

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 11th OF DECEMBER 2017 AT 6:00 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 MAY 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 November 13, 2017
Minutes of November 27, 2017
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. PUBLIC HEARING WITH POSSIBLE ACTION**
 - a. REQUEST FOR A VARIANCE ON FRONT & SIDE SETBACKS** for the purpose of placing a carport along the east side and the front (north) side of the property: **Frank Jaramillo.**
LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 13, Map 100 Lot 6, Bennie Sanchez Addition, AKA 1613 Ben San Ave., Belen NM
- 8. DISCUSSION**
Fence Ordinance Review-revisions
Landscape Ordinance
- 9. INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
- 10. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/
Lisa R Miller
Planning & Zoning Administrator

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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MAYOR PRO-TEM

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
NOVEMBER 13, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Etheridge
Commissioner Gordon Reeves
Commissioner Claudine Montano
Commissioner Jim Lardner
Vice Chair Pete Armstrong

CITY STAFF: Steven Tomita, Economic Development

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda of November 13, 2017.

Commissioner Gordon Reeves seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Gordon Reeves moved to approve the minutes of October 30, 2017 as corrected.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

PUBLIC COMMENT

Steven Tomita said that the Belen Mainstreet Partnership is holding the fashion, food, and fun event on Friday the 17th at 5:30 PM in the Business Center on South Main. This year's program is being put on by Margie Rende. Her profession was to put on fashion shows in Philadelphia and New York City.

Mr. Don Wood said that at this time, Belen is getting ready to take off as far as development. He has noticed for the last couple of months, that there have been quite a few hits from small businesses interested in the Belen area. They are interested in small businesses, housing, and rentals. He is looking forward to seeing Belen grow.

PUBLIC HEARING WITH POSSIBLE ACTION

- A. REQUEST FOR ANNEXATION with a C-1 Zoning: Jerry Rogers. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 30, Map 104, Tract 30B2B, containing 1.14 ac and Tract 135C, Township 5 North, Range 2 East, Section 19, Map 101, Land of Juan S Garcia, containing .41 ac., located at the junction of S Main St. (HWY 314) and HWY 116, Belen NM 87002.

Steven Tomita showed the Commission where the parcel was located. It was also a request that it be zoned C-1 as part of the annexation. This is one of the parcels that he would like to see annexed into the City. The parcel is ideally suited for Commercial use.

Vice Chair Pete Armstrong asked where the access would be.

Steven Tomita said that it could be on S Main or it could be on HWY 116. The Department of Transportation (DOT) would more than likely prefer access on HWY 116. They may force it farther down because of the intersection.

Commissioner Claudine Montano asked which part was DOT.

Steven Tomita said that DOT is now limiting how close the access can be to an intersection.

Mr. Don Wood said that it is his understanding that there is a water line located on the east side of the property.

Steven Tomita said that the water is on the east side and the sewer is on the west side of HWY 314.

Vice Chair Pete Armstrong said that it was his understanding that the water line on the east side is a small line and essentially of unknown age. The water line is not ready for a development.

Mr. Woods said that he has talked Mr. Rogers into purchasing this property. It is a really good piece of property for any type of business. It is in the County at this time, and is zoned residential and requires a well and septic. The location of this property is better suited for a business.

Chairman Steve Ethridge asked if he had anything in mind at this time.

Mr. Jerry Rodgers said no.

Chairman Steve Ethridge asked if any correspondence was received concerning this request, and surrounding neighbors had been properly notified.

Steven Tomita said that no correspondence was received and that all the surrounding neighbors had been notified.

Chairman Steve Ethridge asked if there were any concerns from the County.

Steven Tomita said none that he was aware of. He has informed the County that the City will be exercising its extra territorial planning and platting jurisdiction. Anything within that three mile radius will have to come to Belen for review. We will then provide them with our input and comments.

Chairman Steve Ethridge asked if there would be any cost to the City for the utilities on this property.

Steven Tomita said that the City would not incur any costs. The developer will have to supply utilities.

Mr. Jerry Rodgers said that he will pay for all utility hook ups.

Chairman Steve Ethridge closed the hearing and asked for a motion.

Commissioner Gordon Reeves moved to approve the annexation of the property into the City of Belen with a C-1 Zoning designation.

Commissioner Claudine Montano seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	Yes
Commissioner Gordon Reeves	Yes
Vice Chair Pete Armstrong	Yes
Commissioner Jim Lardner	Yes

DISCUSSION

Fencing & Walls Ordinance

Steven Tomita informed the Commission that the City Council has asked the Commission to review this Ordinance again. They had a big issue with front yard fencing.

Vice Chair Pete Armstrong said that a statement was voiced that said Mr. Tomita explained to the council that if there was a problem with crime, the property owner can apply for a Conditional Use. He said that he finds this perplexing, that the Commission would put all that work on the resident. What is being said is that if there is a problem with crime, vandalism, etc., that it is the

problem of the homeowner or the owner of the property. He feels that it is a partnership between the City and the resident. The reason he says this is because the property owner will have to come back before the Commission, on a regular basis and go through the process of a Conditional Use again. He asked why a Conditional Use and not a Variance.

Steven Tomita said that a Variance is based on a hardship, and a Conditional Use allows you to do something. The intention of this is to accommodate an owner who is having problems, then once those problems subside or go away the Conditional Use can go away. It is the Commission who decides the amount of time that is attached to the Conditional Use. Once it is made permanent then it is permanent. You are basically building your own prisons when you fence off your whole area. Someone seeing this when visiting will look at this and say something is wrong with this community and decide not to move here or invest here.

Vice Chair Pete Armstrong said that there are ways to work this and be a little more creative than saying that the property owner has to apply for the Conditional Use and has to re-apply at the proper intervals agreed upon.

Commissioner Gordon Reeves said that it is basically saying that if that homeowner wants to keep what they have or place a higher fence around the property, they would have to come in and apply for a Conditional Use.

Steven Tomita said that it says that they can keep an existing fence.

Vice Chair Pete Armstrong said that he has a four foot chain link fence around three sides of his property and if he does anything to that fence other than maintenance and repair, he would have to come and talk to you all about putting up a new fence.

Steven Tomita said that is what the Council is wanting the Commission to re-review. They are also wanting an existing chain link fence the capability of replacing it with another type of fencing. The Council is opposed to no fencing in the front yard. That statement in the beginning of the proposed Ordinance was what caused the Council to not even bother reading the rest of the Ordinance. He feels that a workshop needs to be held between the City Council and the Commission so the Commission can explain to the Council why they did this or that.

Vice Chair Pete Armstrong said that crime problem, in certain areas is not going away.

Steven Tomita asked him what he wants to see or if he wants everyone to be able to put up six foot fencing allowed in the front yards.

None of the Commission wanted to see six foot fencing allowed in the front yard.

Vice Chair Pete Armstrong said there are some areas that make you question where the front yard is and where the side yards are.

Steven Tomita said that is why they are working on the landscaping ordinance.

Commissioner Jim Lardner asked what they thought would be the time period that it would take to clean up the City.

Steven Tomita said that he didn't know. He said that part of the problem is that there are no consequences on anything that is done as far as criminals are concerned. The police are fighting it because they are finding out that they cannot hold anybody and judges are letting criminals go. Another problem is that a lot of this is coming down from Albuquerque to commit these crimes and then going back to Albuquerque. It is also bad in Los Lunas. The statistics go by zip code, so all the addresses with the zip code of 87002 is included in the Belen statistics.

Chairman Steve Ethridge said that if someone is looking at your property they are going to get in whether you have a six foot fence or not.

Steven Tomita said that he hopes that the neighborhood watches take hold in this area.

Commissioner Jim Lardner said that he thinks what the Council is having an issue with is not the back yards or the side yards, but it is what happens in the front.

Steven Tomita said that the Commission can leave the fence height for the setbacks as it is now if that is what they want. The Commission needs to decide what they want in the ordinance then sit down with the Council and explain it.

Commissioner Jim Lardner said that he read through the proposed ordinance and there were only a few things he feels should be changed. He thinks that most of the issues of what he is hearing, concerns the existing fences.

Steven Tomita said that he is not opposed to leaving the height of the fences as they are in our existing ordinances. If he was a developer coming into Belen and seeing all these existing fences and see that a new development is required not to have fencing in the front yard, he would have an issue with it. He would look at it as being treated differently than the other residences in Belen.

Commissioner Jim Lardner asked how big the basic lots in Belen are.

Vice Chair Pete Armstrong said that there is a more basic question and that is what constitutes a lot. A lot of the properties within the City have more than one lot. His consists of four lots.

Steven Tomita said that this was where we were having issues. Any more if you come in to build a home, etc. you will not get a building permit until the property has been replatted. There are too many homes that are located on several different lots.

Commissioner Jim Lardner said that the Commission is going to ruffle a few feathers and break a few eggs making this omelet.

Commissioner Gordon Reeves said that if they leave it as is and take it back to Council and take it to a workshop, they need to read it. He does not think they even read through the whole proposed Ordinance.

Steven Tomita said that the Commission needs to take action on this Ordinance before it goes to Council. When they have the workshop it will be up to the Council to make any changes to it.

