

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 12TH OF DECEMBER 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

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

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**
Minutes of November 28, 2016
- 6. DISCUSSION WITH POSSIBLE ACTION**
Fence Ordinance-Final Review
- 7. OPEN COMMENTS/REQUESTS**
- 8. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/

Lisa R Miller
Planning & Zoning Administrator

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

Belen Chamber of Commerce
News Bulletin
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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

CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
NOVEMBER 28, 2016

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

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

ABSENT: Commissioner Debbie Thompson

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

OTHER: D'nette Wood
Timothy Chavez
Charles Montoya

PLEDGE OF ALLEGEANCE

Chairman Steve Etheridge led the Pledge.

APPROVAL OF AGENDA:

Commissioner Gordon Reeves moved to approve the Agenda.

Vice Chair Pete Armstrong seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of November 14, 2016 were reviewed.

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

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

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

Chairman Steve Ethridge seconded the motion.

Motion carried.

PUBLIC HEARING WITH POSSIBLE ACTION

- A. REQUEST TO AMEND THE ZONE MAP FROM R-1 & A-R TO M-C: D'NETTE WOOD. Legal Description:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 190E, 190D, 190C, 190G, 226A, 224, 225B1A1, 225B1B2, 201B2, 225B1A2A, 225B1A3B & Township 5 North, Range 2 East, Section 19, Map 100, Tracts 225B3, 226B & 230B2B1B, aka 501 Bernard Ave, Belen NM 87002.

Steven Tomita informed the Commission that the applicant was in attendance and that she would explain what the use of the property was and what the use of the property is going to be, then he will explain the reason for the recommendation of the M-C use.

Ms. D'nette Woods informed the Commission that the property was put together piece by piece by her grandfather, Henry Wood, in the early 70's. Her father utilized this and used the property for his trucking facility and construction yard. It was WWC for a long time and then F & F Construction. They sold the WWC to F & F Construction back in 2006 and therefore did not need the property anymore. Her father then retired and has since passed away and this property was a part of his estate. As her family was looking at selling this property when they discovered that the zoning was not accurately reflected by the Valencia County Assessors and by the City Zone Map. They want to become in compliance with what the property has historically been used for, which is manufacturing/commercial use. The purchaser of the property wishes to use it in the same capacity that it has been used for historically. It was utilized for heavy construction equipment and was the repair facility for the road construction equipment.

Commissioner Claudine Montano asked if she was in the process of selling the property.

Ms. Woods said yes and it has been for sale for awhile and they do have an interested purchaser, who is in attendance, and he can explain what he would like to use the property for.

Charles Montoya, of AC Disposal Services, informed the Commission that he has been speaking with Ms Woods for around four months and decided to move forward with the purchase. At that time we found out it was not zoned for the use that it historically was used for so they have taken the steps to get it properly zoned. AC Disposal, which resides in a

residential area in Valencia County, has outgrown their needs and have been looking for a property that could fill their needs. This property would fill those needs. They would be storing their trucks and equipment there. They own 17 trucks and other equipment for a total of 20 units. They have 20 employees currently on the payroll. They would be doing a full renovation on the building to meet their needs. Their offices would be located there along with full maintenance crew for the equipment. Everything would be located on that property.

Steven Tomita said that when Mr. Montoya came to the Planning & Zoning offices, they spoke of what they would use it for. Historically it was used as a construction company yard so there was dust, heavy traffic of construction trucks and equipment coming in and out of there, plus trucks would be repaired at that location. These were large trucks and the land was always considered as a Industrial, light manufacturing property. It has been marketed over the years, even by the City, as a light industrial manufacturing site. The buyer would be using the site along the same parameters of its historical use. He recommended that they apply for a zone change to M-C so that they would not only come into compliance but place the property in the zone that it has been used for historically and the way it would be used presently. There have been no records found as to how it was zoned in the first place or how it got zoned to the present zoning. It has always been thought of as an industrial site and he would like to see it continue as such, which would make it applicable for the purchasers use.

