



**VALENCIA COUNTY PLANNING & ZONING COMMISSION
MINUTES**

July 24, 2013

4:00 PM

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

1. CALL THE MEETING TO ORDER

Commissioner Gaudette

2. PLEDGE OF ALLEGIANCE

Commissioner Milam

**3. APPROVAL OF AGENDA- AMMENDED TO TABLE ACTION ITEM B-REQUEST FOR A
ZONE CHANGE.**

1ST Motion: Commissioner Milam

2nd Motion: Commissioner Baca

4. APPROVAL OF MINUTES: May 22, 2013

1st Motion: Commissioner Jaramillo

2nd Motion: Commissioner Milam

5. SWEARING IN OF PARTICIPANTS

Commissioner Gaudette

6. ACTION ITEMS

**A. REQUEST FOR A CONDITIONAL USE HOME OCCUPATION-DISTRIBUTION OF BEE
HIVE PRODUCTS, BEEKEEPING EQUIPMENT AS WELL AS PRODUCTION AND SALE
OF HONEY AND APPLES: Robert Minor:** Legal Description: T7N, R2E, Section 80, NMPM,
Map 80; Tract 1-B-2-A; Zoned RR-2; Filed in Book 284, Page 7166 of office of the Valencia
County Clerk: Also known as 1560 S. Los Lentos Rd., Los Lunas, NM.

Mr. Martinez stated he would give a quick background of this case. **Mr. Martinez** stated on February 25, 2010 Valencia County filed Complaint to Enforce Zoning and Nuisance ordinances; and Petition for Preliminary and Permanent Injunction against Minor. On May 28, 2013 at 1:30 PM a trial on the merits was held before the honorable Judge Violet C. Otero at the Valencia county District Courthouse. At the hearing, **Mr. Minor** testified that he maintains mobile home frame(s) an additional single wide mobile home, semi-trailer and inoperable bus for his "home-occupation" of beekeeping. The subject property is located within a Rural Residential-1 zone. It was ordered by the Court that **Mr. Minor** apply for a Home occupation permit for his stated business. He was also required to get rid of inoperable vehicles by the district court. We are here today for a Home Occupation of the stated business and the use of those semi-trailers for the stated business.

Commissioner Gaudette asked **Mr. Minor** what it is he would like to accomplish at the hearing.

Mr. Minor stated he is a beekeeper and stocks and sells beekeeping supplies as well as selling honey and apples from his orchard. **Mr. Minor** stated he has two former semi-trailers, one which is outfitted as a workshop for maintaining and repairing beekeeping equipment and the other is a shop for mainly storage,



VALENCIA COUNTY PLANNING & ZONING COMMISSION

and they still have wheels on them so they can be moved around on the property if necessary, and neither one of the vehicles is roadworthy and cannot be operated on the highway, and he has a honey extraction honey house that is located in a school bus and is a necessary to take the honey out of the beehive.

Commissioner Gaudette asked Mr. Minor what it is he is asking the commission for today.

Mr. Minor stated that he was ordered to have a business license in order to keep the storage trailers and without the vehicles he is out of business.

Commissioner Gaudette asked Mr. Minor if he is asking for a Home Use Occupancy.

Mr. Minor stated yes.

Commissioner Milam asked Mr. Minor if he has complied with court order by removing the junk vehicles and trash and debris from the property.

Mr. Minor stated there are not any inoperable vehicles on the property and has been able to burn some of the trash and there are piles in the yard.

Commissioner Milam asked how many operable vehicles are on the property.

Mr. Minor stated there between two and four at any given time and the only inoperable vehicle on the property is the bus.

Commissioner Milam asked Mr. Foster if he had visited the property site today prior to today's meeting.

Mr. Foster stated no, and that he had gone by the property a couple of days ago and it is not possible to whether the cars have been removed or not as they are behind a fenced area and he has not been on the property, and the trash and metals are still along the fence line areas.

Commissioner Jaramillo asked for clarification on which vehicles are necessary for the request of the business and if the bus is necessary.