Commissioner Gordon Reeves said that the Commission could say something like the pre-existing fences can stay as long as they are maintained and replaced if damaged, but any new fencing needs to follow the new Ordinance.

Steven Tomita asked the Commission if that can be enforced.

Commissioner Gordon Reeves said that they are pre-existing and he feels that can be enforced.

Steven Tomita said if there are six lots, pre-existing, and three have fences up front, then the other three decide that they want to put fences up front. These other neighbors say that their neighbors have fencing so why can't we have fencing also. How do you handle that?

Commissioner Gordon Reeves said that the three that had fencing were pre-existing and the other three weren't.

Most of the Commission did not support a chain link fence. They would prefer not having them.

Chairman Steve Ethridge asked if there was a chain link fence that was placed there for support for vines.

Commissioner Claudine Montano said that there is still a chain link fence there.

Fencing materials was discussed. It was decided to leave the fencing materials as it was.

The Commission changed the wording on the pre-existing fencing in the purpose of the Ordinance. They took out "unless existing fencing is replaced, then it shall meet current standards".

The Commission discussed a time period for the Planning Department to review and approve or dis-approve fence construction.

Steven Tomita said that if they put a time limit on this they will have to put a time limit on everything within the zoning ordinance.

It was decided not to put a time limit on this.

Commissioner Jim Lardner asked how Albuquerque is addressing this issue because he has seen areas that have fencing in the front and yet in other areas they are not allowed to have any front fencing.

Steven Tomita said that some of it is in historic areas and they were pre-existing. He would suggest that grand fathered in are not subject to change under this ordinance except heights that have been granted under a Conditional Use and paragraph 14 of the General Standards.

It was decided to say "Pre-existing fencing shall be grand fathered in and not subject to change under this Ordinance unless existing fencing is replaced in its entirety, then it shall comply with paragraph 14 of the General Standards".

Commissioner Jim Lardner said that he would like to see a change in paragraph 5. He would like to see it say something like an architectural element instead of limiting it to wrought iron or vinyl rail.

Steven Tomita explained that it says such as, which are examples. It is giving you an example of the types and is not limiting it to those.

Chairman Steve Ethridge said to leave it as is and add but not limited to.

Commissioner Jim Lardner said that there was one other he felt needed to be changed. The word "mast" under section D 3 and E 2 needs to be changed to "mask".

Commissioner Jim Lardner asked if 14 & 16 under General Standards should be combined.

Steven Tomita said no. It is not the same. This ties all the residential lots. He does see a need to delete the electrical fencing in 16.

Vice Chair Pete Armstrong asked if pro-panel considered corrugated steel.

Steven Tomita said no, but he will check on that. He went out on Google and brought this up. You could say "corrugated steel unless specifically manufactured to be fencing material" in 16.

Commissioner Jim Lardner said that he has no objections to using corrugated steel as long as it is new and designed for that application.

Vice Chair Pete Armstrong said that pro-panel roofing is used for fencing and if you are going to let that happen then you need to let corrugated steel happen. The only difference is that pro-panel is painted.

Steven Tomita said that pro-panel is anodized. Corrugated steel will rust.

Commissioner Jim Lardner said that basically they are not liking the texture of the corrugated steel but the pro-panel is acceptable. There is a neighbor up by his plant, that used pro-panel and it is hideous. He thinks if pro-panel is used, it should be new and anodized and manufactured to be fencing material.

Vice Chair Pete Armstrong said that pro-panel that is cut to 6' and applied to pipe is going to be an accepted fencing material.

Steven Tomita said that as long as it is new and has been manufactured as fencing material.

Vice Chair Pete Armstrong said that he is concerned about the framing for the pro-panel fencing also.

Chairman Steve Ethridge said they should include that the framing goes on the inside of the fence and not the outside, so that you do not see it.

Commissioner Jim Lardner said that only other thing that he saw was under the new subdivision district where it says that a horizontal member can't go higher than 2" above the top rail. There are decorative tops for those type of fences that would put them above the 2".

Chairman Steve Ethridge said that the object of the 2" is so that it does not impaling hazard.

Commissioner Jim Lardner said that it basically is eliminating any decorative tops for those types of fences.

Steven Tomita asked if he was referring to the pole section of the fence.

Commissioner Jim Lardner said yes.

Steven Tomita said that there is an exemption on the columns and posts. It says 2" above the top rail or horizontal member not the columns or poles, but that can be added.

INFORMATIONAL ITEMS

COMMUNICATIONS FROM THE COMMISSION AND STAFF.

Steven Tomita said that Ace Hardware is going to be opening up in the old Adelante Bargain Square building. They are excited about opening in Belen. The build out of the subdivision on Don Louis Trujillo Blvd is starting and they plan on building a few spec home to start with. They want to get started within the next 60 days. They are also going to have storage units for the homes in the subdivision. These storage units will look like the homes.

Commissioner Gordon Reeves said that the needs to be looked at is the building on the corner of Aragon and Main where the smoke shop used to be, has an RV parked there and they are painting a mural on the building.

Steven Tomita asked him to call the Police Department and report it to the Code enforcement officer.

Commissioner Jim Lardner asked when the AC Disposal field trip was taking place.

Steven Tomita said the 21st at 3:00 PM. They will meet at City Hall and be transported over to AC Disposal.

Commissioner Jim Lardner said that he had made a trip to Denver and was amazed at how much growth is going on there. Denver has really grown.

Chairman Steve Ethridge asked if all of the Hail Damage businesses have come in and gotten a business license and a sign permit. He also wanted to know about the Yaquis hotdogs has signs and wants to know if it is legal. It seems that it is a permanent setup and not a mobile vendor.

Steven Tomita said that he has kept the unit on wheels, so he is a mobile vendor, whether he moves it or not.

Commissioner Claudine Montano said that the owner wants to sell the unit.

Vice Chair Pete Armstrong said that in his neighborhood there are people going around with some of these Hail Repair business to try and get jobs. He had one come to his home and Pete asked him if he had a business license and if he was insured. The gentleman said he did not. The gentleman then left.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves 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 8:02 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
NOVEMBER 27, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Etheridge
Commissioner Claudine Montano
Commissioner Jim Lardner
Vice Chair Pete Armstrong

ABSENT: Commissioner Gordon Reeves

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

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda of November 27, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

The minutes of November 13 have not been completed so they will not be addressed at this time.

PUBLIC COMMENT

There were no public comments

PUBLIC HEARING WITH POSSIBLE ACTION

Steven Tomita informed the public and parties that have requested the issues that they will be sworn in.

Chairman Steve Ethridge swore in all participants for the public hearings. He also informed the public of the process of the hearing and asked that they all respect each other.

- A. **REQUEST FOR A VARIANCE ON FRONT & SIDE SETBACKS** for the purpose of placing a carport along the east side and the front (north) side of the property: **FRANK JARAMILLO. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, Lot 6, Benny Sanchez Addition, aka 1613 Ben San Ave., Belen NM 87002.

Lisa Miller informed the Commission that Mr. Jaramillo came in and requested a variance on the front and side setbacks due to the fact that their home faces north and they have a safety issue when ice builds up at the front of the home and causes a slipping hazard. His wife has fallen and broke her kneecap. He has provided the Department with all the necessary paperwork to complete the application. A case report was done on October 21, 2017. The existing lot is zoned R-1 and all lots surrounding that location are also zoned R-1. The setbacks are 20' front, 15' rear, and 5' side. The structure that is proposed is not an enclosed structure. It is just a frame with a metal cover over the top. Photos, a copy of the zone map, and the location map was provided in their packet.

Commissioner Claudine Montano said that there was already a carport there and asked if he is just wanting to extend it.

Steven Tomita said that the variance is because he cannot comply with the setbacks. The building location prevents him from meeting setback requirements.

The Commission asked that Mr. Jaramillo come up to the podium. It was asked if anyone there was representing Mr. Jaramillo.

Mr. Jaramillo or a representative did not respond. It was assumed that they were not in attendance.

Lisa Miller inform the Commission that it was up to them as to whether they wished to continue the hearing or not.

Commissioner Claudine Montano said that she thinks it should be tabled due to the fact that there is correspondence from the neighbor.

Chairman Steve Ethridge asked if they should be read for the record at this time.

Steven Tomita said that they could be read for the record if the Commission wanted them to be read even though the applicant is not in attendance. If anyone is in attendance and has a concern about attending the next scheduled hearing they may come up and voice their concerns or comments. If not they do not need to read the correspondence until the applicant is present.

Commissioner Claudine Montano moved to table this request until the next meeting.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	Yes
Vice Chair Pete Armstrong	Yes
Commissioner Jim Lardner	Yes

This will be placed on the next meetings agenda.

B. REQUEST FOR A CONDITIONAL USE for the purpose of placing a convenience collection/recycling center at 501 Bernard Ave: **J.N.E. PROPERTY LLC., CHARLES MONTOYA. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tract A, Land of SWPG LLC, containing 8.36 acres.