Chairman Steve Ethridge asked if the Commissioners had any questions for the applicant or the City Staff.

Commissioner Claudine Montano said that she thought it was zoned as a commercial area, because the construction business was always there. She would like to see something back in there.

Steven Tomita commented that the fencing around the property is already in existence.

Commissioner Gordon Reeves said that he would like to see another business back in there and the zone changed to M-C to fit that use, plus it would be awesome to have them in our back yard to give Waste Management a little competition.

Chairman Steve Ethridge asked what the zone was for the surrounding properties.

Steven Tomita said it was residential and agricultural. He believes that the surrounding residential areas were originally owned by the Wood family.

Ms. Wood said that the family still owns the property that surrounds this.

Commissioner Gordon Reeves asked if the house right next to this property located right on Bernard was still in existence.

Ms Wood said that the home had been empty for some time and had some serious structural problems. The family did not want vagrants to going in and out and utilizing that home so they had it demolished and cleaned up.

Vice Chair Pete Armstrong said that there are only a couple of homes in the immediate surrounding area. There is one on Bernard and then there are a couple on Camino Del Llano and wanted to know if they had been notified of this request.

Lisa Miller informed the Commission that all of the surrounding property owners have been notified by certified return receipt. She has received most of the return receipt notices, some were returned being unable to deliver but the rest have received the notice. There have been no comments.

Chairman Steve Ethridge wanted to know, since it is an island among a residential area, why it would not be considered spot zoning.

Steven Tomita said that going by its original use as a construction yard and a large truck maintenance yard. It is history and the intended use never changed from that. It was not realized that somehow the zoning placed on it was not correct for its use. Before it was annexed into the City it was considered to be light industrial by the county and that is the way it is still on the tax records.

Vice Chair Pete Armstrong said that there is going to be a lot of heavy traffic on Bernard and wants to know if Bernard can handle it and can we the City maintain that road to support this activity.

Steven Tomita informed the Commission that he had spoken with the public utilities director, Dale Tafoya, and was informed that Bernard would be able to handle it because the road was done to handle the traffic that existed when the Construction Co was there. Bernard is a road that handles a lot of traffic.

Chairman Steve Ethridge asked if Bernard was the only access to this property.

Charles Montoya said it is the road that makes the most sense since they do not want to travel through the school area and other neighborhoods.

Ms Wood said that Bernard has always been the main entry to this property.

Chairman Steve Ethridge said he is still kind of stuck on the spot zone issue. If there was a mistake done in the past, when it comes time to change ownership of said property, is it not our opportunity to bring it into compliance.

Steven Tomita said it was, but he does not look at it as spot zoning. If it was always used as a residential/agricultural use then yes it would be spot zoning. But, since its historical use was as a construction company and large truck maintenance site, which is also the intended use of it for Mr. Montoya, it is really not changing the original use. The way he looks at it as restoring it to its original use.

Commissioner Gordon Reeves commented that it would then bring them into compliance.

Steven Tomita said that is correct.

Chairman Steve Ethridge said that we are asking for this zone change to bring them into compliance.

Steven Tomita said that is correct.

Chairman Steve Ethridge said that the City Staff is recommending that the Commission approve the zone change.

Steven Tomita said that is correct. He has been marketing it for four years as being an industrial site without knowing of the present zoning because it has always been used as an industrial site. There have been several companies close to purchasing it. He would be more concerned if the surrounding neighbors were not the property owners of this site also, but the applicant also owns the surrounding properties.

Lisa Miller said that a lot of the adjacent land is standing empty and is right next to the railroad.

Commissioner Gordon Reeves said that some of the surrounding property is owned by the city and on the west side is the drainage ditch.

Chairman Steve Ethridge said that he personally liked Mr. Montoya and their company and hopes they can bring some competition with Waste Management and asked if the public had any thoughts on this whether for or against.