Mr. Minor stated yes.

Commissioner Jaramillo asked Mr. Minor what specifically else.

Mr. Minor stated a forty foot semi-trailer.

Commissioner Jaramillo asked if these are the only two vehicles necessary for the operation of his business.

Mr. Minor stated no and there is also a forty five foot refer trailer that is used for storage.

Commissioner Gaudette asked what kind of trailer it is.

Mr. Minor stated it is a refrigerated trailer that is being used for dry storage of apples until they can be sold.

Commissioner Jaramillo asked Mr. Minor if the two trailers and one bus are what he is requesting.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Minor stated yes and a burned out mobile home that he is in the process of converting.

Commissioner Jaramillo asked Mr. Minor if there is also a mobile home that he lives in.

Mr. Minor stated yes.

Commissioner Jaramillo asked if there are any other vehicles or trailers that need to be removed from the property as per the court order or which would not be in compliance or that he is not requesting.

Mr. Minor stated no.

Commissioner Jaramillo asked Mr. Foster if per the request is it just the four items that are being asked for and if those four items and the trash are the issue and is there anything else that is being requested.

Mr. Martinez stated the request is for (inaudible) those structures that he described for his home occupation.

Commissioner Jaramillo asked Mr. Minor if the four units he described are visible to the neighbors.

Mr. Minor stated no because there is a fence.

Commissioner Jaramillo asked Mr. Minor to explain what Mr. Minor meant in his request that the zoning has changed since he bought the property.

Mr. Minor stated that the property has been used as an agricultural property since nineteen seventy seven.

Commissioner Jaramillo asked Mr. Minor if it was an agricultural property and then it was changed.

Mr. Minor stated yes and he was not aware of the change of the zoning (inaudible).

Commissioner Jaramillo asked Mr. Martinez if he had a possible explanation.

Mr. Martinez stated he hasn't seen anything past nineteen ninety nine to understand zoning or to see what it was zoned, and that it is currently zoned RR, rural residential, and from two thousand it was zoned RR, rural residential, it's next to the Municipality and (inaudible) and is zoned RR now.

Commissioner Milam asked Mr. Minor about the photos and that he specified that everything is behind a wood fence and in the picture it shows a semi-trailer outside the wood fence.

Mr. Minor stated the semi-trailers are outside the wood fence, and that the vehicles were all behind the wood fence.

Commissioner Milam asked Mr. Minor how many vehicles are currently behind the wooden fence.

Mr. Minor stated none.

Commissioner Milam asked Mr. Minor about the RV's that are on the property being used as storage.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Minor stated that RV is operable just not licensed.

Commissioner Milam asked Mr. Minor if the trash and debris next to the boat is still there.

Mr. Minor stated no.

Commissioner Milam asked Mr. Minor about photos regarding other trash and debris on the property.

Mr. Minor stated the leaves are to be used as compost.

Commissioner Milam asked Mr. Minor if he is correct in saying that there are not any cars behind the fence except for the mobile home, storage building and two antique collectable cars.

Commissioner Gaudette asked Mr. Minor how long he has been in the business of beekeeping and ancillary products with the beekeeping.

Mr. Minor said since April of 1977.

Commissioner Gaudette asked Mr. Minor if he makes an income in the business.

Mr. Minor stated lately not much.

Commissioner Gaudette asked Mr. Minor if he has ever filed any tax returns as a beekeeper.

Mr. Minor stated yes.

Commissioner Gaudette asked Mr. Minor when the last time was that he filed a tax return as a beekeeper.

Mr. Minor stated probably about ten to twelve years ago.

Commissioner Gaudette asked Mr. Minor if it is correct that he applied for a tax identification number in 2012.

Mr. Minor stated yes.

Commissioner Gaudette asked Mr. Minor to please tell him what is currently inside the non-refrigerated trailer.

Mr. Minor stated that the forward part of the trailer has anvils and work benches and the back part of the trailer also has work benches, saws and storage shelves.

Commissioner Gaudette asked Mr. Minor what is being stored in the school bus.

