

## **AGENDA**

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 9<sup>TH</sup> OF JANUARY 2017 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**  
Minutes of December 12, 2016
- 6. DISCUSSION**  
Airport Overlay Zone-Land Use
- 7. OPEN COMMENTS/REQUESTS**
- 8. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/  
Lisa R Miller  
Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



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**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
DECEMBER 12, 2016**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

**PRESENT:** Chairman Steve Etheridge  
Vice Chair Pete Armstrong  
Commissioner Debbie Thompson  
Commissioner Claudine Montano

**ABSENT:** Commissioner Gordon Reeves

**CITY STAFF:** Steven Tomita, Planning & Economic Development Director  
Lisa Miller, Planning & Zoning Administrator

**PLEDGE OF ALLEGENCE**

Chairman Steve Etheridge led the Pledge.

**APPROVAL OF AGENDA:**

Vice Chair Pete Armstrong moved to approve the Agenda.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of November 28, 2016 were reviewed.

Vice Chair Pete Armstrong had a few typing errors that needed to be corrected.

The corrections were given and the minutes were changed to reflect this.

Vice Chair Pete Armstrong moved to approve the minutes as corrected.

Commissioner Claudine Montano seconded the motion.

Motion carried.

### **DISCUSSION**

#### **Fence Ordinance final review.**

Lisa Miller informed the Commission that she had made the changes that they had requested, to the fence ordinance that they reviewed at the last meeting. One of them was in reference to the administrative procedures which include variances, conditional uses, etc. This was added in the general standards section. She also added was the commercial and industrial sections that they had discussed at the last meeting.

Vice Chair Pete Armstrong asked, for his knowledge, because he is not aware of how these particular pieces of legislation, or whatever. He said there was a theme in that all the sections of the ordinances starts out in the negative and wanted to know if there was a reason for that. He said he was asking out of pure ignorance.

Chairman Steve Ethridge asked if he thought that the negativity should be at the bottom of each section.

Vice Chair Pete Armstrong said that he thinks there is a better way to construct the paragraphs. If you look at this, and he is not picking on anybody or anything, he just doesn't know if there is a format that we followed that lays out how the document should go.

Chairman Steve Ethridge said that he understood and asked Lisa if there is a reason why it is written in this particular format.

Commissioner Debbie Thompson asked if there was another way, that the City can use, that would be better.

Vice Chair Pete Armstrong said that he didn't want to re-word them but to reorganize them and put all the thou shall not use , so and so, at the bottom of the section instead of at the top.

Chairman Steve Ethridge said that he agreed with him on this.

Lisa Miller said that she could do that if that is what the Commission wanted.

Chairman Steve Ethridge said that number one of each section could be moved down to the last number of each section.

Vice Chair Pete Armstrong said that is what he would like to see. He just doesn't see it starting out with a negative, unless there is a format that the City follows that says it needs to follow that.

Commissioner Debbie Thompson said that each area, for example, number one needs to be moved to number seven in the commercial area. Number five in the commercial area also needs to be moved down.

Vice Chair Pete Armstrong said yes and he would like some of the wording changed in it also. He said that the, in together with one number five, needs to be removed and replaced with the word and. He said that one of the things that he feels we are digging a hole for ourselves is under the commercial section number five a, where it defines commercial uses, but he is sure that there are more commercial uses out there, than is announced in five a.

Lisa Miller said that was for the front fencing along with the back and sides.

Vice Chair Pete Armstrong said that he understood that but...

Chairman Steve Ethridge asked if he was talking about a definitive list as opposed to saying, and includes but not limited to, onto the end of number five.

Vice Chair Pete Armstrong said yes. He went back to the residential area, number three, where it does say, shall consist of but not limited to, in that area. It shows a little consistency. He is still..

Commissioner Debbie Thompson said that she has questions about the one acre or larger parcel in number 3.

Chairman Steve Ethridge said that a one acre or larger parcel is allowed to have a post and rail fence.

Vice Chairman Pete Armstrong said that chain link in a residential zone; he still has a problem with this. He walked around his neighborhood and chain link is the prevalent fencing material. He realizes that they will be grandfathered in, that being said, this is one of those situations where chain link is a very good application for a fence in a residential area. To eliminate chain link, and it is carried throughout the fence ordinance, he still feels strongly that chain link is an acceptable fencing material.

Chairman Steve Ethridge said that he also concurs with that.

Commissioner Claudine Montano said that she does not like it for out front. The back and sides are ok using chain link.

Commissioner Debbie Thompson said that; let's say that all but two of your neighbors has a chain link fence and the remaining two want to put up the same, shouldn't they be allowed to put up the chain link, as long as it is like the others. She asked if they would have to come in for a variance if this fence ordinance is adopted.

Chairman Steve Edthridge said yes.

Vice Chair Pete Armstrong said the we are putting the burden on the resident, and the resident is concerned about privacy, security, their assets and they will have to jump through the hoop to ask for a variance and he doesn't think it is right. He thinks there has got to be a way where there are certain areas, he lives in an old section of town and there are all types of fencing.

