Work. **Mr. Foster** stated they did come in and complied with the building permit, and is now in compliance to get their business license renewed.

**Mr. Martinez** stated that the property is an RR-2 zone and a permit is needed for the property.

**Commissioner Jaramillo** asked if the process should have been started a year and half to 2 years ago.

**Mr. Martinez** stated yes.

**Commissioner Jaramillo** asked if there was a complaint about something that **Mr. Hawks** did on the property.

**Mr. Foster** stated that a call came in and at first the complaint was that there was a building being built, the garage/shop, and code enforcement tagged him for that, and **Mr. Hawks** came in immediately with plans and got the zoning to build his shop/building, as well as complying with the state for the building permit.

**Mr. Martinez** stated that as the building permit was being checked it was found out it did not have the proper zoning permit which is for a commercial establishment in an RR-2 zone.

**Commissioner Jaramillo** asked if **Mr. Hawks** had complied with everything he has been asked and there is not a complaint from a neighbor saying that the vegetable oil smells or anything.

**Mr. Foster** stated that there will be people coming up to mention what their complaints are, but he is in compliance with all the codes right now.

**Commissioner Milam** asked **Mr. Hawks** if this request for a home occupation is strictly for the two acres only and will never be expanded to the additional 19 acres.

**Mr. Hawks** stated that was correct and he is not even sure that they are on two acres with the trucks.

**Commissioner Milam** stated he was looking at the tax roll and it says two acres regardless of whether the entire two acres is being utilized.

**Mr. Hawks** stated what he has now today is basically the same equipment he has had for the last ten years and what he operates with.

**Commissioner Milam** asked if there are any hazardous materials on the property that are stored.

**Mr. Hawks** stated just motor oil.

**Commissioner Milam** stated and gas.

**Mr. Hawks** stated he does not have gas on the property.

**Commissioner Baca** asked if he has diesel fuel for the tractors.

**Mr. Hawks** stated he has diesel for the trucks and diesel and gas are two different things.

**Commissioner Baca** stated he thinks diesel is still considered a hazardous material.

**Mr. Hawks** stated diesel is brought in every morning in a blue truck that has a 100 gallon tank on it and it is not stored on the property.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Commissioner Artiaga** asked if there was anybody who wanted to speak in favor of the request.

**Mrs. Hawks** stated she is the wife and took pictures of the property from various angles to show how clean it is and the differences from before/after the employees arrive. (Photos in main file and available upon written request).

**Commissioner Artiaga** asked **Mrs. Hawks** if she likes it there and gets along well with the neighbors.

**Mrs. Hawks** stated yes, and the main thing she wanted to say was that when the company started ten years ago when John had a very good job and was gone all the time, and now he is home to spend time with the children and the family, and they never intentionally moved there not knowing it wasn't...

**Commissioner Artiaga** stated it wasn't zoned.

**Mrs. Hawks** stated yes, and if they had to move the company it would bankrupt them as they saved for 10 years and put every dollar they had into the property not thinking they would ever move again, and there are a lot of broken families and some people may not think this pertains but the girls see their dad every day, when their dad goes on the road, they go with him, and it is very important to them to keep their family close.

**Commissioner Artiaga** stated she notice in the packet there is a petition with 23 signatures as well as another letter just turned in, and recognizes some of the names.

**Mrs. Hawks** stated a lot of them could not make it today because they have to work.

**Commissioner Artiaga** stated it makes a big difference for the commission when people come and speak and let the commissioners know their feelings, and the petitions will put into the record. (Petition available in main file upon written request).

**Mr. Serna** stated his name is Robert and would like to know if the commission can give **Mr. Hawks** his business license because he is an outstanding individual and always takes care of the property and keeps it clean.

**Commissioner Jaramillo** asked **Mr. Serna** where he lives.

**Mr. Serna** stated 327 Valentine.

**Commissioner Artiaga** stated Valentine is the road that goes to the south, and thanked **Mr. Serna**.

**Mr. Eastman** stated his name is Bob and lives at 1301 N. Gabaldon, and has known the property that **Mr. Hawks** is on for 14 years, and it is cleaner now than it was in the past, and has not had any problems with **Mr. Hawks** trucks being in the way, making noise, or running for long periods of time polluting the area, and as far he can tell the workers come in in the morning, drive the trucks out, and come back in the afternoon and park them neatly, and has never had to wait for his trucks to get out of the way, and as far as he is concerned is a good neighbor, please approve him, let the man do his job, he is getting stuff done and anybody who can get a business going in this economy should be helped every chance they can get.