Mr. Minor stated honey extractors, honey storage tanks and various equipment used for honey extraction.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Commissioner Gaudette asked Mr. Minor if the bus itself is not necessary for beekeeping and if he is just using it, and what is being done in the bus doesn't necessarily have to be done in a bus it can be done elsewhere.

Mr. Minor stated yes.

Commissioner Gaudette asked Mr. Minor what he has in the refrigerated trailer.

Mr. Minor stated it is primarily storage for honey jars, bee equipment, hives, etc.

Commissioner Gaudette asked Mr. Minor if he keeps invoices for his business as well as sales receipts.

Mr. Minor stated yes.

Commissioner Gaudette asked Mr. Minor why the judge waived the filing fee for this hearing.

Mr. Minor stated he does not know.

Commissioner Gaudette stated he feels that is odd because Mr. Minor is a business man running a business against the zoning regulations and from what he is understanding him to say is that it is a thriving business, he is making money at it.

Mr. Minor stated it is not really thriving, it is struggling.

Commissioner Gaudette asked Mr. Minor why it has taken him so long to clean up his property being as Valencia County filed a complaint to enforce zoning and nuisance ordinances in February of 2010.

Mr. Minor stated he has been working on it as much as he can in the last few years as he has had heart surgery and is doing most of the clean up by his self.

Commissioner Jaramillo asked Mr. Minor who his customers are and are they coming to this site and is there regular traffic to this site.

Mr. Minor stated anybody he can find to buy the honey and that there is not much traffic now and most of his income has been from beekeeping supplies and works as a bee removal to remove problem bees.

Commissioner Jaramillo stated where he is getting a little confused is between a bee type business and a hobby, and it seems to him that some of the trailers and storage are not related to the bee business but are just kind of hobby things that are being said are associated with the bee business and trying to get the zoning and keep them there through the zoning and not that they are related to this bee business, and asked Mr. Minor if he follows him on this.

Mr. Minor stated no.

Commissioner Jaramillo stated for the size of the operation that Mr. Minor is describing it seems very small and it seems that there is a lot of stuff being requested to keep on the property with the reasoning being that he needs it for the bee business.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Minor stated that is correct.

Commissioner Jaramillo asked Mr. Minor if all of this stuff is really related to the bee business.

Mr. Minor stated most of it.

Commissioner Jaramillo asked Mr. Foster if all of this stuff is related to the bee business and the commission approves this, would Mr. Minor continue to use each one of these trailers, the bus, the mobile home.

Mr. Foster stated if that is what Mr. Minor is saying but he has never seen it and he has been on this case for five years.

Commissioner Jaramillo asked Mr. Foster if he understood where he was going with this.

Mr. Foster stated yes.

Commissioner Jaramillo stated it doesn't seem like much business but these are big items-two forty plus foot trailers, a bus a mobile home, for a bee business that doesn't seem to be doing business, and is the Commission just looking at approving a business to leave all of these things on a property that is really no going to be a business.

Commissioner Jaramillo asked Mr. Minor if that is what is going to happen.

Mr. Minor stated he hopes not and he is getting back into the business in depth and without the storage and facilities to repair the equipment, he deals in somewhat used equipment, and has to have someplace to store the equipment and if it's kept outside it deteriorates and becomes worthless.

Commissioner Jaramillo asked Mr. Minor how many items he repairs on site for other people.

Mr. Minor stated he does not usually repair for other people but he sells used and repaired equipment.

Commissioner Jaramillo asked Mr. Minor if he is the only employee of this business.

Mr. Minor stated yes and occasionally his son will help him out.

Commissioner Gaudette asked Mr. Minor to take a seat as the Commission does not have any more questions at this time, and asked if there is anybody in the audience who would like to come forward to speak in favor of the application. There were none.

Commissioner Gaudette asked if there is anybody who would like to come forward in opposition of the petition.