Steven Tomita showed the Commission the location of the applicant's property and its surrounding area. He showed the location of the drainage ditch, the location of the Junior High, and the location of the neighborhood residents. He informed the Commission that the applicant has come before the City on a previous issue. The applicant applied for a zone change over a year ago. Over the years, this property was used by a paving and gravel operation company. That company used this location for their heaving trucks & equipment, maintenance on their equipment & trucks and was always considered an industrial site. Before the applicant purchased the property the zone had somehow been changed. The owner of the property came in and applied for a zone change to put it back to what it originally was and that was an M-C zone. The applicant has filed for a Conditional Use for a recycling center and a convenience center for the collection of overflow trash that cannot be placed in the regular residential trash containers. Under the M-C Zoning, a recycling center is allowed with a Conditional Use to determine how the recycling center is operated. The Commission can then set conditions of operations. The collection center is not addressed in our Ordinances, but a Conditional Use can be requested in a certain area to allow you to so. The person requesting this has to present the merit of the request, the benefits of the request, address any negatives or impacts that request may have, and then the Commission would have to decide whether the use is warranted, and if it was warranted, what conditions would be established. He showed the Commission a convenience center in Albuquerque that is located within a residential area. It is located within a high price residential area. The difference between the one in Albuquerque and the one being proposed here is that the one in Albuquerque is enclosed. He also did some further research on the EPA side of this, and the primary concerns that they listed was the handling of traffic coming in and out of the center, that trash and debris is properly covered coming into the center, that odors, insect, and rodents are controlled by whatever is deposited that day is removed that day or the next morning. The homes in the area of the Albuquerque convenience center (Eagle Rock) were built after the center was there. It was not a very nice area before the housing development came in. The homes in that area are valued at \$300,000 and up. The City of Albuquerque is staunch and demanding on rules and regulations being adhered to. He explained the operations of the Albuquerque convenience center operations on how you enter and exit its location.

Mr. Charles Montoya informed the Commission that they do have an operational plan in place. This is done through the state. The state has guidelines and regulations that have to be followed to operate a convenience center. He would like to briefly go over the State approved operational plan so that the local residence and the City are aware of the rules and regulations that will be followed.

Chairman Steve Ethridge said that he was impressed by the operational plans that were provided in the Commission packet and he sees no problems.

Vice Chair Pete Armstrong asked Mr. Montoya if Lisa could provide copies of the operational plan to anyone who wishes to read over and study it.

Lisa Miller informed the Commission and the audience that a copy of the packets are on the City website and can be downloaded and printed.

Charles Montoya said that he would briefly go over the operational plan. They submitted an operational plan to the state after the RFP request the City advertised for trash services. At that time they realized that the current City facility is not profitable, there is not enough volume. That is why we have proposed this operation to the City. It involves a very minimal amount of traffic coming and going. The size of this operation is minimal. They do have guidelines that they have to follow. They will be operating six days a week. There is a wind regulation and we proposed an 18 mile an hour wind. At that time we would shut down the facility. They could bring that down if it is requested. They will be closed on holidays. On about 80 feet on the southwest vacant property they will be placing a 7 foot pro-panel fence to enclose the disposal area which will be gated. They customer would have to come into the office to gain access into that facility. At the City's current facility there are only about, on an average, twelve vehicles a day and that includes county residents. The proposed operation will only be for City residents and looking at the report that the City provided, there will only be about four cars a day coming and going into the facility. The facility inspections and maintenance will be followed according to the state guidelines. They are required to follow these guidelines. Rodent control will also be taken care of. There will be no hazardous materials, or animals brought into the facility. For now they will be using the fenced enclosure but in the future they would like to put up a full enclosed structure for this.

Commissioner Claudine Montano asked him if it was only for the use of the people who live in the City limits.

Charles Montoya said yes. For Municipal Solid Waste refers to general household and normal home businesses. You will not see contractors in there or big companies using the facility. It is designed for the residents. One pickup truckload of demolition debris will be accepted from a homeowner. Asbestos-containing materials will not be accepted at this facility. We designed this operation with the residents in mind. White goods will be taken if it does not contain any Freon in it. Those type of items can be taken to the recycling center on Camino Del Llano. The recycling area will accept the normal recycling materials such as paper, cardboard and plastic. They will not accept any glass. They have talked about having a once a year acceptance of electronics so that people have a change to dispose of that type of item. A small quantity of tires will be accepted, but we cannot take more than 9 tires at one time. They can be only auto tire only and not big truck tires. They will be offering each resident the disposal of two large items a

year. With dense or granular material we will take a small amount of things such as bricks. Hot ashes are not accepted. Hazardous or special waste will not be accepted. Customers will not be allowed to dump any waste directly on the ground. It will be transferred from the customer's vehicle directly into a dumpster container. The trash will be dumped daily. If operation hours prevent it from going to a waste site it will be taken the next morning.

Vice Chair Pete Armstrong asked Mr. Montoya how he was going to handle loads that are not full.

Charles Montoya said that it still has to be removed daily.

Commissioner Jim Lardner said that he understands that the property is being used to park his vehicles, perform maintenance, etc. at present. He wanted to know if any of his vehicles would be sitting overnight with a full load.

Charles Montoya said that if the truck comes back to the yard too late to take it to the landfill facility then it will be there overnight and then taken the first thing in the morning. If a truck breaks down it can happen but the load will be taken directly to the landfill immediately after the truck is fixed.

Commissioner Claudine Montano asked him if the fence was going to be between his yard and the neighbors.

Charles Montoya said that long term they will be fencing in the entire property. There will be a fence around the area where the customers dump. It will also have canopies for coverage over the convenience area.

Commissioner Claudine Montano asked if he was going to be monitoring what is brought in.

Charles Montoya said that they would be monitoring what is dumped and it will be removed on a daily basis. The state requires us to remove the waste daily. They have to fill out reports for the state as to what time the trucks leave and when they arrive at the landfills. We have to get information from each residential vehicle that comes in. The state has puts limits on what they can collect. There are guideline that they have to follow or get finned. All cash handling will be monitored.

Vice Chair Pete Armstrong asked how he was going to protect that area during non-operational hours.

Charles Montoya said they have an alarm system and cameras, plus they are going to be putting a security office on the property for around the clock monitoring.

Steven Tomita asked if his record keeping going to be hard copy or is he going to be keeping it on an electronic media.

Charles Montoya said that they can do both. They have daily reports that they have to maintain and this report is submitted to the state.

Chairman Steve Ethridge asked if they were going to be keeping these reports and records in more than one place or will they also back up these reports and records.

Steven Tomita asked if the documentation that they receive will have a backup on an electronic device so that if they were broken into and the hard copies were destroyed, they would still have a copy of the reports and records available.

Charles Montoya said that they do have backup. What his plans and goals for this facility are to have a clean well run operation at that location. He feels that once it is up a running that it is not as bad as the public perception is. It is a small facility in a central area for the residence of Belen. Currently the School Systems have 30 yards of trash a day at the Middle School and that is equivalent to what they will be hauling away every day from their facility. He knows that traffic is a concern. At the current transfer station they have an average of 12 vehicles a day and that includes county residents. The report that he was provided shows that 4 to 5 of those vehicles were City residents. These loads are pick up loads and not huge trailer loads. At the City's current recycling center they are getting an average of 4 to 5 cars a day on the two days that it is open. It is not a large volume of traffic. The state does require that each load is covered. The minimum charge for not having it covered is \$50.00. That is the minimum that the state says you can charge. They can charge more. All vehicles must be covered, even ours. We hope that in the future that we can start recycling programs in the school system. Kids are the perfect place to start this type of program. Kids are also welcome to tour the facility. His plans are to be an enclosed small facility. He informed the Commission that he was not here to do a half assed job. He is here to do an excellent job. He feels by bringing this into the community will help this community. Half of his employees live in the City of Belen. They are big on using local.

Commissioner Jim Lardner asked if he has drawn up any plans on what this facility will look like.

Charles Montoya said that they are going to build ramps so that the vehicles can back up on these ramps and throw the waste into the dumpster's right from the back of the vehicle. He does have plans drawn up but PNM owns a portion of the northwest corner close to the drainage ditch. He is talking to them about purchasing it. PNM is willing, but not for certain, to do this. PNM is checking into whether they own any property taxes on this because they were unaware that they were the owners of that piece of property.

Commissioner Jim Lardner asked if he was working with an architect to design this facility.

Charles Montoya said that all he has is the current one and it has the facility on the northwest area and not on the northeast area. Everything is ready with retaining walls, barricades, and canopies but he does not have the new design.

Vice Hair Pete Armstrong asked him if he was the owner of property.

Charles Montoya said yes.

Chairman Steve Ethridge asked where he was going to place the security trailer.

Charles Montoya said that he would place it on the east side where there once was a trailer. There is already water and sewer hook ups in that area. The other area would be on the opposite side of that on the west, where it would have access to water and sewer lines.

Chairman Steve Ethridge asked how he was going to determine whether a person is a resident or not.

Charles Montoya said their driver's license or a water bill from the City of Belen.

Chairman Steve Ethridge opened the floor for questions and comments from the public.