Commissioner Debbie Thompson said in her area there are all kinds of fencing and if she decided to change her fencing, is she going to have to come in and request a variance on her own property. In her area all but three properties are fenced and it is for safety. She has three different types of fencing on her own property.

Vice Chair Pete Armstrong said that it is the same in his area. His home has chain link, wood , and cinder block and has been that way for decades.

Chairman Steve Ethridge asked if he would be happy if the chain link was removed from the bad boy list.

Vice Chair Pete Armstrong said yes. He thinks that chain link fencing serves a very real function from both the safety side and the security side.

Commissioner Debbie Thompson said that she likes chain link but they are still going to have to ask for a variance if they chose to put it up front, according to the fence ordinance we are working on.

Chairman Steve Ethridge said that if they modify that statement and say ...

Commissioner Debbie Thompson said that she does not think they ( P & Z Commission) can justify that. For example, there are two or three homes in her area that do not have fencing, they are still going to have to come before the P & Z Commission if they want to put up a fence in the front of their property.

Chairman Steve Ethridge said it is just common sense. You do not know if the fence on the side of the property is yours. It might be the neighbors and it goes all the way to the front and all you want to do is to put it across the front of your property starting at the corner of that fence and going across to the corner of the other side.

Commissioner Debbie Thompson said that if your cattle got out and you want to replace the existing fence.

Vice Chair Pete Armstrong asked if they were going to eliminate chain link.

Chairman Steve Ethridge said he was all in favor of that.

Commissioner Debbie Thompson said that she likes chain link for where she is located and it works well in other areas as well, but if a new subdivision is coming in and chain link is excluded, what will happen. She is from the old school and certain areas in Belen, chain link works well, but in other areas it does not fit well and she cannot see a chain link fence going up in an area like that.

Chairman Steve Ethridge said that new subdivision have to come before the Planning & Zoning Commission for recommendations , then they go to the Council for final approval and fence restrictions or any other restrictions can be placed on it at that time.

Commissioner Debbie Thompson said that if you take the area up by the High School, on Delgado, there are some very nice homes with nice fencing around them and then there are a few homes in the same area where they have chain link fences which look out of place. She is in agreement for chain link fences in some areas but not in all. She is not trying to make it a hardship for anyone.

Vice Chair Pete Armstrong said that he lived in the Velta neighborhood for a while and there is no chain link there.

Commissioner Debbie Thompson said that you then have the other side on the area and that side has chain link.

Vice Chair Pete Armstrong said that he knew what she was talking about.

Commissioner Debbie Thompson said that a happy medium is needed. She wouldn't want government in her business and doesn't want to have to come in every time she turns around to do something but has to come to City hall to get permission.

Vice Chair Pete Armstrong said that he was in complete agreement with her.

Chairman Steve Ethridge asked if she had any kind of wording that can be used for this to be put into the ordinance.

Commissioner Debbie Thompson said that she didn't and that is why she brought it up. She said she was hoping someone would have some ideas on how to word it. She would like to see a happy medium.

Vice Chair Pete Armstrong said he would to, and suggested using a term like visually obtrusive instead of specifying the types of fencing.

Commissioner Debbie Thompson said that she thinks that everyone would be confused by that.

Commissioner Claudine Montano said that they would not understand that.

Commissioner Debbie Thompson said that the wording needs to state that the fence has to coincide with the neighborhood.

Vice Chair Pete Armstrong suggested the wording of within the confines of existing neighborhood environment.

Chairman Steve Ethridge suggested the lot lines of the property.

Commissioner Debbie Thompson suggested that they ask Steven Tomita when he returns.

Vice Chair Pete Armstrong suggested that they table that section for now.

Chairman Steve Ethridge asked if this has to be done before the end of the year or if it can be heard by the Council sometime in January.

Lisa Miller said that the Planning & Zoning Department was told to have it done by the end of the year.

Vice Chair Pete Armstrong suggested that they email their suggestions to get this done.

Chairman Steve Ethridge said that if you do this that is considered a rolling quorum and that cannot be done.

Vice Chair Pete Armstrong said that he would like to change number 6 in the residential section, and looking at the scope, we have limited that scope very narrowly. For example, while he was reading the fence ordinance, he was sitting in his back yard and looking at the things he has used a lot in the past for landscaping, fencing, things of that nature and that was railroad guard posts. They are much heavier and much sturdier. Cabling was strong through them for as retention and they were ten inch square and asked if they were in theme of railroad ties.

Lisa Miller said that they would be similar to a wrought iron fence because they weren't actually rail road ties.

Vice Chair Pete Armstrong said that the point he is making is that there are going to be other things that people use for fencing that we may not want them to use but because we are only specifying railroad ties, pallets, corrugated steel and razor wire, we leave a lot of things out there that could be potentially used as fencing material that people might find offensive.

Chairman Steve Ethridge said that includes but not limited to needs to be included on that line.

Vice Chair Pete Armstrong said that they were limiting good products that somebody, for whatever reason, doesn't like. We are eliminating it in residential, commercial and Manufacturing zones and...

Chairman Steve Ethridge suggested that they take all of the negative statements out.

Lisa Miller said that if they decided to do that then they might as well forget the whole thing. You would be taking back to what already exists, which is nothing.

