

**JERAH R CORDOVA**  
MAYOR  
**JAY RUYBALID**  
CITY MANAGER



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
MAYOR PRO-TEM  
**DAVID CARTER**  
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**DARLEEN ARAGON**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
FEBRUARY 8, 2016**

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

**PRESENT:** Chairman Tom Greer  
Vice Chair Steve Ethridge  
Commissioner Claudine Montano  
Commissioner Gordon Reeves

**ABSENT:** Commissioner Debbie Thompson

**CITY STAFF:** Steven Tomita, Economic Development Services  
Lisa R Miller, P & Z Administrator

**OTHER:** Felipe Silva, Professional Contracting  
Teresa Silva, Citizen  
Arturo DelaCerde, Citizen

**PLEDGE OF ALLEGEANCE**

Steve Ethridge led the Pledge.

**APPROVAL OF AGENDA:**

Commissioner Claudine Montano moved to approve the Agenda.

Chairman Tom Greer seconded the Motion.

Motion Carried.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of January 25, 2016 were reviewed.

Commissioner Gordon Reeves moved to approve the minutes with the correction.

Commissioner Claudine Montano seconded the motion.

Motion carried.

**PUBLIC HEARING WITH POSSIBLE ACTION**

- A. **REQUEST FOR A VARIANCE ON THE REAR SETBACK:** Felipe Silva.  
For the purpose of a proposed home addition. **LEGAL:** Township 5 North,  
Range 2 East, Section 18, Map 100, Tract 43C22b2b, Containing .15 Acres.  
AKA 930 W Reinken Ave, Belen NM 87002.

Steven Tomita went over the significance of a variance and the criteria for a variance. Anyone who applies for a variance is because of a hardship. He informed the Commission of the review criteria that needs to be addressed when considering a variance. If they feel that the request meets the criteria then the variance can be approved.

Mr. Felipe Silva informed the Commission that the shape of the lot has a corner that is an odd shape. He explained that he would like to add to his home but that addition would not meet the City's setback requirements. He explained his situation and asked for the setback to be changed to 5 ft in the rear.

Vice Chair Steven Ethridge asked if the neighbors had been informed.

Lisa Miller said they were notified and she has not heard or received any correspondence from them.

Vice Chair Steve Ethridge said that generally a variance is granted for a hardship and asked if there was some sort of hardship in this case.

Mr. Silva informed the Commission that his son was now a teenager and needs his own room, so he would like to add one.

Steven Tomita said that a hardship can also be an unusual shaped lot or a smaller lot also.

Chairman Tom Greer said that he created the problem due to the fact that he built the two home there. He was the one who split the lot in the first place.

Mr. Silva said that he did and planned on selling his home but due to the economy was back in 09 he and his family had to move into it.

Vice Chair Steve Ethridge asked how you know it is a rear setback and not a side setback because it is a corner lot.

Steven Tomita said that it generally is according to where the entrance of your house is and the address of the home.

Chairman Tom Greer said that the only one impacted is the resident at 314 N Tenth St. and if that neighbor does not have a problem with it, then he needs to submit a short letter saying that.

Commissioner Reeves asked if his request was posted.

Mr. Silva informed the Commission that he placed the required sign on Reinken Ave and one on N Tenth St.

Lisa Miller said that it was posted in the News Bulletin also. She also said that she has the return receipt from the mail that was sent. The owner at 314 N Tenth did sign for the mail.

Commissioner Gordon Reeves moved to approve the variance and go on with the construction.

Commissioner Claudine Montano seconded the motion.

Motion carried.

|                     |                               |     |     |
|---------------------|-------------------------------|-----|-----|
| Vote is as follows: | Commissioner Claudine Montano | Yes |     |
|                     | Commissioner Gordon Reeves    |     | Yes |
|                     | Vice Chair Steve Ethridge     | Yes |     |
|                     | Chairman Tom Greer            | Yes |     |

**DISCUSSION/REVIEW**

**Zoning Ordinance Review-17.60 Administration and Enforcement.**

**17.60.010 Administration and Enforcement.**

Steven informed the Commission that the first thing that should be changed is the wording on the first item. The City Council and Code Enforcement is separate from the Building Official. They are two separate positions.

A long discussion on the wording in this section was discussed. The wording was decided on and changed.

**17.60.020 Conditional Use Procedures.**

The wording pertaining to the process was discussed. It was decided that it needs to reflect what the process is now. The notification of the surrounding residents of 100 feet

was felt to be not enough. It needs to be larger. Surrounding communities will be looked at to see what they are doing. The one year conditional use needs to be added also. This will also be incorporated throughout the Zoning Ordinance where it is referenced.

**17.60.030 Variance Procedures.**

This will include all the previous items that were discussed to be consistent.

**17.60.040 Zone Change and Amendment Procedures.**

A discussion on the conditions of this request concerning rezoning was discussed. The zone map was discussed due to the fact that the zone map can be changed by the City or the owner of record. The Commission does not file an application. It was discussed that it should include the Planning & Zoning Staff. The City needs the authority to act on its own. The wording was decided on and will be added. This shall apply to all other areas referenced the same way. State Statutes concerning the rules and regulations for the processes concerning the types of Zoning procedures. The staff will check into this and incorporate them into the Ordinance.

**17.60.050 Annexation.**

The different types of procedures for annexation were discussed. The staff is going to look into what the state has so that it can be incorporated into our Ordinance.

**17.60.070 Appeals.**

Most of this section is ok at this time.

**17.60.080. Fees.**

Lisa Informed the Commission that this section will be removed and placed in the Rates and Fees Appendix that is at the back of our Municipal Code book. The staff will check with the State Statutes to get the minimum before any changes to the amount of fees. We cannot go below that and in some cases you cannot go above them.

**17.60.090 Penalties.**

There is a problem with this section due to the wording. The word mandatory needs to be placed in there. If it is worded that way the courts have no choice but to enforce the issue.

**17.60.100 Interpretation and Conflict.**

There were no changes to this section.

Steven Tomita informed the Commission that as they move forward and really go back and redo the Ordinance they will add whole complete sections and chapters. This will help with future growth to see Belen grow the way it should and not haphazardly

**OPEN COMMENTS/REQUESTS**

Commission Gordon Reeves said that he would like to thank the City with getting pot holes repaired.

Chairman Tom Greer would like to thank the City for the job of replacing the wastewater in the area of the Rail Café and the rail station. He would like to compliment the Wastewater employees for this.

Vice Chair Steve Ethridge updated the Commission and staff on the possible River Park project.

**ADJOURNMENT**

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

Chairman Gordon Reeves seconded the motion

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:15 pm.

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/s/  
Chairman Tom Greer

ATTEST:

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/s/  
Steven Tomita, Development Services Manager