Ms. Danette Wood informed the Commission that she was the owner of this property, the Woods trailer park, and a vacant lot on Bernard Ave. When her father was there it was used as a yard for his equipment and supplies. He did road construction throughout the southwest. He also did some industrial manufacturing on site. They thought it was a great industrial facility location for several reasons. One of those reasons was the location of the Ditch which acts as a natural barrier. Her family still owns and maintains the Woods trailer park and one of the required of the variance request of last year was to place a 7' pro-panel fence along the property line so that it would be a barrier for the trail court. AC Disposal has done a fabulous job of cleaning up the property. She said she was proud of what AC Disposal has done. There was some major vandalism in the area when it was vacant and they had a lot of people using the property to walk through. These issues have gone away since AC Disposal has purchased the property and cleaned it up. They would like the Commission and the neighborhood to know that they are in full support this endeavor and welcome the business growth to the City.

Ms. Monique Marquez, of 323 Bernard Ave, informed the Commission that she has a copy of the sign in sheet from the current transfer station that shows there are at least 20 vehicles a day going there. There are approximately 40 vehicles on the weekends. Mr. Montoya said that there were no trailers and the sign in sheets show that there are trailers. They were informed that there are documents that Mr. Montoya has to abide by and one of them was license plates. There are no license plate numbers on the sheets she has from the transfer station. She also has documentation from someone who represents the News Bulletin, which has written on Facebook, that Mr. Montoya wants to expand this collection facility to include County residents which will double the amount of traffic that they currently see along Bernard Ave. This is an issue because there is a school located in the area and there is a lot of pedestrian traffic on Bernard Ave. She understands that the Eagle Rock facility is in a residential neighborhood but they have sidewalks and buffer zones that the children or whoever is walking there, are safe. Bernard Ave does not have that infrastructure and cause a real hazard for anything coming through there. She feels that this request needs to be declined because of that. She also says that there will be an environmental impact on the community. There will be an increase of rodents, roaches, snakes, mice, and needles plus the smell. Mr. Montoya said that it was his vision and it will not get done. He is asking for four or five years to build an enclosed facility. The neighborhood community will have to deal with these problems for four to five years. She asked how the methane gas coming from the facility would affect their home and neighborhood. This will lower the property values at least 12% per year. The facility is not able to accept hot loads but it is known that people take things to the dump that are not allowed. It is usually hidden. If something were to happen and the facility had a fire, there is an inadequate fire hydrant sitting on the corner of where they are at, which also puts the neighborhood in danger. Clustering, and as a Council, per EPA guidelines, you are supposed to be look into the idea of clustering and what that is, is a multiple regulated businesses in a small poor minority community and that is what that community is. She asked if an environmental impact study had been done and an analysis been done on the Community. She checked through the zoning documentation as she did not see one.

She contacted the EPA to see if one had been done and told that it hasn't been done. She would like to know why. During non-operational hours what are they going to prevent people from dumping trash in the area and then the owners of those properties will be responsible to picking this trash up. She is completely against this request.

Commissioner Claudine Montano said that she did not mean to be rude, but if you go around town and look at all the dumpsters, there is trash all around those dumpsters.

Mr. David Griego of 309 Camino Del Llano, told the Commission that he agrees with Ms. Marquez because a dump by any other name is a dump. He has gone over to the present City dump and has seen trash dumped all over the road because the dump is closed. When he has gone up there, there were four or five cars in front of him and trucks with trailers in front of him. He wholeheartedly opposes the Commission approving this request.

Ms. Doloris Dawson of 409 Bernard Ave, told the Commission that people will be dumping trash and will be dangerous, people will be swerving because of people walking along that road. If someone swerves to miss some trash on the road they might hit someone walking or skateboarding along the road. The facility will be closed 14 hours a day so people who do not want to pay the \$5.00 fee, or just want to dump their trash, will dump it around the area at night. The school kids will have to be walking through that stuff and the people driving along that road will have to be going through that. Bernard Ave. has been neglected for decades. It needs to be improved. It needs to have sidewalks and curbs. Bernard Ave. is a very convenient area to live. She has been there since 1985 and she loves the location and the neighbors. Another thing that should be of interest to the City is the possibility of lawsuits and if there are lawsuits then insurance premiums are going to skyrocket. She feels that EPA needs to be consulted on this and there is economic discrimination. She would rather have the taxes of Belen be used to improve Belen instead of being used to pay off lawsuits, huge premiums, and any other cost this might bring to the City. She thinks that Charles Montoya has a very nice business and she encourages him to keep it up, but her only request is that they locate the convenience center away from a residential area. This would be detrimentally worse if this is added to the area. She is pleading with Mr. Montoya to keep his business, keep his contract, still supply the service, and just put the convenience center out of a populated area. On a final note she said the EPA frowns on putting facilities like this in neighborhoods that are experiencing discrimination. There is also a Community Impact Assessment report may be required from the EPS, which we have not seen. The Environmental Justice Executive Order was signed into law in 2005, which also protects neighborhoods that are experiencing injustice. She understand that on social media there has been very negative comments about their area, about their neighborhood, about the residents that live there and it has given us a unexpected legal advantage because it proves discrimination of social injustice in our neighborhood. She is against the convenience center being located there. She thinks that they are being treated poorly by the City and she does think that they should be treated poorly any longer. That area should be improved, and improve Belen, and bring in residents and tell them what a great area Bernard Ave. is to live in.

Mr. Johnny Gonzales of 406 S Third St., told the Commission he had a couple of questions. One is concerning the inoperable fire hydrant which sounds like a concern that the City needs to address. We should all be concerned about that because if any of the homes in the neighborhood catch fire there is going to be a problem with the availability of water. There are sidewalks on the north and the south side of Bernard. They do not go down all of Bernard and are not adjacent to

the road but they are there. They do need improvements. He asked if they were going to be able to haul their stuff to the existing transfer station.

Chairman Steve Ethridge said that it was his understanding that this convenience center would replace the transfer station.

Mr. Max Cordova informed the Commission that he has known Charles Montoya for many years and he is a responsible business owner and has known his family to be very responsible. He believes that the presentation that was given that he will follow the policies that he is under with the state regulations. He can understand some of the concerns that the neighbors have, but he reiterated many times that he is going to do his best to keep it clean. If anybody saw that location before he remodeled it, it was an eyesore. Now it is a nice facility. He is looking at it from an economic viewpoint also. He wanted to congratulate him for getting the City contract and this is a win situation for the City as far as gross receipt taxes going to the City instead of Albuquerque. He employees local individuals and will continue to do so. This is important for creating sidewalks and improving the street and brining in revenue. This is a brand new venture for the City and he feels that Charles will do a good job. He supports the approval of the request.

Ms. Lynda Jaramillo of 603 Bernard Ave, told the Commission that she has been living in Houston until a few years ago when her mother passed away and the house became hers. She is totally against the convenience center. She did meet with Charles and visited the location and discussed what his vision is and they do not share the same vision. There is a lot of money in trash services and is an honest way to make a living and support a family. She does not want it in her neighborhood. This type of business does not belong in any neighborhood. It does not belong within a school district where our students are trying to learn. Her concerns have already been expressed. There will be a devaluation of property, vermin, and traffic. The traffic along Bernard Ave. is unbelievable. She sometimes wants to keep her front door open but she can't because of the noise from the traffic. It is unbelievable. Putting up a pro-panel fence will not keep out noise. It will not keep out smells, vermin or animals. Some people follow the rules but many don't. She does not know how they can control what people bring in there. She is asking how they would control the people bringing in toxins, dead animals and such because people do try to hide that. Belen is not in a land locked area and there are tons of property around Belen. She wanted to know why they could not go where this does not affect people and she is very affected. She is concerned that they will be spraying for bugs, etc. and does not want to be breathing those toxins. She is in her later years and she wants to enjoy those years she has left. She does not want that recycling center there. It is very inconvenient. She does not think anyone would want that in their neighborhood. This facility if nothing like the example in Albuquerque. She has noticed that some of her stucco is cracking from all of the traffic that is going up and down Bernard Ave. There have been comments on social media saying that that dump should be located on Bernard because that area is a dumpy area. That dumpy neighborhood has produced some very outstanding citizens. There have been Harvard Graduates, Administrative Law Judge, and a Valedictorian in High School. The neighborhood are a taxpaying honest people. Death, Taxes, and trash will always be there. It is a good business to be in, but they do not want it in the neighborhood. She would like the Commission to dig into their consciences and look at it as more than saving \$40,000 or whatever it is. It is a lot more than that. It is about our lives, it's about family, and it's not about saving money. She does not want this to be granted.

Margaret Castillo of 506 S Fourth St., told the Commission that this type of facility should not be in a residential neighborhood. The facility in Albuquerque is great and the residents moved in

after the facility was there. The residents in Belen were here first and then AC Disposal moved in after. The facility is nice and it looks better than it did. We live in a high crime area. The Middle school is there and a day care center is in the area and there is no way you can get rid of the smell coming from this type of facility even if it is removed every day. We do not want any of this.

Ms. Sandra Baca of the Write Choice Learning Center, told the Commission that it is her understanding that the trash that they are talking about is not going to be trash, it is going to be bigger items like furniture. She owns a business and just recently had to put up a seven foot fence because of the neighbors dogs, so that they wouldn't bite any of the children like they did her. Before she put the fence, people were dumping trash in her dumpster and overflowing it. They were putting dogs, cats and stuff. She had to put gates up. She thinks that everybody need to come together and fix the fire hydrant, start giving people who are dumping their trash illegally citations and fines. On Vivian there is a bunch of trash everywhere. They throw all kinds of crazy stuff everywhere, even in the ditch. After she put up the fence she has no more problems with dogs, and people are not dumping in her dumpster and the break ins have stopped.