Mrs. Julian stated her name is Linda and she would never interfere with someone having an honest business and making a living, and has been on her property since 1995, in a mobile home park and is adjacent to Mr. Minor's back lot, and figured she should come to this meeting and if something were to happen later she wouldn't have a leg to stand on, or any recourse, and when she moved into her home in 1995, she is not exactly sure when it started, but there were bee hives there and for a good length of time she would have stuff all over her house and all over her cars, bee it bee poop or bee flakes, it was mostly



VALENCIA COUNTY PLANNING & ZONING COMMISSION

on the walls and cars, and it cannot just be rinsed off and it was frustrating for her, and talked to Mr. Minor and asked him to turn his hives and he did and the stuff falling stopped. Mrs. Julian stated her concern is noise, and how the bees, noise and vehicles will impact her as a neighbor. Mrs. Julian stated it would be nice if Mr. Minor could maintain the property a little bit nicer, and she understands he has had health problems but she has been concerned about fire problems as he has a lot of weeds, and they are in piles and she would like some kind of reassurance that she would not be bombarded with bees and what the impact might be.

Commissioner Milam asked Mrs. Julian what she sees from the west side of her fence over to Mr. Minor's back yard.

Mrs. Julian said a lot of stuff.

Commissioner Milam asked Mrs. Julian to describe it.

Mrs. Julian stated a lot of trees, and believed there was vineyard at one time, various piles of things he gathered up, wood, new things he is working on.

Commissioner Milam asked Mrs. Julian if the condition of the yard has improved or gotten worse in the last year.

Commissioner Gaudette stated there is a third option and that it has stayed the same.

Mrs. Julian stated no worse.

Commissioner Jaramillo asked if her home or entrance in relation to the flow of traffic of any business that would be brought in by Mr. Minor's request.

Mrs. Julian stated no.

Commissioner Jaramillo asked if any additional traffic was brought in would it affect her.

Mrs. Julian stated it could depend on the time and types of traffic coming in.

Commissioner Jaramillo asked Mrs. Julian if she has noticed in the last five any traffic caused by Mr. Minor's business.

Mrs. Julian stated no.

Commissioner Jaramillo asked Mrs. Julian if she knew Mr. Minor had a business there.

Mrs. Julian stated only beehives when she moved in and did not know if it was a business or a hobby, or only knows what it did to them for a while.

Commissioner Gaudette thanked Mrs. Julian and asked if there is anybody else that would like to be heard.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mrs. Pino stated her name is Marcella and she lives behind Mr. Minor's property and her concerns are the same as Mrs. Julian's and there has already been a fire on his property and she watches her grandchildren who are allergic to bees.

Commissioner Gaudette thanked Mrs. Pino.

Commissioner Gaudette asked Mr. Foster for a history of this case as he stated he has been on this case for 5 years.

Mr. Foster stated in 2008 one of the Code Enforcement officers had the case and when that officer transferred out Mr. Foster took over the case and it was at Magistrate Court in Belen with Danny Hawks.

Commissioner Gaudette asked what the issue was in 2008.

Mr. Foster stated the same issues before the Commission today, the semi-trailer, the trash, debris, and at the time he had two mobile homes besides what is on the property now. Mr. Foster stated since 2008 Mr. Minor has taken down the other two mobile homes including the frames and got rid of them, so he do some work within the first three years and after that the court kept giving him more time, and nothing was ever done. Mr. Foster stated the County dismissed the case from Magistrate Court and took it to District Court.

Commissioner Gaudette asked Mr. Foster if he is referring to the 2010 case involving Judge Otero.

Mr. Foster stated the first papers that came out after the extension were done by Judge Pope, and he gave another extension, and then Mr. Minor's attorney could not make it because he was in Santa Fe at the round house and finally it was taken up in May 2010 and she gave the ruling on what had to be done. Mr. Foster stated that during that time until the recent case nothing was done and last time the attorneys made an agreement with the judge and everything and gave it that he would have to come in front of the Planning & Zoning Commission.

Commissioner Gaudette asked Mr. Foster if there was anything else.

