

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
APRIL 19, 2011**

Chairman Rod Storey called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 5:30 p.m.

Roll call being taken is as follows:

PRESENT: Chairman Rod Storey
Vice-Chair Dubra Karnes-Padilla (Arrived Late- 6:30 PM)
Commissioner Steven Fitzgerald
Commissioner Max Cordova
Commissioner Jon Trujillo

CITY STAFF: Lisa Miller, Zoning Enforcement Specialist
Andrew DiCamillo, Planning & Zoning Director

OTHERS: Jerah R Cordova, Councilman
Nester Gallegos, Citizen
Rudy Jaramillo, Mayor
Judith Carrillo, Petitioner
Kenneth Griego, Petitioner
Barbara Horton, Petitioner
Alfred G. Sanchez, Petitioner
Bob Horton, Citizen
Ellen Earle, Citizen
Alejandro Ramirez, Citizen
Roy Torres, Citizen
Clarinda Torres, Citizen
Lea Garcia, Citizen
Zack Meyer, Citizen
Lucy Baca, Acting Manager
Lorraine Sachs Garcia, Sachs 5th Auction
Aaron Silva, Elite Muscle
Tom Greer, Fast Forward Realty
Lorenzo Carrillo, Councilman

Ronnie Torres, Citizen
Alan Tomalavich, Bernie's Fabrics

APPROVAL OF AGENDA:

Commissioner Steven Fitzgerald moved to approve the Agenda as presented.

Commissioner Jon Trujillo seconded the motion.

Motion carried.

APPROVE OF MINUTES:

August 31, 2009

Commissioner Max Cordova moved to approve the Minutes of August 31, 2009.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried.

October 25, 2010

Commissioner Steven Fitzgerald moved to approve the Minutes of October 25, 2010.

Commissioner Jon Trujillo seconded the motion.

Motion carried.

ACTION ITEMS

- A. REQUEST FOR A VARIANCE ON FRONT SETBACK & FENCE HEIGHT RESTRICTIONS: BARBARA A HORTON & ALFRED G SANCHEZ. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Manuel Garcia Addition, Lot 18 through 21, AKA 1001 W Castillo Ave., Belen NM 87002

Lisa Miller informed the Commission that this issue was generated by a citizen complaint and a Notice of Violation sent to Ms. Horton and Mr. Sanchez concerning the fence. Ms. Horton and Mr. Sanchez came in to the office to find out what was needed. They were informed that they would need to seek a variance on the front setback & fence height restrictions. They were also informed that there is also a clear site triangle that needs to be adhered to concerning the intersection of Tenth Street and W. Castillo. Ms. Horton and Mr. Sanchez provided all the paperwork and filled out the request form. They also informed me that they had no problem with adhering to the clear site triangle.

Mr. Sanchez asked the Commission if they had read the letter of intent that was submitted. He would like to make a change in number 4 by saying that he now has a better understanding on the front setbacks. After speaking to Andrew DiCamillo he now understands that the setback of 20 feet is not from the front of the property line but from the front of the home or structure and that there is not an issue with that. He read the letter of intent for those who did not get a change to read it. (A copy of this letter along with the packet is attached). Some of the other reasons include:

- People will just drive through the front of the property instead of taking the time to go to the corner and they have done some damage to the sprinkler system in the yard.
- People will just throw trash all over the front yard.
- There have been twelve rounds of ammunition found in the front yard. (22 Longs)
- There yard is being used as a dog dump station from loose dogs in the neighborhood.
- Empty whiskey bottles are being found in the front yard.
- People walk across the property instead of on the sidewalk.
- Dirty diapers have also been found.
- There have been burglaries in the area.
- There was an underage driver collide with one of our parked vehicles that was on the property.

They are doing this for security reasons, primarily and to improve the property. They also provided the Commission with letters that have been sent to them in support of the fence. Pictures were also passed around showing fences that are in Belen that are similar. Since this is a wrought iron fence, visibility is not a factor. They are not building a solid fence and they will abide by the clear site triangle. They showed the Commission photos of fences that are solid and six feet high in the front.