Mr. Timothy Chaves, who lives behind this property on Camino Del Llano, said that he is all for this and likes the idea of having some improvement and new a business in the City.

Chairman Steve Ethridge asked if there was any more input. There being none he asked for a motion.

Commissioner Gordon Reeves moved to send a recommendation, to the City Council, of approval for a zone change from R-1 & A-R to a zoning of M-1.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

Vote is as follows:

Commissioner Claudine Montano	Yes
Commissioner Gordon Reeves	Yes
Vice Chair Pete Armstrong	Yes
Chairman Steve Ethridge	Yes

Lisa Miller said that this will now be sent to the City Council to be heard on December 5, 2016 for the final approval.

B. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTION:
D'NETTE WOOD. Legal Description: Same as for Zone Change in request A.

Ms. Wood said that the current non-contiguous fence in the area is three feet high and they believe a seven foot height fence would provide screening and a nice privacy fence for the residential side and they would like a fence height variance for that area.

Commissioner Gordon Reeves asked if this would be along the whole east side of the property.

Ms Wood said it would be on the first three hundred fifty feet from Bernard back, on the east side. The rest of the property is already fenced. This was the section that was not fully fenced. They thought that the seven foot fence would provide better screening for the residential area.

Vice Chair Pete Armstrong asked if, since the public notice describes the whole property, it lists the whole property and later there are documents that get a little more specific, his concern is that in the request it specifies the whole area. There are exhibits attached to the request that show the 300 feet.

Lisa Miller said that the 300 feet touches all of the lots within the whole area.

Vice Chair Pete Armstrong said that the specificity is in the supporting documents but not in the notice of request and his concern that it entails the whole 8 acres and not just the 300 feet. He asked if the exhibits become the official attachments to the request.

Steven Tomita said yes they do.

Vice Chair Pete Armstrong said that if some point in time the new owners decide they want to set up a 7 foot pro-panel fence around the whole thing, the new owners will have to come back for another variance for the rest of it.

Ms Wood said that currently there is already a pro-panel fence around 75% of the whole area.

Vice Chair Pete Armstrong said that he is aware of the existing fence. His concern is that if the whole property has been identified in the request and we approve this, would all the property identified with the attached exhibits, will the exhibits become a part of this approval and somebody, at some point in time, can't just say that the City approved the variance.

Steven Tomita said that he knows what he was getting at and he is correct, but the variance will only apply to what is described and the exhibits and the description of where it is going and what it is. The variance would only apply to what is in the exhibits.

Lisa Miller said that it could be a part of the conditions of the variance approval. If they had a concern about this it could be added to the conditions as a backup.

Commissioner Gordon Reeves said that if they say that the proposed seven foot fence is approved that it would involve the whole property and not just the 300 feet.

Steven Tomita said that if they grant the variance as it stands, it only allows the variance on what is in the application and exhibits. The Commission has the option to say what would be there, like Pete was saying, the owner can come back later and say he needed to build the whole thing, could that happen, and if it could happen, do you want to consider that now and just approve the whole thing. That is an option that could be considered.

Vice Chair Pete Armstrong said that he would prefer is that our approval of this variance, specify in the approval, that this is limited to the 300 ft identified in the exhibit.

Steven Tomita said that the thing is that if you have not published, and this has been published, and is being described at this meeting...

Vice Chair Pete Armstrong said that what was published is the whole 8 acres, and what is on the application, it describes the whole legal description. It does not say anything about it being just the 300 feet.

Steven Tomita said that is a part of the exhibits. The public notice gives you notice of the request but the application and the exhibits attached to the application officially becomes a part of the publication. If somebody calls and says they want to see what this is, the application and exhibits is what is given to them and that is what locks it in and we have not represented the whole property.

Commissioner Gordon Reeves asked Ms Wood if she was ok with this and if latter on the rest of the property was wanting to get done they would have to come back in and request another variance..

Ms Wood said she was.