**Commissioner Artiaga** thanked **Mr. Eastman**.

**Mr. Hunter** stated his name is Jerry and he lives due west of **Mr. Hawks**, and from day one **Mr. Hawks** introduced himself, told **Mr. Hunter** what they were going to do and he didn't have a problem with it then, and doesn't have a problem with it now, he is a good neighbor, trying to make a living and should be given his license.

**Commissioner Artiaga** thanked **Mr. Hunter**.

**Mr. Chavez** stated his name is Mark and lives about a half mile down the road on Monte Vista and the guy keeps a nice clean place, is a hard worker, and wished there were more people like him and that he is an asset to this county.

**Commissioner Artiaga** thanked **Mr. Chavez**.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

Other community members who came out to speak in favor of the petitioner, with similar testimonies include **Marvin McDonald, Maxine Lopez, Michael Chavez, Chris Sanchez, Hope Hunter, William Burson, Sean Gallogly, Coleman Burson, Douglas Hendren, Meghan Gallogly, Ed Lucero, Donald Auge, and Jimmy Thompson.**

**Commissioner Artiaga** asked if there was anybody opposed to the request.

**Mr. Ulibarri** stated his name is Andrew and he lives just north of the Hawks, and has been in the community for 19 years, owns property next to the Hawks and works hard on his property to maintain it as well. **Mr. Ulibarri** stated he has a presentation for commission and will follow it up with a video as well. (Power Point Presentation available in main file and upon written request). **Mr. Ulibarri** stated that he also appreciates the fact that the Hawks are a good family, and he as well is the sole provider for his family, his wife is a stay at home mom, and is not opposing them personally, and in his opinion zoning commercial/industrial business, it doesn't fall into the fall into the laws and regulations.

**Commissioner Milam** asked **Mr. Foster** when the building was started.

**Mr. Foster** stated he did not, the records are in Johnny's office, and before that the case belonged to Oscar, and he does not know the exact date of when everything went on but they replied as soon as the tags were issued.

**Commissioner Milam** asked **Mr. Ulibarri** if he knows when the project started.

**Mr. Ulibarri** stated about two and a half weeks before he called **Hoss**.

**Commissioner Milam** asked **Mr. Ulibarri** when that was.

**Mr. Ulibarri** asked **Mr. Foster** if he had the phone records.

**Mr. Foster** stated no.

**Commissioner Jaramillo** asked **Mr. Ulibarri** if he had filed a formal complaint or was it just a phone call.

**Mr. Ulibarri** stated he was told all he had to do was make the phone call.

**Mr. Foster** stated there was not a computer complaint form, it was a phone call, the note was turned over to the inspector that handles the area, and the inspector goes out and checks the area.

**Commissioner Jaramillo** asked if the **Mr. Ulibarri** and **Mr. Hawks** had spoken to each other.

**Mr. Ulibarri** stated when **Mr. Hawks** moved there he did not introduce himself to **Mr. Ulibarri** and just did so about two and a half weeks ago, had a pleasant conversation, is a very nice guy and again is not objecting to him or the family, but is objecting to the business which is against the zoning laws and regulations. **Mr. Ulibarri** stated he and **Mr. Hawks** had met the previous Friday to try and figure the situation out and to try and get the trucks out of there, and they were unable to come up with anything, and told **Mr. Hawks** that he has a piece of property in Belen and he could put the trucks there, they could work something out that works for both of them, and told **Mr. Hawks** to think about it, talk to his wife and give him a call back on Saturday. **Mr. Ulibarri** stated he never heard back from **Mr. Hawks**, so it stopped there.

**Commissioner Jaramillo** asked **Mr. Ulibarri** if there is anything else that **Mr. Hawks** can do in his opinion to satisfy him other than move the trucks, if visually he doesn't like seeing the trucks can Mr. Hawks put up some kind of fence or something.

**Mr. Ulibarri** stated so imagine Gabaldon Rd. with a ten foot fence around the property, it wouldn't be too pleasant.

**Commissioner Jaramillo** asked **Mr. Ulibarri** if there is anything else **Mr. Hawks** can do, for his opinion to satisfy **Mr. Ulibarri**, because it seems that **Mr. Hawks** is trying to work with the neighbors, and is there anything else he can do.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Mr. Ulibarri** stated get rid of the trucks and the employees that drive in every morning.