Ms. Horton told the Commission that it is a safety issue for her. There have been numerous people that cross their lawn. There has even been a gas company truck that went across the front lawn of both homes. They even put decorative rocks around the front lawn and they still do not stop.

Mr. Sanchez said that they highly commend the Belen Police Department for their part in responding to issues such as this. Drugs, burglaries, etc. is not unique to Belen, it is all over the country. We are just trying to do our part to protect what is ours.

Chairman Rod Storey asked Mr. Sanchez if there were going to be gates, and if so are they going to be chained and locked?

Mr. Sanchez informed him that there would be gates and that they would be locked.

Chairman Rod Storey said that this was one of our concerns is being able to protect your property when they are not there. The police need access, the fire department need to have access in case of an emergency.

Mr. Sanchez said that this would not be a problem, that they would provide the proper agencies with keys. During the day they will be open. They would basically be chained and locked at night.

Chairman Rod Storey asked what the requirements were for the clear site triangle.

Lisa Miller informed the Commission that the pole already placed on the corner would have to be moved and measurements from the center of the road down each street would have to be done. Then a triangle can be drawn to show where the fence would have to be. Information and how to do this was given to Mr. Sanchez & Ms. Horton.

Chairman Rod Storey commented to the Commission that he saw no issues with the fence except for the clear site triangle and the access to the property in case of an emergency. This should be part of the stipulation for approval for the variance.

Mayor Rudy Jaramillo told the Commission that he has been to the property and finds that the vision issue is not really an issue that it is more a safety issue.

Mr. Gallegos told the Commission that he lives about a block and a half away from this and that the problems we are having are the fact that there are so many empty lots where there are a lot of absent owners and these areas see a lot of abuse of this property. The fence is a security issue and seems to be a very nice looking fence. He became concerned when he first saw the fence going up. He spoke with Mr. Sanchez and Ms. Horton about the fence and was informed of the reasons they were going to put up the fence and what kind of fence it would be and he feels that a property owner should have the right to protect his property with a fence such as this. He sees no problem with the fence.

Chairman Rod Storey informed Mr. Gallegos that this may be something that the City can address at a future time but as it is the Ordinance does have the guidelines in place.

Ms. Ellen Earle informed the Commission that she has lived next door to them for about twenty years and there are dogs that use the yards all of the time, kids going through the yard all the time, trash is being thrown on the yards in the area all the time and she feels that the fence is a safety issue and has no problems with it. It is a nice looking fence and you can see through it.

Mr. Tom Greer, owner of 1105 W Castillo, said that he really like the way the fence looks. It helps define that neighborhood better and it will give them an opportunity to put in some landscape in the corner, etc. He has seen them try to just have it destroyed by the problem they are having. A security fence that is not six feet tall is not a security fence.

Commissioner Steven Fitzgerald moved to approve the Variance with the following conditions:

- The clear site triangle must be adhered to.

- The fence must not be converted to a solid fence, now or in the future.
- A key to the locked gates must be provided to the proper City Agencies for emergency access.

Commissioner Jon Trujillo seconded the motion.

Motion Carried.

Vote to approve was as follows:

Commissioner Max Cordova	Yes
Commissioner Jon Trujillo	Yes
Commissioner Steven Fitzgerald	Yes

B. REQUEST TO AMEND THE ZONING MAP ON A SECTION OF TRACT A FROM A-R TO R-1 LEAVING THE REMAINING 1 ACRE TO MAINTAIN THE A-R ZONE: TARCILLA GRIEGO/JUDITH CARRILO-AGENT. LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 19, Map 101, Land of Deaudin & Tarcila Griego, Tract A containing 1.45 acres, AKA 925 W. Vivian Dr., Belen NM 87002

Andrew DiCamillo informed the Commission that there was a typo and that it is not an R-2 but an R-1 zone. The legal notice of a public hearing that was published did have the correct information. A copy of the lot split going from one parcel to two, is on the desk in front of you. The property owner wishes to change the zoning on the small lot and leave the A-R on the remaining one acre lot where they plan on building a home.