Matthew Marquez of 323 Bernard, told the Commission that he is against this. He would like clarification of what type of trash will be brought to this facility.

Chairman Steve Ethridge said that everyone has their 92 gallon poly cart which gets picked up on a weekly basis and taken to the landfill. He is thinking that it is the overflow that will be going to this facility. Things like branches, bigger items, etc.

Matthew Marquez said that it was said that it would be household items which means it could be regular trash. Some people who do not have a poly cart will take their trash to this facility. This is why he would like a clarification. The transfer station that takes there trash loads closes at 4:00 PM so they would have to leave here at about 3:30 PM to get there by 4:00 PM. Within that last hour and a half that they will be open there will be as many as eight vehicle could come in and the trash that they contain will be held over to be moved the next morning. Every single day there will be trash left there overnight. The road condition on Bernard is bad. You cannot walk on the sidewalks. The buses park on the side of the road when they are picking up the kids from school. The traffic is bad and dangerous. This is going to be a hazard for the children, the environment, the smells, and when it rains there will be water inside those containers which will drain out on the ground and into the ditches and smell up the area. The sewer company recently was seen dumping water into the ditches in the area. We want to better our community. The crime rate has gone down because we, as a community, have been communicating with each other and watching out for each other. We are for the disposal company to be there but we do not want that convenience center there because it would not be better for us. A Standard Operating Procedure is great to have but it is a standard operating procedure and not what has to be followed every day. If a vehicle breaks down and they bring it in to fix it, that truck can stay there until it is fixed and then be taken to the landfill. What if it takes weeks to fix that truck? The center in Albuquerque is built up nice and pretty. It is indoors and contained. That center was there before the homes were built. They do not mind if AC Disposal wants to have a convenience center but they do not want it in the city. Not by our house, not by your house. You wouldn't want it over on First and Becker. Mr. Montoya has talked about his five year vision, but there is no plan. It is just by word of mouth. We need to see plans. He is against this.

Ms. Joselyn Padilla, an AC Disposal employee, told the Commission that she has children that go to the Middle School and they have never had a problem. They walk from school to her work without any issues. They use the sidewalk. There is a lot of clutter up and down Bernard. There is a house that she goes by five to six times a day that has at least ten cars a day there. She has to go around those cars every day.

Chairman Steve Ethridge asked her to please limit her comments on the issue at hand and not something else. Any code violations can be brought up with the City. Please do not make it personal and stick to the issue at hand.

Ms. Padilla said that there is a lot of trash up and down that road. Traffic is bad on Bernard. She has to go around cars that are broken down, to get to work.

Mr. Robert Noblin told the Commission that Mr. Montoya needs to be acknowledged for what he does for a living. The world would be a nasty place without trash collection. He thanked Mr. Montoya for what he does. He addressed a lot of the concerns. It seems as though his profession is highly regulated by the EPA, just as his profession is also highly regulated. Children walk by his facility every day and it is completely safe. There is always concern when something new is going to come into a community or a neighborhood. Mr. Montoya has proven that he is taking every precaution he can including fencing, it doesn't have to be visibly an eyesore, removing trash daily, which is the main problem solver for rodents and insects. He does not see a big issue. He would like to see some of the more concrete things on the traffic issue. Maybe that would be the beginning of having some nicer streets and sidewalks in that part of town. All of the neighbors have voiced that they would like that area improved. As far as his vision is concerned, at some point we need to trust that he is going to run his business with ethics and morals and that he is going to stand up to everything that he has said by keeping the facility regulated, closing down when the winds are high, per regulations, and being strict so that residents have access and not just open to everyone. Maybe there should be increased patrol to minimize illegal dumping. Mr. Montoya is doing everything that he can to keep it as clean as possible for the type of facility that he is operating. He would like to hear a little bit more about the possible profit to the City in this. Mr. Marquez brought up a valid point about household trash. It is his understanding that every citizen in the City limits has to have a trash receptacle so household trash should be at a minimum at this facility. He thinks that getting our City clean is a major step in attracting other businesses, making Belen a viable place for folks to come and be a part of. No one wants to live in a dirty town. You can drive all over town and see areas that are not clean and welcoming. He is concerned that if this facility is not able to open that it might be back to people dumping their trash at the "B" again or along Manzano Expressway. Everyone one needs a place to put their trash and if it is done right by the guidelines and standards then he does not see a problem with it.

Ms. Patricia Castillo who lives on Fourth street and has for 55 years. She informed the Commission that she has not seen a new home being built in that area. It is not a good, pretty, raise your family type of neighborhood. Her kids have always said "Why do we have to live on Bernard. We want to live somewhere where we can go roller skating where we can ride our bikes safely, and when family come to town they do not ask why they live there". The value of her property has not risen. They try to maintain their section of the street. Her concern, when the Woods Company came in, was the cracked roads. She is not against a recycling center, but not in her neighborhood. They do have to put their trash someplace. She is not against businesses, she is just concerned about her neighborhood.

Chairman Steve Ethridge asked if there was anyone else who would like to speak. There were none so Mr. Montoya was asked to address some of the concerns that the public had.

Steven Tomita said that he would like to remind the Commission that when they do a Conditional Use, they establish conditions and requirements. They enter into a contract with the applicant for that Conditional Use. There is a contract being entered into between the City and AC disposal and in that contract it states that they will have to comply with EPA, zoning and any other regulations required. If there are any complaints and they are in violation, they are required to have that violation brought into complete compliance within 15 days or it can be shut down and the contract terminated. They are under a lot of pressure by the City to comply.

Mr. Montoya told the Commission that it is not a dump but a convenience center. His signs did get graffiti but as soon as he opened up he had a crew cleaning up that graffiti. He has had vandalism at the facility. There is crime in the area, but there is crime everywhere. He has had some of his trucks vandalized and has had them repaired right away. That is why he wants to put a security personnel on the property. They do have security cameras and an alarm system in place. They will be adding more. He can't do anything about Bernard or the sidewalks. That is up to the City. He does contribute GRT taxes to the City. They did purchase a street sweeper and plan on sweeping Bernard and keeping it clean. That was not in our facility plan but we do have respect for the residents in the area. He has kids himself, and he does not want them around a messy area. His kids run around the whole facility, they have their bikes at the facility. The only time they are at home is when they go home at night. Other than that they basically live at the facility. They are there from 7:00 AM to 7:30 PM. That facility is a part of their life. They don't want it run down. They have invested a lot of money in it. By the time he is finished with the existing building he will have invested over a million dollars into it. He is not going anywhere, or build a makeshift transfer station. He asked that people come by and get a tour of the facility and see it. When he puts up the canopy and places three dumpster under it you will not be able to see them. They do not want it to be an eyesore. They support this community and do a lot of community events. He donated all the dumpsters and equipment to help clean up the "B". It is something they want to do and give back to the community. They are not here to make money and leave. They are here to contribute and stay here. They live in Los Lunas and are in the process of purchasing a home in Belen. His home in Belen is being remodeled now. He asks that he be given a shot and that it is doable. It is not a 5 million dollar facility but there are guidelines that they have to follow. Have an open mind and give them a chance. Let them prove that their vision is not a dump but a convenience center.

Chairman Steve Ethridge asked if there were any additional comments from the public that the Commission has not already heard.

Mr. Timothy Chavez of 403 Camino Del Llano, told the Commission that he agrees with all the concerns of his neighbors. His big issue is the depreciation on the value of his property and the smell. He opposes the facility in that area.

Matthew Marquez asked the Commission who would monitor this facility. Would there be someone in charge to make sure that everything that he says he is going to do is done. Mr. Montoya will be sending reports to Santa Fe and wanted to know if they come down and check this facility. He asked who from the City will be going out there and making sure that everything is copasetic. If you go to the current dump, there is trash all over the sides of the road and the dumpsite and if it is closed they dump it anywhere out there.

Steven Tomita said that if the Conditional Use is granted, the enforcement of those conditions placed on the facility will be done by the Planning & Zoning Department. We would be the ones to monitor them and make sure that they are in compliance.

Mr. Andreas Castillo of 508 S Fourth St., told the Commission that he cleans his section of the street every day. He is totally against this because it will create a lot of problems. There is a lot of traffic on that road already and there will be more trucks going down that road with the facility there.

Mr. Montoya said that they do not open their trucks and wash them. Some of the trucks are placed inside the existing building and we do not smell anything. If there was a bad smell to them we would not be putting them inside our building. If there is an issue there are solutions to the problem. They do make an odder detergent that you can spray on the trucks. What is in the trucks is household trash. Household trash is vague word and can mean anything. The City does have a solid waste plan in place and should not have a problem with trash. A convenience center is intended to be used for the overflows. Things like extra boxes and wrappings from a birthday party or Christmas, etc. It is called a convenience center because it is convenient to the residents. His street sweeper is being painted now but it will be used once it is done. We do not have to do that but it is something that we want to do. Let him prove to them that when it is done correctly there should be no problems. He wants the opportunity to prove that it will not be a nuisance to the residents or the City when done correctly. He cannot fix the roads, which is up to the City to do.