Chairman Steve Ethridge said just put in, here is what we want including but not limited to. Why does it have to have a negative statement throughout the ordinance?

Commissioner Debbie Thompson says that the problems is that when people come in, we want to be user friendly in Belen, but I would rather read something and see that I cannot use this or I need to go ask. Most people in Belen are not going to ask anyway, they will just put it up, but if we have something, she would rather know what can be used then try and guess. She likes that it says what you cannot use.

Lisa Miller said that there are a lot more people coming in or calling than when she first started working here.

Vice Chair Pete Armstrong said that he would back off of corrugated steel, whatever, he doesn't have a big dog in that fight.

Chairman Steve Ethridge said that they were generally speaking about what is already there and not about what we would like to see from here on. It is irrelevant at this time because they are trying to build this dream of what they want for the future.

Vice Chair Pete Armstrong said that he would suggest is to put in the language that says, includes but not limited to, in each section of the ordinance. It should read; The use includes but not limited to railroad ties, pallets, etc. and it should be adjusted for each section that refers to what can and cannot be used as fencing materials.

Chairman Steve Ethridge said that the way they want it done is to put the negative statements at the bottom of each section and move everything else up one and then add the use includes but not limited to ..... Plus take out chain link from the residential zone.

Vice Chair Pete Armstrong agreed.

All were in agreement.

Chairman Steve Ethridge said that there needs to be some changes in the General Standards. Numbers 5 and 6 need to be changed to a and b under number 4. He then asked the Commission if they were happy with the changes and ready to pass it on to the Council for review and final approval.

Vice Chair Pete Armstrong said that he thought it was a pretty good document now.

Chairman Steve Ethridge asked if there was any more discussion on the fence ordinance.

Vice Chair Pete Armstrong said that whether they agreed on all of it and the changes that were discussed at this meeting are put in place, it is still going to be going to the Council for review.

Lisa Miller said it would go before the Council as a discussion in one meeting and then a public hearing with action at the following Council meeting..

Chairman Steve Ethridge said that he would like to see it in its final version for the Commission review before it goes on to Council.

Vice Chair Pete Armstrong asked how long it would take to prepare the version with all the changes that were discussed.

Lisa Miller said that she could have it done the next day if they wanted it.

Vice Chair Pete Armstrong asked if they approved it tonight with the changes and reviewed it before the end of the week.

Commissioner Debbie Thompson and Chairman Steve Ethridge said that would be a rolling quorum and that cannot be done.

Vice Chair Pete Armstrong asked how this could be a rolling quorum.

Chairman Steve Ethridge said that he could give his input, then Pete could give his input, then everyone else can give their input and they are all communicating without actually having a meeting,, at that point it becomes and rolling quorum.

Vice Chair Pete Armstrong said that he was in agreement with that pending a final approval.

Lisa Miller said that it would then have to be done at the next meeting which is January 9<sup>th</sup> .

Commissioner Debbie Thompson said why not approve it now with the changes they did tonight since they seem to have come to an agreement of what the fence ordinance should contain.

Vice Chair Pete Armstrong said that he would back off because from what he hears the Mayor wants it by the end of December.

Lisa Miller said that the document that is going to the Council is just our suggestions as to what the fence ordinance should look like. The Council will be making changes to it before final approval.

Chairman Steve Ethridge asked the staff what their suggestion is.

Lisa Miller said that if the Commission is happy with what changes they made and what the fence ordinance contains with these changes, move it along and get it to the Council for review and final decision.

Chairman Steve Ethridge said that if the Commission wants to make any other changes or see what changes that the Council will make then they can attend the Council meeting when it is up for discussion and again when it is in a public hearing to voice their concerns. He asked if they could get a copy of the ordinance that is going to the Council for review.

Lisa Miller said that she could get a copy to them before the discussion so that they could attend the Council meeting and suggest any changes at that time.

Vice Chairman Pete Armstrong moved that we accept this ordinance as amended.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

Vote is as follows:

Commissioner Claudine Montano	Yes
Commissioner Debbie Thompson	Yes
Vice Chair Pete Armstrong	Yes
Chairman Steve Ethridge	Yes

Lisa Miller said this will now go to the Council for review and final approval.

**OPEN COMMENTS/REQUESTS**

Lisa Miller informed the Commission that there may be a couple of apartments coming but is unsure. There also may be a new subdivision for seniors. The office is waiting on the plans for the new Credit Union. There is a WTF review that will be coming before the Planning & Zoning Commission for review.

Commissioner Claudine Montano asked what was going into the empty Lucent Technology building on Becker.

Lisa Miller said that the owner had rented it out but that they were doing repairs to it at this time.

Vice Chair Pete Armstrong said that he is now starting a new life. He has officially retired. He is working on his home and working on the Caldwell building.

Lisa Miller said that the repairs to the Fiel and Elymire building are moving along very well.

Chairman Steve Ethridge said he would like to extend his condolences to Deputy Thomas' family and wish everyone a Merry Christmas. The next meeting of the Planning & Zoning Department will be on January 9<sup>th</sup>, 2017.

**ADJOURNMENT**

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

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:25 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director