Chairman Rod Storey asked if this home was going to site built.

Andrew DiCamillo stated that it would be.

Chairman Rod Storey asked if there are utilities available.

Andrew DiCamillo stated that there was.

Chairman Rod Storey asked if the minimum square footage of an R-1 zone and all the setbacks require would be met with the lot split and the R-1 zone.

Andrew DiCamillo said that it meets the R-1 zone requirements. There is an existing home on the smaller proposed lot.

Mr. Kenneth Griego and Ms. Judith Carrilo informed the Commission that the reason for the request is so that they can build a home for their mom.

Chairman Rod Storey asked if it was being farmed, being that it is zoned A-R.

Mr. Griego & Ms Carrillo said no.

Chairman Rod Storey asked if any of the other properties in the area being used for agricultural purposes.

Mr. Griego & Ms. Carrillo said no.

Chairman Rod Storey said that spot zoning would not be an issue due to the fact that none of the properties are being used for agricultural purposes even though it is zoned A-R throughout that area.

Commissioner Jon Trujillo requested to recuse himself from the voting due to the fact that this request has been made by family.

Commissioner Max Cordova moved to send a recommendation of approval to the City Council to amend the Zone Map from A-R to R-1 as described below:

- Request to Amend the Zoning Map on a Section of Tract A from A-R to R-1 leaving the remaining 1 acre to maintain the A-R Zone on said property. **Legal Description:** Township 5 North, Range 2 East, Section 19, Map 101, Land of Deaudin & Tarcila Griego, Tract A containing 1.45 acres, aka 925 W Vivian Dr., Belen NM 87002.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried.

Vote with recommendation of approval was as follows:

Commissioner Max Cordova	Yes
Commissioner Steven Fitzgerald	Yes
Chairman Rod Storey	Yes

DISCUSSION

Approval Process for City Murals

Chairman Rod Storey said that he is aware of the amount of discussions that has been going on concerning this issue. The P & Z Commission are interested in getting a process going and approved to further this process along. We are very interested in the guidelines that have been discussed.

Jarah Cordova informed the Commission that he was there to present to them the Mural Project application. This application has been put together by the Belen Main Street Partnership, the leading agency behind this mural project to this point. This got started last year when the Belen Main Street had some discussions on what sort of projects it would like to do downtown. They did a lot of research they came up with the idea or

painting murals. Bernie's fabric was painted late last year. They had all been approved by the Belen Main Street Partnership. Some of the murals were painted in the Main Street Overlay Zone and at this time it became an issue. Sometime in late January it was brought forth with some concerns on one of those murals. There were some comments on the first meeting with the Council and there have been some follow-ups'. There were a couple of meetings in February and at the second meeting in February the City Council made a motion that provided us with a way forward. There are four parts to that motion. The first part was that the City Council approved the existing murals as of that meeting date. The second item was to clean up the south side of Bernie's fabric building where the mural had been written over. The third part was that no more murals could be painted until some process and guidelines were put in place. The fourth item was for the Belen Main Street Partnership to come before the Planning & Zoning Commission to essentially get your blessing on some type of process for moving forward.

At this time Mr. Codova proceeded to go over the application form. A copy of this form is attached.

Mr. Cordova said that this application must be completed before any mural can be completed especially under the Belen Main Streets purview. There will no doubt be business owners, property owner, etc. who might want to do something like this outside of the purview of the Main Street Overlay Zone and the Main Street Partnership.

Chairman Rod Storey asked if that was something that the Council would like the Commission review and make changes to existing ordinances when it come to murals etc. being outside the Main Street Overlay Zone and the Main Street Partnership. He likes the application process and the fact that the Main Street Partnership is policing it themselves but it seems to me that an Ordinance in place as well for the people who are not going to be required to do this to keep with the regulations and the rules also. Is there a possibility of this as well?