Charles Montoya asked if the existing fence could be maintained and left the way it is, because it is already at seven feet tall.

Steven Tomita said yes but you can't tear it down and put a whole new fence up.

Charles Montoya said that they eventually want to replace the existing fence with a new pro-panel at the same height that it is now. It may take two years to do it but they would eventually like it done to match what is going to be put up in the 300 feet that we are requesting.

Steven Tomita said that right now they could do that, but when the new fence ordinance goes into effect they will not be allowed to.

Charles said that the existing fence consists of some railroad ties along with other fencing, but they want to replace it with matching pro-panel at the same height. It may take from two to five years to complete this. They would like to get the front part done now then work on the existing fence as time goes by.

Steven Tomita said not to worry about it, he would just have to come before the P & Z Commission for another variance. All you will be able to do is to fix what is there.

Vice Chair Pete Armstrong said that what he would propose to them is that you might want to consider, and maybe is if your looking at doing 300 feet now, you might want to consider the whole front including where the gate is at the same time.

Commissioner Gordon Reeves asked if they were going to keep the front gate set back from Bernard so that the trucks can turn in without blocking the street.

Charles Montoya said that they will be changing it to rot. iron with pillars and keep the same setback where the gate is now. It will not block traffic.

Chairman Steve Ethridge said that it sounds like they have a plan. He asked if there was any more discussion. There was none. Steve then asked for a motion.

Gordon Reeves moved to approve the seven foot height variance.

Vice Chair Pete Armstrong and 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
Chairman Steve Ethridge	Yes

DISCUSSION

Fence Ordinance

Steven Tomita said that Lisa has provided a mark up the Residential zones that were discussed at the last meeting and asked if there was anything that the Commission would like to change or add to this. We will then go into the Commercial and Industrial areas of fence regulations next. The one you have talks about the general fence regulations then it goes into the rural zone standards and how that is affected.

Lisa Miller informed them that the separate pages that they got are where the meanings have been added to the definition part of the Zoning Ordinance.

Chairman Steve Ethridge said that his personal opinion is that the meanings need to go into the fence section.

Vice Chair Pete Armstrong said that he is still a little iffy about some things and is not happy with the section that addresses barbed wire, chain link are not allowed unless in an agricultural zone for the purpose of animal containment and agricultural cropland protection. He knows that is the reason that there is a variance process, ummm...

Steven Tomita said that you can set forth, if you want, if you want to allow for barbed wire or chain link in the rural zones, you can say so. If you want to say under what conditions, you can say so.

Vice Chair Pete Armstrong said that he would like to open it up for discussions in this group. There are a number of situations where it is needed. I think there should be some stipulations that speak to the use of chain link, barbed wire and razor wire.

Steven Tomita asked if he thought razor wire and barbed wire should be allowed in a residential area.

Vice Chair Pete Armstrong said that it also includes A-R.

Steven Tomita said that it is not prohibited, as it says in the proposed ordinance. He is not trying to argue, A-R was mentioned, and it is allowable in that zone.

Vice Chair Peter Armstrong said yes but it says for the containment of animals and cropland protection.

Chairman Steve Ethridge said that animal containment does not necessarily mean farm animals, dogs are animals too.

Steven Tomita said that he must have missed that because he would have suggested that part be left out and left in, at unless in an agricultural zone.

Chairman Steve Ethridge said that he personally thinks that chain link, he likes that they are talking about making things look really nice but, to forbid the use of chain link he is leery about forbidding things. You can encourage them instead.

Steven Tomita said that encourage means nothing, they are going to do whatever they want to do in that case. If we do want chain link all over the place leave it out, but if you don't want to see it everywhere then it has to be a definite no.

Vice Chair Pete Armstrong asked if it was clear on the period after agricultural zone and leaving off the for the purpose of animal containment and agricultural cropland protection.

Commissioner Gordon Reeves said that is what he would suggest.