Vice Chair Pete Armstrong asked if a Conditional Use is granted can the Commission can huddle and decide what conditions they would like placed on that Conditional Use.

Steven Tomita said that they can go into an executive session and discuss it.

Vice Chair Pete Armstrong asked if the decision and conditions have to be decided on now.

Steven Tomita said that is the decision of the Commission.

Chairman Steve Ethridge closed the public hearing. He asked for any questions, comments, or discussion from the Commission.

Vice Chair Pete Armstrong said that he has heard a lot of information, thinking, we are going to try to do this, we are going to look at that, and he thinks that if the Conditional Use is granted they need to put some backbone in it so that it holds AC Disposal on the burner to make things happen.

Commissioner Jim Lardner said that the plans are a big thing. If you can control the wind blowing through there, the heat hitting the trash, and all those things, you can control the environment of the facility like the ones in Albuquerque you can then control the objections that the people may have. He feels that the EPA side of this also needs to be looked at. He thinks it should be tabled and they go into executive session.

City Manager Leona Vigil informed the Commission that this did not qualify for an executive session. This will have to be done at a public meeting or workshop. There are only 7 things that will qualify for an executive session.

Commissioner Claudine Montano moved to approve the Conditional Use request for AC Disposal.

Commissioner Jim Lardner asked if they were going to be moving forward now without having seen any plans.

Vice Chair Pete Armstrong said that there is a process that has been talked about that if the Conditional Use is granted, a workshop would be a great way to address some of the concerns and identify those concerns, solutions, and plans for that facility. He will second the motion with an amendment that there be a workshop set up to discuss this further.

Steven Tomita said that it was not a condition. He is just asking for a workshop. They are not making a decision but a motion on the case itself. You are saying you want to table it and allowing for a workshop to be held to further discuss the Commission's conditions that they may want to impose with a motion. A motion was made and a second was given. He suggested that they take it to a vote and see if it dies on the vote.

Motion died.

Vote was as follows:

Commissioner Claudine Montano	Yes
Vice Chair Pete Armstrong	No
Commissioner Jim Lardner	No

Chairman Steve Ethridge asked if the Commission wanted to make a different motion.

Vice Chair Pete Armstrong moved to take this subject to a workshop to address the issues that were brought up at this hearing.

Steven Tomita said that he was tabling it for a workshop with that motion.

Vice Chair Pete Armstrong said yes and asked if a workshop has to be advertised.

Lisa Miller said yes.

Chairman Steve Ethridge said there was a motion to table this issue and hold a workshop. He asked if there was a second to the motion.

Commissioner Jim Lardner seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	No
Vice Chair Pete Armstrong	Yes

Commissioner Jim Lardner

Yes

Ms. Monique Marquez asked what a workshop was.

Chairman Steve Ethridge said that it will be a legal notice in the paper of a workshop. They will all have the opportunity to beat each other all up all over again.

Steven Tomita said that they have brought forth concerns and issues.

Chairman Steve Ethridge said that they do not have all the evidence that has been requested so this will give them time to collect additional evidence for an informed decision.

Mr. Charles Montoya asked if he could invite them for a tour of his facility before the workshop.

Steven Tomita said that they could have the workshop at the facility.

Mr. & Ms. Marquez said that the workshop needs to be held in a neutral place and his facility is not a neutral place.

Mr. Montoya said that he asked for a conditional use for the recycling center also and wanted to know if they could move forward with that.

Chairman Steve Ethridge said that it looks like it was the same.

Steven Tomita said that the recycling center is an allowable use in an M-C zone but it requires a conditional use to establish conditions. It is up to the Commission to decide if they are in a position to establish the conditions for a Conditional Use Permit for the recycling center.

Chairman Steve Ethridge asked if the department collected two separate applications and fees or was it done as one.

Steven Tomita said that it was done as one.

The Commission chose to treat it as one.

Chairman Steve Ethridge said that there would be a five minute break.

Chairman Steve Ethridge informed the Commission that the applicant for the request for a variance is here. His concern with that is that if anyone was here to testify on the issue, they may have left. This request was tabled and he thinks that it needs to be heard at the next meeting. He asked the Commissioner what they wanted to do.

Lisa Miller said that it was published with the meeting starting at 6:30 PM. It was her error and she apologized for the error.

Chairman Steve Ethridge explained to Mr. and Ms. Jaramillo that they want to give anyone who was here a chance to be heard concerning this request.

Ms. Jaramillo said that her neighbors have supposedly sent their comments to the Planning & Zoning Department.

Lisa Miller said that there is a letter that she has received. She also received a phone call.

Steven Tomita said that he does not think that they can take action because of the confusion on this situation. The Commission has the option of reopening the case and hear the applicant and asking your questions. Then the public hearing would be at the next meeting. This was the case that was tabled because he was not here at the time it came up on the Agenda. Since it was tabled, the Commission does not know if there was anyone in attendance who wished to speak on this issue.

It was decided not to reopen the case and hold the public hearing at the next meeting which will be in two weeks.

Commissioner Claudine Montano suggested that the skip the next item on the agenda and go on to the informational items.

The Commission agreed. They will skip the Discussion on the Landscaping Ordinance.

INFORMATIONAL ITEMS

a. COMMUNICATIONS FROM THE COMMISSION AND STAFF.

Commissioner Claudine Montano said that she needs an escort to her vehicle after the meeting.

Steven Tomita said that he wanted to caution everyone that everything we are saying and doing is being closely watched and documented. Statements were made to him during the break to this effect. They are paying attention to any expressions we are making to try to imply that we are looking down on them, disagreeing with them, or something negative. Just be cautious because they are going to be asking for the recording. They have already threatened to bring in an Attorney.

Commissioner Claudine Montano said that none of these people were at the re-zone hearing.

Steven Tomita said that what really brought this out was that the newspaper and other reported that it was a transfer station and this is not a transfer station. It was a misunderstanding of what this was. He is still working with Tractor Supply. DFA is tying it up at this time.

Commissioner Claudine Montano asked what the restaurant was going to be at the Loves Travel Center.

Steven Tomita said that it was going to be an Arby's. The Loves Travel Center tire shop has been approved. It was originally planned for a future project but they have gone ahead and decided to put it in now. It will be located south of the original building. It will be a three bay tire center. The Council approved the re-zoning of the properties where the Circle K will

be going. The vacation of Seventh St. was also approved. Circle K will now be moving forward with their final plans.

Commissioner Claudine Montano said that there has been a mural painted on the old smoke shop located on the corner of Aragon and Main. It is filled with peacock murals. She asked what business was going in there.

Steven Tomita said that he would find out.

Dominos will be doing some remediation on the proposed site. They did find some contamination. Ace Hardware is a definite go. They are working with Workforce Solutions and they qualify for JTIP funds for training.

Commissioner Jim Lardner asked if a Conditional Use Permit goes before the City Council for final approval.

Steven Tomita said that the P & Z Commission is the decision making body for a Conditional Use Permit, however the applicant or the public have 30 days to appeal the decision and that goes before the Council. He expects that if the Commission approved the Conditional Use that it would be appealed and be heard by the Council.

Chief Scott Conner said that you only have to give 72 hours' notice for a workshop. It is not a public hearing it is a workshop and they only need 72 hours.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Claudine Montano 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 8:41 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director



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

CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2730 • FAX (505) 864-8408
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CITY COUNCILOR
DARLEEN ARAGON
MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCILOR

November 29, 2017

Frank & Eve Jaramillo
1613 Ben San Ave
Belen, NM 87002

RE: REQUEST FOR A VARIANCE ON FRONT & SIDE SETBACKS for the purpose of placing a carport along the east side and the front (north) side of the property: Frank Jaramillo.
LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 13, Map 100 Lot 6, Bennie Sanchez Addition, AKA 1613 Ben San Ave., Belen NM 87002.

Dear Frank & Eve Jaramillo,

Due to an error, the above referenced Variance Request public hearing has been re-scheduled for the December 11, 2017 at 6:00 PM in the City Hall Council Chambers, 100 S Main St., Belen NM 87002.

We are sorry for any inconvenience this may have caused.

If you have any questions please do not hesitate to contact us at 505-966-2746.