Mr. Cordova said that the Main Street Partnership would be willing to work with the Commission on this. At this point they have not gotten into to much detail as to how they would approach that. They do see a few problems with that, one being a private property owner paints a mural we have no control over that. The restrictions on murals only apply to the Main Street Overlay Zone and the Becker Street Overlay Zone. What would be a good step after this process is done is to look at the Ordinances and see if we could apply what takes place to the entire City.

Chairman Rod Storey asked if there was anything written as far as content of the mural is concerned or what is acceptable and what is not.

Mr. Cordova said that it is very difficult to come up with a set of guidelines for that due to the fact that some might view it as art and some may not. The best to do at this time is to follow the formal written protest that is on the project application form and ensure that

we are working as closely as we can with the neighbors as stipulation of the project application.

Chairman Rod Storey asked if there was a time limit that is proposed on the process and the mural itself.

Mr. Cordova informed the Commission that there has been some discussion on that and it does depend on the property owner or the business owner. We do have to remember that it is their property and they do have to have some freedom to make those decisions themselves. The partnership will be doing a yearly review of the applications and essentially what they would be doing is reviewing the application and then go back and look at the mural and see if it is holding up or coming apart we can speak with them to get it improved etc.

Commissioner Jon Trujillo asked if there were one particular artist of a few specific artists that are doing the murals at this time.

Mr. Cordova said that up to this point it has been primarily one artist or a particular set of artists that are connected to the one. He has opened it up to all artists, so they are reaching out to other artists.

Commissioner Jon Trujillo commented that he has noticed that there is no graffiti on any of the murals and it looks like the graffiti artists are respecting the mural artists.

Chairman Rod Storey asked if there has been any discussion on murals on any of the City owned buildings or properties.

Mr. Cordova said that there has been some discussion but it hasn't gone very far. If the City would welcome that he would be more than willing to work with them on it.

Chairman Rod Storey asked if the funding for these on the owners, the artist, or the Partnership.

Mr. Cordova said that up to this point all of the murals have been paid for by the business owner or the property owner.

Commissioner Jon Trujillo asked what type of complaints the Partnership has heard.

Mr. Cordova has heard about several but has personally heard around five or six personally. Some just do not like murals; some do not like the murals being to colorful and some do not like black, like what is in the background of the murals at Bernie's. It seems like the primary complaint is the type of art which is very difficult to regulate.

Commissioner Max Cordova asked how many people are on the committee to review and approve the sketch of the mural.

Mr. Cordova said that the Belen Main Street Partnership Board stands with a membership of 12 and that information would go before that Board for approval.

Commissioner Steven Fitzgerald asked what the original intent of the murals was.

Mr. Cordova said that the original intent was to provide some new vibrancy to downtown Belen.

Commissioner Max Cordova asked if there was going to be a limit on how many murals allowed or is it going to be all over.

Mr. Cordova said that at this point no there will not be but he feels that this should be discussed at some point when the discussion of the Ordinance update is done.

Chairman Rod Storey said that being the clear site triangle was mentioned on the application, has there been any consideration to loudness of the colors on the corners on buildings that may hinder traffic.

Mr. Cordova said that up to this point it has not been an issue. He can not say that it is a particular distraction to the traffic but if the problem does arise it will be addressed.

Commissioner Steven Fitzgerald asked if there were any regulations concerning the front of the buildings in the Ordinances.

Mr. Cordova said that in the Main Street Overlay does have the restrictions of murals, bold graphics, etc. on the facade of the building without the approval of the City. The Becker Ave Overlay does not have that, no murals, bold graphics, etc are allowed on the façade in this overlay zone.

Chairman Rod Storey asked who is in the Main Street Partnership and when do they meet.