**Commissioner Baca** asked **Mr. Ulibarri** if he was opposed to the sound barrier due to the aesthetics of it.

**Mr. Ulibarri** stated it would look like a fort around the place.

**Commissioner Baca** stated that would satisfy the decibel level and all that would be seen are trucks.

**Mr. Ulibarri** stated plus the vibrations and the traffic from the trucks...

**Commissioner Baca** asked **Mr. Ulibarri** how far he lives from the rail road tracks.

**Commissioner Milam** stated right behind it.

**Mr. Ulibarri** stated (inaudible) over a quiet zone.

**Commissioner Baca** stated they are not talking quiet zones though, they are talking vibrations and he used to run that train from Albuquerque to Belen on a daily basis, 5 days a week and never once did BNSF ever hear any complaints about people stating the vibration was...

**Mr. Ulibarri** stated he doesn't feel the railroad vibration from where he is at, which is about 300 yards.

**Commissioner Jaramillo** asked if **Mr. Ulibarri** lives immediately north of the Hawks property.

**Mr. Ulibarri** stated his rental property is immediately north and he lives north- west of the property.

**Commissioner Jaramillo** asked if **Mr. Hawks** were to put up fences on the north and west side to block the view, wouldn't that help.

**Mr. Ulibarri** stated imagine him trying to rent his property out with a huge wall there, it doesn't look right, and he didn't move into an RR-2 property to have a huge fence ...

**Commissioner Jaramillo** asked how large of a wall **Mr. Hawks** could build on the property, not a wall but a fence.

**Mr. Martinez** stated we do not have any height restrictions, but anything over 6 feet requires a building certificate.

**Mr. Foster** stated that in the building code no wall or fences over 6 feet without an engineer certificate of construction.

**Commissioner Artiaga** thanked **Mr. Ulibarri** and asked if there is anybody else who would also like to speak in opposition.

**Mrs. Nieto** stated her name is Maria and she lives about a city block north of this property, and most of the people who spoke live west and south and do not have the trucks passing by their property, she owns a piece of property with a little adobe house that is close to 90 years old and when these trucks pass (inaudible) and sometimes there are fumes, and besides the noise and the rattle, the property is not kept well, it's dirty, it's messy, and maybe other people see it differently than she does, and she posted weight loads because the trucks passing by her house have caused the road to crack in front of her house, and when she bought the house it was a quiet residential area, and this would change everything and she is afraid that this would bring more commercial into the area, (inaudible to end of her statement).

**Commissioner Jaramillo** asked if **Mr. Hawks'** trucks were the only trucks that make noise and cause rattling down that road.

**Mrs. Nieto** stated no, and the trucks that pass on Gabaldon road are not as big as **Mr. Hawk' s**, they are regular trucks, pick-ups, and his carry things and loads and trash and are enormous.

**Commissioner Jaramillo** asked if his are the only ones that pass on Gabaldon Rd.





## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Mrs. Nieto** stated yes, to her knowledge.

**Mr. Foster** stated no.

**Commissioner Jaramillo** stated he was just asking for her opinion.

**Commissioner Baca** asked about the farm equipment, and stated this is an agricultural area and there are numerous farmers represented today...

**Mrs. Nieto** stated the farming doesn't bother her at all, and **Mr. Hawks** field where he has the alfalfa is far enough away that she doesn't hear his tractors, and that has always been a field, and the people who owned it before even kept sheep, and was well kept with no noise and in a year and a half it has turned into trash, in her opinion.

**Commissioner Artiaga** thanked **Mrs. Nieto**.

**Mrs. Chavez** stated her name is Rita and she lives directly north of where **Mr. and Mrs. Hawks** live. **Mrs. Chavez** stated when you first move into a property naturally it's going to be trashed, you have to straighten it out, move in your things, get settled down and it looks pretty, but this has been a mighty busy long time and she is complaining as a grandmother. **Mrs. Chavez** stated the traffic down Gabaldon Rd. is pretty (inaudible) to begin with, and the police are out there constantly catching speeding, and the time this business goes out is the same time the school buses are coming down, and one of these days the problem is going to happen and it will be too late. **Mrs. Chavez** stated she is not here to attack the Hawks personally, just the business, and she thought this was a farming community, and lived in Albuquerque for 28 years and decided to move out to the country where it is nice and quiet, and feels that a traffic signal may be needed due to all of the traffic on Gabaldon Rd.