Lisa R Miller
Planning & Zoning Administrator

cc: File

**CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NM 87002
(505) 966-2730**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A VARIANCE ON FRONT & SIDE SETBACKS** for the purpose of placing a carport along the east side and the front (north) side of the property: **Frank Jaramillo.**

LEGAL DESCRIPTION: ~~Township 5 North, Range 1 East, Section 13, Map 100~~
Lot 6, Bennie Sanchez Addition, AKA 1613 Ben San Ave., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday, November 27, 2012 at 6:30 PM.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Belen Planning & Zoning Commission at the above stated date and time or comments can be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

LEGAL NOTICE PUBLISHED: November 9 & 23, 2012



BEN SANAVE

MICHAEL DONAVE

VARIANCE REQUEST

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CITY OF BELEN, NEW MEXICO
APPLICATION FOR ZONING VARIANCE

Section 17.04.040 City of Belen Municipal code: "Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off street loading requirements

Applicants Name: FRANK JARAMILLO Phone: 505-573-1673
Address: 1613 BEN SAN
Authorized AgentsName: _____ Phone: _____
Address: _____

Address of Property: 1613 BEN SAN Belen N.Mex
Block and Lot: 6 Addition: Bennie Sanchez
Tract Number: _____ Map: 100
Total acreage in Tract: 8,544.15 sq ft.
Number of Dwellings: 1 Density/Acre: _____
Zoning of Property: R-1 Present Use: Residential
TSO, RIE, S13

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00 Double application fees will be charged for uses commenced without approval under the Municipal Code and/or the Zoning Ordinance and for which a citation (violation) may have been issued.
- Letter of transmittal, state why a literal enforcement of Section 17.04.040 City of Belen Municipal Code would result in unnecessary and undue hardship.
- Specify type of variance requested, height, setback, lot coverage, parking requirement.
- Affidavit of ownership.
- Survey plat or scaled drawing of property describing property line, lot dimensions, easements, structures and accessory structures where variance is requested. Indicate dimensions of all structure heights and size of signs.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Zoning Variance. I have examined and am familiar with the zoning regulations of the present zone and the requested variance. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Frank Jaramillo
Signature of Applicant

16-27-17
Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 11-27-17 Approved/Disapproved: _____

FEE PAID: \$ 150.00 RECEIPT NO.: 16.002298 DATE: 16-27-17

OWNERS AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF VALENCIA) SS
CITY OF BELEN)

We,
I FRANK JARAMILLO
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
1613 Ben San Ave., for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)
Variance through the City of Belen. Furthermore, (I) (we) hereby appoint
_____ of _____ as our agent to act in our
behalf on all matters pertaining to the processing of this application.

Frank Jaramillo
Signed

1613 Ben San Ave
Address

Belen, NM 87002

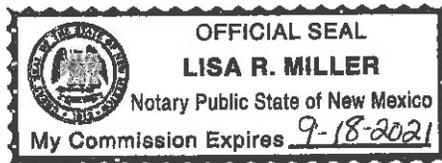
505-573-1673
Phone

Subscribed and sworn to before me this 27 day of October, 2017.

Lisa R Miller
Notary

My Commission Expires:

9-18-2021



Hardship

During Hailstorm on Sept 30
both my Truck & CAR got
damaged. In the winter time
SNOW Accumulates on the North
Side of driveway my wife
fell and broke her knee.

Requesting variance for
CARport on side of house and
Front of driveway up to sidewalk.



1612

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1606

BEN SANAVE

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MICHAELDONAVE

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87002
14304

WARRANTY DEED (Joint Tenants)

Tony Baldonado, a single man

_____, for consideration paid, grant
to Frank J. Jaramillo

whose address is 1613 Ben San Avenue, Belen, New Mexico 87002

and Evelyn S. Jaramillo, his wife, as joint tenants, with full rights of survivorship

whose address is _____

as joint tenants the following described real estate in Valencia County, New Mexico:

Lot Numbered Six (6) of the BENNIE SANCHEZ ADDITION, to the City of Belen, as the same is shown and designated on the Plat thereof, filed in the office of the County Clerk of Valencia County, New Mexico.

EXCEPTING THEREFROM is the North 0.5' of said Lot which was Deeded out to the City of Belen, said deed recorded in Book 248, Page 1172-A, records of Valencia County, New Mexico.

Subject to taxes for 1975 and subsequent years, Existing Easements and rights of way, Reservations and Patent Reservations of record, and the Liens of the Middle Rio Grande Conservancy District, payable annually with the State and County Ad Valorem taxes.

with warranty covenants.

WITNESS our hand S and seal S this 17th day of November, 1975

Tony Baldonado (Seal) _____ (Seal)

(Seal) _____ (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO }
COUNTY OF VALENCIA } ss.

The foregoing instrument was acknowledged before me this 17th day of November, 1975, by Tony Baldonado, a single man

(Name or Names of Person or Persons Acknowledging)

My commission expires: (Seal) June 25, 1978

Frank E. Caplan
Notary Public

FOR RECORDER'S USE ONLY
STATE OF NEW MEXICO

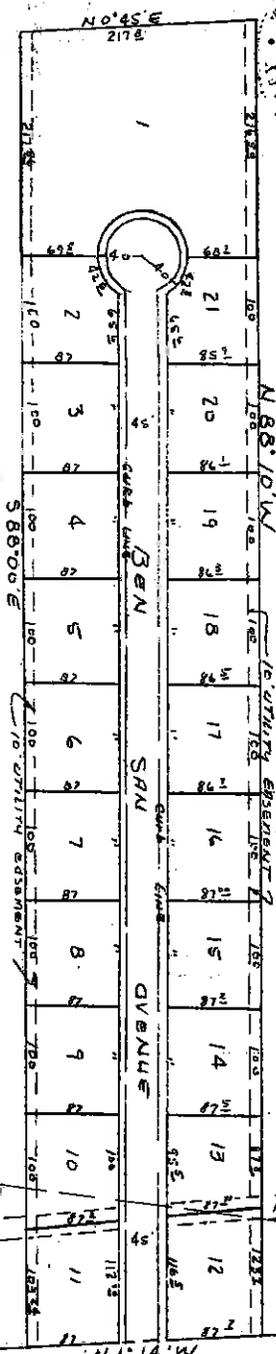
ACKNOWLEDGMENT FOR CORPORATION
STATE OF NEW MEXICO

APR 26 1965



BENNIE SANCHEZ ADDITION

VALENCIA COUNTY NEW MEXICO



DESCRIPTION:

Beginning at a point which is the North West corner of the tract hereinafter described and then thence along the NW corner section 15, T 5N, R 15E, N.M.P.M., bears N 69° 30' W, 2550 feet, S 0° 45' W, 217.50 feet, S 88° 00' E, 1220.00 feet, S 1° 14' W, 219.00 feet, N 88° 10' W, 1227.00 feet to the point of beginning and containing 6.50 acres.

DEDICATION:

Know all men by these presents that Joe V. Sanchez and Ursula G. Sanchez, his wife, being the sole owners and proprietors of the land hereon described have agreed to be made a Sub-Division on said land and shall be known as -
 Benne Sanchez Addition

that said subdivision is in accordance with the desires of the owners and the streets and easements are dedicated for public use as such.
 Joe V. Sanchez
 Ursula G. Sanchez
 Witnesses
 Ursula G. Sanchez
 Thomas Muller
 Witness

F. G. Huffman, a Registered Land Surveyor in the State of New Mexico, hereby certifies that this Plat was made by me and is true and correct to the best of my knowledge and belief.

F. G. Huffman
 N. M. Reg. #5145

THE foregoing instrument was acknowledged before me this 24 day of April 1965, by Joe V. Sanchez and Ursula G. Sanchez, his wife, both of legal age and of sound mind and memory.
 Notary Public
 Accepted:
 Board of Commissioners
 City of Belen, N.M.
 [Signature]

I hereby certify that this instrument was filed for record on the 24 day of April 1965 at 10:00 o'clock
 Notary Public
 City of Belen, N.M.



SUBDIVISION PLAT	
OF Tract Sec. 10, p. 100	M. R. G. C. D.
SCALE 1" = 700'	APPROVED BY -
DATE APRIL 14, 1965	LAND SURVEYOR
F. G. Huffman	REVIEWED
Ph. 864-7885	DATE
Sec. 13, T. 5N, R. 15E, N.M.P.M.	DRAWING NUMBER
	BY F.G.H.



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

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CITY COUNCILOR
DARLEEN ARAGON
MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCILOR

CASE REPORT

November 21, 2017

VARIANCE REQUEST

Location: 1613 Ben San Ave., Belen NM 87002

SITE DATA

Existing Use: Residential

Lot Size: .20 acres (8,544 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Single Family Residential
East	R-1	Single Family Residential
South	R-1	Single Family Residential
West	R-1	Single Family Residential

*See attached zone map.

REQUEST

The applicant is requesting a Variance on the side and front setbacks.

Variance Requirements:

1. Type of Variance requested and why it is a hardship.
2. Affidavit of ownership
3. Location of Variance request.
4. Survey Plat

STAFF FINDINGS

1. The surrounding area consists of single-family residential lots.
2. The area is zoned R-1

3. Setbacks for the R-1 area require a side setback of five feet and a front setback of 20 feet. (See attached R-1 Regulations)
4. This is not an enclosed structure. It consists of open sides, back and front with a roof covering the area.

BEATRICE LN

MESITA LN

BEN'S AVE

R-1

VARIANCE REQUEST

MICHAEL DONAVE

WREINKEN AVE

NMESARD

NFIFTEENTH ST





11 21 2017 14 40



11 21 2017 14 40



11 21 2017 14:40



11 21 2017 14 40

Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL

Sections:

17.16.010 - Intent.

The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling units and those uses which are both compatible with and convenient to the residents of such a neighborhood. Density shall be limited to one (1) dwelling unit per lot. Land uses such as churches, schools, and parks are allowed.