Mr. Cordova said that it consists of local businesses, local citizens, Council members, are they appointed. The Board was started through an application process under the previous administration. The application was distributed throughout the community and any one who was interested could submit an application and join. They have not gone through another application process since. Anyone who is interested on becoming a member has been allowed to.

Chairman Rod Storey asked what other projects the Main Street Partnership was involved with.

Mr. Cordova said that there are several projects in the workings. Two weeks ago the were successful in an application to have the Harvey House designated as one of the most

endangered historical sites in the state of New Mexico, which will open up a multitude of funding opportunities for the Harvey House. They have been working with the City to have the first City Community garden. They have four committees with in the organization and they are each working on two projects.

Commissioner Jon Trujillo asked if the existing Ordinance has any specific references to murals.

Mr. Cordova said that there are no specific murals in any particular way. The Main Street Overlay Ordinance does have the restrictions on large graphics, bold patterns, etc. are not to be placed on the façade of the building unless approved by the City. On the Becker Street Overlay Ordinance it is not allowed at all.

Chairman Rod Storey commented by saying he likes the application and the process that had been presented and thanked Mr. Cordova for the presentation.

Councilman Lorenzo Carrillo said that he wanted to bring a couple of things up before they go forward with this process. The mural process has been very controversial. It has been pretty much positive but there are a few things that need to be kept in mind. One is that there needs to be a time frame for how long the murals are up and there also needs to be a decision on how many. We are talking about the Main Street Overlay Zone. There is still the entire city and it does not have a blank checkbook to say that they can just put up a mural because some residents have alluded to this, there is not. There has to be some kind of approval from the City to put up a mural no matter where it is. We know we are talking about the Main Street area but this is going to affect the entire City and we are going to have to address this. When the mural is taken down or painted over you need to consider this in the application process. You also need to consider maintenance of the murals. The business owner or artist needs to be aware of this. If a mural is damaged it needs to either be replaced or repaired and not just sit there. There is a type of art that does not fit the theme for our city. Be aware of this and the fact that there really should be a theme and it shouldn't be just any type of art.

Vice-Chair Dubra Karnes-Padilla asked Mr. Carrillo if they were asking the Commission for contributions to the guidelines concerning the murals.

Councilman Carrillo said yes, absolutely. The City has been very clear that this is an issue for the P & Z Commission to look at and address. It will have ramifications throughout the city and not just on the Main Street Project.

Commissioner Jon Trujillo asked when some artwork is put up on a building do other cities put a time frame on how long they will be there.

Councilman Carrillo said that he has not really researched this and he really can not answer that. Once something goes up, as you know, it weathers or gets damaged and this needs to be addressed.

Chairman Rod Storey commented that there definitely needs to be a time frame and maintenance included on the application.

Commissioner Max Cordova said that his concern is also that there will be artwork flooding the city and that there needs to be some kind of control as far as applications, etc.

Commissioner Jon Trujillo asked if the art that is up at this time has followed the existing Ordinances or are they just doing this without bothering.

Councilman Carrillo said that the City Council has not seen an application for the murals that have gone up. If it is not on Main Street the private property owner probably feels that he can do this without permission because it is his own private property, but the Ordinances are very clear about the type of colors, lettering, etc. that can be used.

Commissioner Jon Trujillo asked if he was saying that the new ones that have gone up do not have the city approval to do so.

Councilman Carrillo said that he was not aware of anyone coming before the Council and they have apparently not come before the P & Z Commission either. This is what he is getting at when he said that this will affect the City as a whole. The request before you is for the Main Street area and that does have a boundary.

Commissioner Jon Trujillo asked Mr. Cordova to explain where and what those boundaries are.

Mr. Cordova said that the Belen Main Street Partnership has jurisdiction, in terms of their projects, in a very limited area. The boundaries for the downtown district go from Chavez to Baca and from Main Street to the railroad. They have provided guidance, to those individuals who have requested it, on the outside of those boundaries for a number of projects.