**Commissioner Artiaga** thanked **Mrs. Chavez**.

**Mrs. Ulibarri** stated her name is Kathleen and she is the one in the mornings who takes the kids to school and as **Mr. Hawks** trucks come out of the yard, they block her view to the south, she cannot turn north or south because of this, and has been told by some of **Mr. Hawks** supporters why doesn't she wait until the trucks are gone. **Mrs. Ulibarri** asked why when it is a community that is zoned residential. **Mrs. Ulibarri** stated she feels the Hawks business is infringing on the neighborhood, they moved to the county for the neighborhood, and regarding a fence going up, they like the open views. **Mrs. Ulibarri** stated a lot of the signatures on their petition are residents on Molina Rd., and one of **Mr. Hawks'** trucks almost ran her off the road one day. **Mrs. Ulibarri** stated Molina is a very narrow road, one lane, and the trucks are taking up Molina Rd. and Gabaldon Rd. **Mrs. Ulibarri** stated that **Mr. Hawks** business when they saw it had only one or two truck, and knows he didn't have six or seven before, but today, there is the garage, seven trucks that she can see, and a ton of employees, that all know when she leaves her home, and whether they are honest or not, she does not know, and this is a residential area, and there is a book of laws for a reason, and if **Mr. Hawks**, as a business owner had checked the zoning first, they wouldn't be here today.

**Commissioner Baca** asked **Mrs. Ulibarri** if **Mr. Hawks** was to change the on duty time of his employees...the biggest complaint he hears is that the trucks are blocking her view of the roads and stuff, and if they were not there at the time she took the kids to school would she...

**Mrs. Ulibarri** stated that's not it, it is a residential area and she has no problem with the farming, and if his business has grown that much in a year and a half he should be on commercial property, not growing in the neighborhood, and if one commercial business starts, others may also start. **Mrs. Ulibarri** thanked the commission.

**Mrs. Cordova** stated her name is Chrissy and owns a small business in Belen, on commercial property and is pro small business, but the area is zoned RR-2 and feels this business is a little bit larger than what it seems, due to the activity and amount of trucks, and are trying to keep the neighborhood rural residential, and there are places in Valencia County for commercial business, and this has been quite a change. **Mrs. Cordova** thanked the commission.

**Commissioner Jaramillo** asked **Mrs. Cordova** if she was a neighbor or lives in the neighborhood.

**Mrs. Cordova** stated she lives at 128 Tafoya Rd., southwest of the Hawks.





## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Commissioner Artiaga** asked what if the trucks were to come out on Valentine instead of Gabaldon and went west to the highway.

**Mrs. Cordova** stated they would have to turn right on Molina, then take a left by the Alinstantiate Burrito to get to highway 314, and the irony of that is the people who signed the petition against the business are on the north side of the road, and the people on the other side of the road don't see that.

**Commissioner Milam** asked **Mr. Ulibarri** why he waited until the building was going up to file a complaint knowing the business had been there for the last 18 months.

**Mr. Ulibarri** stated he did make a complaint soon after trucks started moving in there, and Mr. Foster had his employees go out there after he called, citing Johnny Mirabal.

**Mr. Martinez** asked if a citation had been sent.

**Mr. Foster** stated he did not know because it was Oscars case first then Johnny.

Mr. Martinez asked Mr. Hawks if there was ever a violation sent to him.

**Mr. Hawks** stated no, and the only time a code enforcement officer showed up was when the building was almost completed, and was given **Hoss'** phone number, and **Mrs. Hawks** came down to straighten things out with the paper work, and it was the first time in the last year and half since anybody went out.

**Mr. Ulibarri** stated if you talk to Oscar and Johnny (inaudible).

**Commissioner Artiaga** asked **Mr. Hawks** if he would like to rebut any of the statements made.

**Commissioner Jaramillo** asked **Mr. Hawks** to address the concerns and issues the opposition had such as the visual, noise and traffic issues.

**Mr. Hawks** stated there are 8 trucks that go in, and 8 trucks that go out, there are 12 employees that come to work daily and clock in at 7:30 am and leave the yard at 8 am, and does not believe there is a school bus that runs at 8, it runs earlier, and he is willing to change his time if needed.