Mr. Foster stated he has looked inside the one refrigerated trailer and Mr. Minor has wood and all kinds of stuff in there, everything you can think of inside of that one and the other one, he has never looked inside of it. Mr. Foster stated he has never stepped foot per say onto Mr. Minor's property to validate the cars and all the other stuff just from the photos that code enforcement has to verify how many he has in there.

Commissioner Jaramillo asked why it took so long to get this request for this business.

Mr. Foster stated that Mr. Minor was told the first they met that he needed to come see Mr. Martinez to get the paper work to do what is being done now.

Commissioner Jaramillo asked if it was initially a request because of the condition of the property.

Mr. Foster stated there was a criminal complaint turned in.

Commissioner Jaramillo asked if Mr. Minor then said that all of this was related to the bee business and that's how in 2008 he was told that he need this request.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Martinez stated it was a violation of a code nuisance in 2008 (inaudible) about a business, in 2010 it went to District Court, it didn't get called up until 12 of 2012 when Judge Otero first started and at that time he did state that the structure was used for a home occupation and she gave him six months to come in a and get a home occupation, he took the paper work but didn't bring it back for that home occupation, we went back in front of Judge Otero again and she ordered for it to get (inaudible).

Commissioner Jaramillo asked if Mr. Minor were to be denied this request what is allowable under the zoning ordinances for bees, tell us what the zoning is.

Commissioner Gaudette asked if Mr. Minor's paper work is denied does the bus, the two trailers and the burned out mobile home have to be removed from the property.

Commissioner Jaramillo asked if Mr. Minor would still be able to have the bees for example if he was a hobby bee farmer.

Mr. Martinez stated that as of right now the semi-trailers are considered commercial on their wheel, commercial use, a commercial type of structure. Mr. Martinez stated Mr. Minor could apply for a building structure and put up a storage shed and continue to do beekeeping as he does reside in a rural residential zone and it does allow for agricultural use, and bee's are an agricultural use, but it also says accessory structures are only allowed that would normally be seen in a Rural Residential zone type such as a barn or a garage, and a semi-trailer is not usually seen in this zone.

Commissioner Jaramillo asked Mr. Martinez if Mr. Minor would still be able to do his bee related activities, not necessarily have the business, but he would have to take off the bus, the trailers and he could build boxes in a shop or garage or backyard, wherever he wants.

Mr. Martinez stated yes.

Commissioner Milam asked Mr. Martinez if it is appropriate for Code Enforcement to review the property on the inside of the fence and the reason he asks is to find out whether all the cars are still there.

Mr. Martinez stated (inaudible)

Commissioner Milam stated he understands but wants to ensure that the vehicles have been removed and he cannot make a decision for the Home Occupation if Mr. Minor hasn't even complied with the court order,

Mr. Martinez stated it would be looked into.

Commissioner Gaudette stated the Village of Los Lunas submitted a letter dated July 18, 2013 summarizing that they do not oppose the request of Mr. Minor, however the Village does have a concern as to the condition of the property and are asking the petitioner to clean up the property to simple standards and according to Village policies, but his property is not in the Village.

Commissioner Gaudette asked Mr. Minor to return to the podium for any questions from the Commissioners. There were none.

Commissioner Gaudette asked Mr. Minor if he had any questions or any other comments.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Minor stated no.

Commissioner Gaudette opened the floor for discussion from the Commission.

Commissioner Gaudette asked for a motion for a vote.

Commissioner Baca made a motion to deny the petition.

Commissioner Jaramillo seconds the motion.

Mr. Martinez stated there has been a motion to deny the petition and will call for a roll call vote on that motion.

Commissioner Baca votes yes.

Commissioner Jaramillo votes yes.

Commissioner Milam votes yes.

Commissioner Gaudette votes yes.

Mr. Martinez stated to Mr. Minor his application has been denied for a Home Occupation and a notice will be sent out and he will have fifteen days to appeal the decision to the County Commission.

7. Discussion

8. Motion to Adjourn

Commissioner Milam motions to adjourn.

Commissioner Jaramillo seconds the motion.

9. Adjourned