Councilman Carrillo said that with the boundaries for the Belen Main Street Partnership being as they are, the Ordinances that are in place for the entire city are very vague and that is why these issues need to be addressed and the Ordinances amended. That is what he is stressing when he said that what application process is put into effect now for the Main Street project will affect the entire city as a whole. These issues need to be addressed.

Vice-Chair Dubra Karnes-Padilla asked that since you suggested a time line for the art what he felt should be the time line for the P & Z Commission to complete their suggestions for the Ordinance changes.

Councilman Carrillo suggested that it be as soon as possible.

Commissioner Jon Trujillo said that since Jarah Cordova seems to have a handle on the Main Street Project and the fact that he has done a lot of research, maybe he could possibly work closely with us and make suggestions.

Chairman Rod Storey asked Andrew DiCamillo what the process is now for anyone who wanted to place murals on their buildings.

Andrew DiCamillo said that they would need to come to him so that he could review it. Nobody as of yet has come in.

Chairman Rod Storey asked how the existing murals got approval.

Andrew DiCamillo suggested that, as a city employee, this application is a great start and should also be used by the City. As Councilor Cordova has said, there is not really anything regarding the remainder of the City as far as paintings out side of the Main Street Overlay Zone. He suggested that an application should go through the Main Street Organization even if it is not in the Overlay Zones and not in their jurisdiction. He thinks that they would have a vested interest because what goes on outside of that jurisdiction is just as important and would affect the integrity of what is going on inside that jurisdiction. This application will help us move forward. We have a pipeline of projects and the challenge for Planning & Zoning, Main Street, Staff and the City Council is to establish a new ordinance for public art. This would not just cover murals, but sculptures, public art, etc. He feels that there should also be a consideration for fees on the application, at least for the City process, an appeal process also needs to be developed.

Chairman Rod Storey suggested that the Commission put a time line on themselves to amend or replace the existing ordinance. This would lay the groundwork for the future art regulations and processes. Sixty days for a draft seems like it would be a good starting place.

Andrew DiCamillo said yes it would and maybe he did not make himself clear, as staff he would recommend that the application presented today, for the Belen Main Street Partnership murals, move forward as a base template as a momentum that we have going for more artwork with the rules and regulations currently on the application so that we do not hold back the Belen Main Street Partnership program. At the same time we work on amending or replacing the existing ordinances and come up with a public arts ordinance. Amending or replacing an ordinance and coming up with a new ordinance can take as little as six months or as long as a year. When you do this you want to be thorough but we do not want to hold up the business owners or artists.

Vice-Chair Dubra Karns-Padilla said that the application was a good one but she does see where it should include a maintenance plan, a project completion time line and an appeal process.

Chairman Rod Storey would like to see at the next Planning & Zoning meeting an action item on the changes we see that should be on the application process that the City would be using.

Councilman Carrillo said that he would work with Councilman Cordova to begin the process as far as the ordinances are concerned.

Mr. Aaron Silva, a business owner in town, asked if there was already an ordinance in place that requires property owners to keep their buildings and property maintained and wouldn't the murals fall under that same Ordinance.

Chairman Rod Storey said that it would be in a similar manner but there needs to be some type of Ordinance that concerns art work, etc.

Mr. Romero commented by saying he was happy that the Belen Main Street Partnership come up with the application and the application process for this and the concerns on the impact that any one mural can have on the entire City of Belen. As an artist he understands that his aesthetics may not be for everyone and he thinks that something should be placed on the application process to involve the community, possibly with interviews, with the decision as to what they would like to see done.

SIGN ORDINANCE

Councilor Jarah Cordova informed the Commission that he was presenting the Amended Sign Regulations Ordinance. He spoke with Dubra Karnes-Padilla, approximately a year ago, about the sign regulations ordinance and she requested that if he had any proposed amendments to please bring it before the Planning & Zoning Commission to get there comments and suggestions before presenting it to the City Council. The current Ordinance provides some regulations throughout town and what was given to them was a copy of the existing ordinance with the new changes added. Everything that is stricken through is to be taken out of the ordinance. The things that are underlined are the new additions to the ordinance and the other is what is in the existing ordinance that is to remain in the ordinance.