**Commissioner Jaramillo** asked what time they return in the afternoon.

**Mr. Hawks** stated it varies between 4 pm and 7 pm depending on the time of year; they work from sun up to sun down. **Mr. Hawks** stated that in **Mr. Ulibarri's** video, there were 13 vehicles that passed before his trucks even went out. **Mr. Hawks** stated that he and Mr. Ulibarri did have a meeting last Friday and asked **Mr. Ulibarri** what he would like him to do, put up a privacy fence, move the trucks, move them over, change anything, and **Mr. Ulibarri** stated there was nothing he could do, he wants the trucks gone. **Mr. Hawks** stated he told **Mr. Ulibarri** about himself and his business and after he did so, **Mr. Ulibarri** stated he had a solution, and **Mr. Hawks** asked what is was, and that **Mr. Ulibarri** stated if **Mr. Hawks** buys his commercial property on the side of the road in Belen that it will all go away.

**Commissioner Milam** asked what that has to do with it.

**Mr. Hawks** stated that he thinks his alternative motive is to buy his property on the side of the road or to try and get his alfalfa land.

**Mr. Ulibarri** stated that was false.

**Mr. Hawks** stated he has it on video.

**Mr. Ulibarri** stated he hopes he has the whole thing and not just pieces of it.

**Mr. Hawks** stated he just has pieces of it.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Commissioner Artiaga** asked if that was appropriate.

**Mr. Ulibarri** stated **Mr. Hawks** did not inform him he was recording.

**Commissioner Artiaga** stated she does not feel comfortable viewing the video from **Mr. Hawks** as it would not be appropriate for the commission to address.

**Commissioner Jaramillo** stated one of the issues people brought up is they feel the business is growing and sometime in the future it may outgrow the capacity that the road or Mr. Hawks property could handle, and would like to know what **Mr. Hawks** future plans are.

**Mr. Hawks** stated the company will probably not grow any bigger as he feels you either have to grow way, way, way big or stay where you are at, and he is at that point and has been there for 10 years with same 10 guys, and a majority of the workers have been working for him for 6 to 9 years, with the same equipment that was parked on north El Cerro Loop is the same equipment that parked on his property from the day he moved in.

**Commissioner Artiaga** asked **Mr. Hawks** if he has increased equipment since he has been on Gabaldon.

**Mr. Hawks** stated one dump truck.

**Commissioner Jaramillo** asked **Mr. Hawks** if there is anything he can do to block the visual appearance of the equipment.

**Mr. Hawks** stated yes.

**Commissioner Jaramillo** asked if **Mr. Hawks** is willing to do it.

**Mr. Hawks** stated yes, and the only reason he hasn't put up a privacy fence is because he felt there would be more of a problem with that, and has no problem putting up a privacy fence or moving his entrance down 100 feet.

**Commissioner Artiaga** stated that is a solution for the visual part of that.

**Commissioner Jaramillo** stated that would probably help with the noise also.

**Commissioner Artiaga** asked **Mr. Martinez** in reference to the ordinance section 11A, it talks about the home occupation will employ no more than 2 people, and they are requesting a home occupation.

**Commissioner Jaramillo** stated on site.

**Mr. Martinez** stated that is correct, it says no more than 2 on site, and in making this decision about a home occupation there is a lot of things that he had to come to grips with, such as is this equipment that would be used in a rural residential community, being defined as "a district that is intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and septic tank sewage-disposal system, and rural fire protection. Ultimate density limitations in the RR District shall be determined by prevailing lot sizes community character, compatibility with existing uses in the district and so forth- identified in the Valencia County comprehensive plan. Opportunities for small-scale or intensive farm activities compatible with low density rural residential uses shall be encouraged in the RR District." Mr. Martinez stated coming to grips with what types of equipment usually exist in the rural residential district we do see equipment such as what Mr. Hawks has, and the main concern was "Home Occupation shall not generate traffic or parking beyond what normally occurs in applicable zoning district", so does this increase traffic or generate more parking beyond what usually happens in a residential, rural residential district.

**Commissioner Artiaga** asked **Mr. Martinez** if this is why he made the determination that this was the right route for them to go with the home occupation.

**Mr. Martinez** stated yes.



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

**Commissioner Baca** asked **Mr. Hawks** if he had entertained the thought of moving the equipment to some commercial property before this all took place.

**Mr. Hawks** stated one of the reasons he is still in business today is because he can keep tabs on his workers and equipment, can check his equipment and go over it, and with an off-site location he will not be as efficient and will cause his costs to go up, and therefore able to keep his employees employed.

**Commissioner Artiaga** asked if there were any more questions or comments.

**Mr. Ulibarri** stated he does have a piece of property in Belen and did suggest its use to Mr. Hawks and would be willing to work with him on an agreement, and doesn't believe that **Mr. Hawks** cannot afford a commercial piece of property being as Mr. Hawks property is valued at over one million dollars, as well as horse arenas, etc.