(Ord. No. 2015-14, 11-16-2015)

17.16.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side yard.
- C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- D. Fences or walls not exceeding six (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

(Ord. No. 2015-14, 11-16-2015)

17.16.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a minimum width of sixty (60) feet.
- B. Setback.
 - 1. Front, twenty (20) feet;
 - 2. Rear, fifteen (15) feet:
 - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten (10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.
 - b. An accessory building used as a garage for off-street parking with access to an

alley shall maintain a setback of at least five (5) feet from the alley;

3. Side, five (5) feet on each side.

C. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.

D. Off-Street Parking. Provided in chapter 17.56 of this title.

(Ord. No. 2015-14, 11-16-2015)

17.54.060 FENCING & WALLS

Purpose

The intent of fencing standards is to establish a uniformity of fencing appearance and materials of construction and create a general front yard harmony of one building with another in relation to the street.

Pre-existing fencing shall be grand fathered in and not subject to change under this Ordinance unless existing fencing is replaced in its entirety, then it shall comply with paragraph 14 under General Standards. ~~current standards.~~

All new fence construction shall require City Planning Department approval prior to construction. Upon receiving all required material

A. General standards

1. Fencing and screening shall be permitted as provided in this Section
2. Fencing materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area and development, with a conditional use approval. For fences on retaining walls, see definition of a retaining wall.
4. Any parcel in residential use with a lot size of 10,000 square feet or smaller shall have no fencing or screening located within the front yard with the exception of private courtyards.

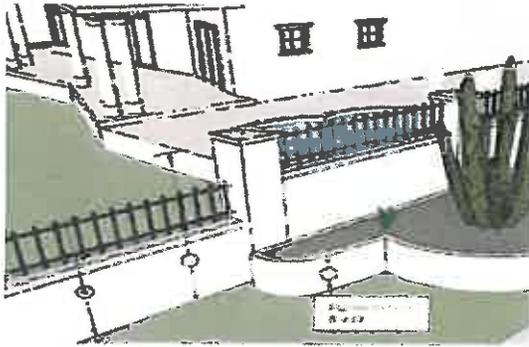


5. Front courtyard fencing shall not exceed thirty-six inches (36") in height. Such fences may be increased to forty-eight inches (48") maximum height if the fencing material extending above the thirty-six in height is an open material such as, but not limited to, wrought iron or vinyl rail.

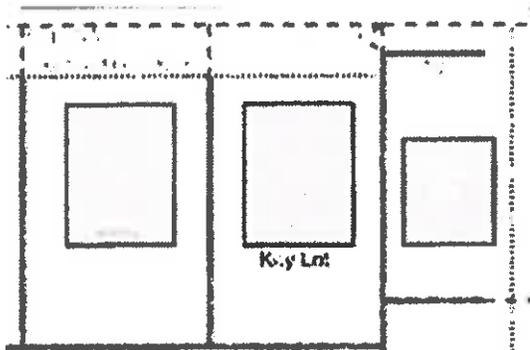


6. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six (6')

on the lower side, a view fence shall be required for the portion above (6') in height.



7. Any fence above six feet (6') in height shall be designed by a New Mexico registered structural engineer and approved by the City.
8. On that part of the lot other than the required front yard setback area, fences may be erected up to six (6') feet in height.
9. For fencing purposes on a double front lot: the front shall be defined by the address assigned and the second street side shall be considered the side or rear of the property. Fencing along the side or rear of a corner lot shall be set back from the street side property line not less than on half (1/2) the depth of the required front yard setback.



10. The fencing details shall show the proposed method of construction and

anchoring of the fence, posts, gate and foundation details if applicable.

11. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the sight line of a street right-of-way to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained as per 18.31.6 NMAC State Highway Access Management Requirements Table 18.F-2.
12. Front courtyard privacy fencing up to four feet (4') is allowed but must meet setback regulations.
13. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
14. The use of barbed wire, wire mesh, electric fencing, or chain link shall not be used within Residential Zoning Districts of R-1, R-1A, R-2, R-2A, R-3, R-4.



15. Railroad ties and pallets shall not be used in any zoning districts.
16. Razor Wire, railroad ties, pallets, corrugated steel (unless new and

specifically manufactured to be fencing material and framing shall be on the interior of the fence) or electric fencing shall not be used in any Residential Zoning districts.

17. Storage areas, solid waste dumpsters, and large items for solid waste pick-up shall be confined in an enclosed area and shall be of solid construction, six feet (6') high with locking gates providing access.
18. Fence lighting shall adhere to the night sky regulations, be low profile, no more than eighteen inches (18") above the fence line and not be in a position to interfere with abutting owners privacy.
19. All fencing shall be maintained in like new conditions with proper repairs to replace any damaged fencing or posts. Any repairs shall not be with wire, zip ties, duct tape or other like material.

B. New Subdivisions & Agricultural Zoning District (A-R).

1. All fencing along the perimeter of an Agricultural Zoning District (A-R) and new subdivision not adjacent to an arterial or collector street shall be full view fencing of an open style material.



2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid-2' view). The top of any view fence, if constructed of ornamental iron or a

similar material shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member. Columns and poles are exempt.



3. Construction of solid fences no taller than six feet (6') shall be limited to the lots within the subdivision. However, view fencing no taller than six feet (6') shall be limited to the buildable area of the lot within the building envelope. However, view fencing no taller than size feet (6') (3' solid – 3' view) may be allowed along property boundaries interior to the subdivision in accordance with the provisions of the title.



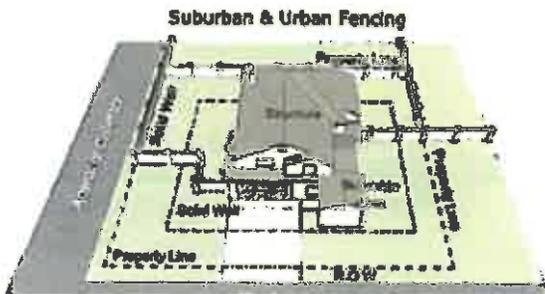
4. All solid and view fences within the building envelope shall be decoratively treated on the public side to match the architectural style and design of the

neighborhood.



C. Residential Zoning Districts R-1, R-1A, R-2, R-2A, R-3, R-4.

1. Fences adjacent to streets may be solid and no taller than six feet (6') in height.
2. Fences adjacent to a community open space system or trail shall be partial view fencing (4' Solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member.
3. All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



D. Commercial Zone Districts C-R, C-1, C-2

1. All residential uses located in a Commercial Zone shall use the Residential Zoning District fence regulations.
2. A fence constructed on a side or rear property line shall not exceed a height of seven feet (7') with one foot (1') of out rigging for a total of eight feet (8') from the highest finished grade adjacent to the fence, nor more than ten feet (10') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset (s) or similar enhancements to mask height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').

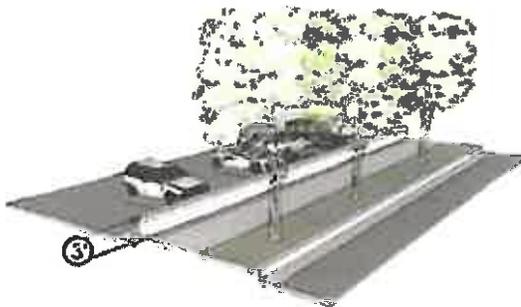


3. Front fencing and perimeter fencing shall be allowed in the following Commercial uses;
 - a. Storage units, Warehouses, Equipment buildings, Automotive related activities, utility buildings, open storage and impound areas.
4. All perimeter fences adjacent to an arterial or major collector shall be decorative. A decorative variation shall

be provided every fifty feet.



5. All perimeter fences shall be finished on all sides to match the commercial and or industrial product architectural style and design.
6. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.



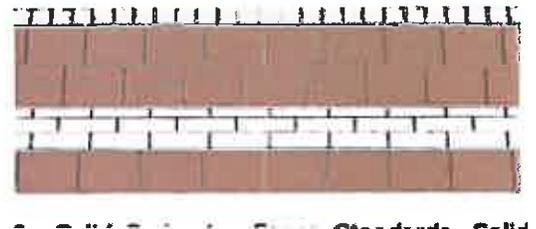
7. All other Commercial uses shall follow setback regulations for the specified Commercial zone provided in Title 17 of the City of Belen Municipal Codes.

**E. Manufacturing and Industrial Zone
Districts M-C, M-1.**

1. Residential uses located within a Manufacturing and Industrial Zone District shall use the Residential Zoning District regulations.
2. A fence constructed on a side or rear property line shall not exceed a maximum height of Twelve feet

(12'). Any fence of more than ten feet (10') in height side shall use berming, landscaping, fence offset (s) or similar enhancements to mask height.

3. Solid fencing use along arterial and collector street on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy and safety. Because solid fence use affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.



4. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.



5. Fencing within the Manufacturing and Industrial Zone districts shall require a plan review by the Planning & Zoning Commission.



F. Special Use Zone District SU-1.

1. The underlying use within the Special Use Zone shall determine what fence regulations apply.
2. Fencing within the Special Use Zone shall require a plan review by the Planning and Zoning Commission.