He proceeded to read the ordinance. A copy is attached.

Councilman Cordova said that one of the things that he tried to do with the new amendment to the ordinance was to remove the things that he felt were redundant. One of the things that he tried to do with the ordinance was instead of defining the content that was prohibited, which is in violation to the First Amendment to the Constitution; he went through and based it on location, size or other features that do not touch the content. There are new definitions and these modifications will allow us to regulate where the signs are placed as apposed to regulating the content. These changes specifically refer to the different types of zoning, off-premises signs and nonconforming signs. Design standards is an added section, a lot of the prohibited signs section has been removed, the

sign permit fees was removed and in its place you will find permits, fees and penalties. This new section is structured so that it will have better and stronger enforcement.

Commissioner Max Cordova asked Jarah where the section is concerning political signs.

Councilman Cordova said that there was no specific section on political signs and this is because it is legal for a governmental agency to regulate the content of the sign. There are within each section of the zones that refer to a time line that limits the length of time a sign can be up in different zoned areas.

Chairman Rod Storey asked if this also applies to real estate signs.

Councilman Cordova said that it would and each sign would require a permit. The permitting process is described in the section permits, fees and penalties.

Chairman Rod Storey asked if these amendments had gone out for public comment yet.

Councilman Cordova said that they had not.

Chairman Rod Storey commented that a 60 day period for a realty sign does not seem long enough because of the economy.

Councilman Cordova said that he was very careful not to regulate the content of the sign. You can not treat a realtor's sign different than a political sign. They all have to be equal according to the US Constitution. That is why the amendments are based on location and not content. This is why a time period of 60 days is in place is to regulate it based on location that way if somebody wants to place a real estate sign in a residential area will be required to renew the sign permit every 60 days just the same way that a political sign must come back every 60 days to renew their sign permit.

Vice-Chair Dubra Karnes-Padilla asked if the City Attorney reviews the ordinances to make sure it is ok.

Councilman Cordova said that due to the budget he is not sure if the City Attorney does review the ordinances.

Chairman Rod Storey would still like for the 60 day time limit to be looked at a little more.

Councilman Cordova said that he would look into that and get back with the Commission. It was very difficult to figure out a way to successfully limit the time that we have temporary signs on the street without regulating the content. This was the best that he could come up with through all of the research he has done and the ordinances of other cities. Elections now tend to run a little bit longer now with the early voting. State law does specify dates when it comes to elections. If you start counting back from the

time voting begins you are well over the 30 days that our ordinance states. You have to be careful restricting certain signs within a 30 day period when they are actually already voting. The intent is to allow enough freedom of speech for people who are campaigning and 60 days is adequate for this. We also have to remember that this was not only an issue in Belen a little over a year ago, but it has been an issue elsewhere. The Village of Los Lunas has a ban on political signs of 30 days prior to their election and the ACLU informed them that they can not regulate that, so you have to be very careful. What he is hoping that we can do here is to come up with something new so that we can have some regulations so that we do not have signs popping up everywhere.

Commissioner Steven Fitzgerald asked if he chose to put a political sign in his front yard would he have to go to the Planning & Zoning department to get a permit.

Councilman Cordova said that all signs that are erected in the City of Belen are required to go to the Planning & Zoning Department for a permit.

Chairman Rod Storey asked when the next public hearing was going to be held for this issue.

Councilman Cordova said that he was hoping that over the next couple of weeks after the Commission has had a chance to review them and get comments to him. He does not know when it will be scheduled to be heard at a City Council Meeting, but he thinks it will be coming up in the latter part of May or in June.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Steven Fitzgerald moved to adjourn.

Commissioner Max Cordova seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:30 PM.

/s/

Roderick Storey, Chairman

City of Belen Planning & Zoning Commission

ATTEST:

/s/

Andrew DiCamillo
Planning & Economic Development Director