**Commissioner Jaramillo** stated that he does not think that is the issue and is certain that **Mr. Hawks** has bills for all of that as well.

**Commissioner Artiaga** stated that is really not the issue.

**Commissioner Artiaga** stated she went by the property and it looked to her like a commercial farm, it looked like a farm, and she has a lot of family that have farms and big trucks and tractors, and she saw the cars parked in a row, and looked very clean and neat and looked like a farm, and that is what is up and down Gabaldon Rd., farms, and as far as keeping the equipment to keep an eye on it, she has some property about 2 miles south and is broken into 2 or 3 times a week because she is not there all the time, and it makes a big difference when you are there keeping an eye on your stuff, and also see's other farms down the road with big tractors, trucks and more than one or two vehicle parked in the yard, and that is just her comment.

**Commissioner Milam** stated that his only comment would be that Mr. Hawks stated he would be willing to put up obscured fencing, and asked **Mr. Hawks** if that would be metal fencing.

**Mr. Hawks** stated yes and that they had plans to do that all along, and in a year and a half have done a lot to the place and are not done yet.

**Commissioner Milam** stated he also went by the property and it was one of the nicer places he saw.

**Commissioner Artiaga** asked **Mr. Martinez** if there was a motion made in regards to the fence could the motion be made conditional on the fence.

**Mr. Ulibarri** stated they would rather have the trucks moved to the other side of the property instead of having a fence there, and if the south side neighbors are ok with all the traffic going by there, go for it.

**Commission Jaramillo** stated he thinks **Mr. Hawks** has made some concerted efforts and not everybody is going to be happy all the time, and each side could come to some kind of compromise, and in saying that would like to encourage some of these businesses to stay in Valencia County, and would guess that if a business like this operates in Albuquerque, it would probably move to Albuquerque and take their money there also, so in saying all that, would like to make a motion to approve this request with the one condition of the privacy fence on the west side and the north side of the property.

**Commission Milam** seconded the motion.

**Mr. Martinez** stated that a motion has been made to approve the home occupation with the condition that they put a blind fence on the north and west side.

**Discussion on motion:** **Mr. Ulibarri** stated he would rather the privacy fence not be put up and would prefer for the trucks to exit the yard from the south side. **Commissioner Artiaga** stated in regards to home occupations in the past it has been asked that if the home occupation has something that is visual, that it be obstructed so the neighbors don't have to look at it, and understands why **Commissioner Jaramillo** said to put the fence there and perhaps **Mr. Hawks** could work with some of the neighbors' concerns and figure out a way to make it more



## VALENCIA COUNTY PLANNING & ZONING COMMISSION

comfortable for them. **Commissioner Jaramillo** stated that as a discussion he is fine with removing the condition and **Mr. Hawks** is free to build whatever type of fence he wants there or not. **Commissioner Milam** stated he is in agreement with that provided **Mr. Hawks** and **Mr. Ulibarri** get together and work out a solution that both of them can live with. **Mr. Ulibarri** stated again this is not in favor or (inaudible) moving the commercial business out of the area, but would rather that **Mr. Hawks** come out of the south side than the north side, and that **Mr. Hawks** made the comment he would be willing to move the trucks to the other side. **Commissioner Artiaga** stated there will be no more discussion from the audience, and stated to **Commissioner Jaramillo** that he could amend his motion to say to move the traffic, or leave it the way it is and just approve it have the two parties work it out.

**Commissioner Jaramillo** stated he would like re-amend the motion and remove the condition of any type of privacy fence.

**Commissioner Milam** seconds the motion.

**Mr. Martinez** stated there is a motion to approve the home occupation and will now call for a roll call vote.

**Commissioner Milam** votes yes.

**Commissioner Jaramillo** votes yes.

**Commissioner Baca** votes yes.

**Commissioner Artiaga** votes yes.

**Commissioner Gaudette** was not present.

**Mr. Martinez** stated **Mr. Hawks** has been approve for a home occupation on his site, and suggests that he talks with his neighbors to make reasonable accommodations and there is a 15 day appeal period that may occur, a decision letter will be sent out, and the date of the decision letter starts the 15 day appeal process.

**Commissioner Artiaga** stated there will be a brief recess before discussion of the commission.

### 8. Discussion

### 9. Next Meeting:

**May 22, 2013 @ 5:00 pm**

**Commissioner Jaramillo** made a motion to adjourn.  
**Commissioner Milam** seconds.

### 10. Adjourn