Steven Tomita said that it would be left off and the period after agricultural zone.

Chairman Steve Ethridge said that if he is the guy with tattoos, piercings, etc., and he loves chain link and stuff like that, to some people things like chain link and galvanized steel is the most beautiful thing in the world and he does not like to be restrictive. He understands the reason for it and wanting everything just so but some people are not going to like that at all.

Vice Chair Pete Armstrong said that Belen is a unique area in that we have all these alley ways and access areas to residential properties that many, many cities and locations do not have. He happens to live on an alley way and he continually fighting people coming over the fence and stealing things out of his back yard. He has taken measures to reduce that and he thinks it is important that the residents that have these areas, that have been there forever, be able to protect their properties in ways that maybe we should give them some guidance on. He does not like to preclude things that normal people would do to protect their property, or have done to protect

their property, especially in the case of alley ways in the older part of town. We have to speak to those kinds of issues and I don't think that these kinds of measures are appropriate for all types of Residential, Commercial and Industrial areas.

Commissioner Gordon Reeves asked whether he was talking about the type of fence and asked Vice Chair Pete Armstrong how high his fence was in the alley way.

Vice Chair Pete Armstrong said that the fence and its extension are approximately 7 feet. His fence is cinder block with a railing above that and is pretty substantial.

Commissioner Gordon Reeves asked him how high was the block wall was itself.

Vice Chair Pete Armstrong said about 5 1/2 feet and then the railing above that.

Commissioner Gordon Reeves said he understood his issues because he has put up a fence behind his apartments and the kids have climbed it and tore it down at least twice, so now he is going to put a pro panel wall in hopes that will help. He personally does not care for chain link fences in residential areas because if someone wants to get through it they are going to get through it and tear it up and once it is torn up it will not look right and also looks terrible. You will also have weeds and grass growing up in twined with the chain link making it harder to keep clean.

Vice Chair Pete Armstrong said that is was aware of that and it does take a lot of work to maintain a chain link fence.

Commissioner Gordon Reeves said that maybe something should be put in the ordinance concerning the alley ways. Maybe allowing for a taller fence along an alley way, or stipulate that they can come in and ask for a variance. Maybe seven feet.

Lisa Miller said that was fine but they would still have to get an engineer's stamped design that anything over 6 feet, according to state law, has to be engineered.

Chairman Steve Ethridge asked what an engineer would cost.

Steven Tomita said not much because they would just print an existing diagram out and stamp it.

Chairman Steve Ethridge asked if the City engineer did that.

Steven Tomita and Gordon Reeves both said no at the same time. Steven Tomita went on to say that the City does not have an engineer on staff.

Chairman Steve Ethridge said it would be nice if the City could provide that.

Steven Tomita said that the City could not do that. The City cannot provide engineering services to the general public. It can for their own properties, street, etc. but not for the general public.

Vice Chair Pete Armstrong said that his neighbor did come in for a height variance on her side yard for the same reasons that he was having. It was relatively easy to do because all she did was take in a hand drawing and it was approved.

Lisa Miller said it was because it was not over 6 feet.

Steven Tomita said that it can be put in the ordinance for a higher fence height in those situations.

Vice Chair Pete Armstrong said that he knows that the Mayor is looking for ways to reduce access to the alley ways because they are an issue in our area. The undesirables primarily use alleys for their undertakings.

Steven Tomita said that the biggest cure for alley problems is for a garage, with an apartment on top of them. That is a historic use of an alley and when you have someone living above a garage it is a deterrent for those types of things to happen.

Commissioner Gordon Reeves said that aren't the alleys also used for utilities.

Lisa Miller said that most of the alleys are where you will find the utilities, such as water lines, sewer lines, electric poles, gas lines, etc. and that is why most of ours have not been abated.

Chairman Steve Ethridge said that there are some people where that is the only access to the residence is through the alley.

Steven Tomita said that is the problem with alleys because it is really hard to control the problem you were talking about and after awhile you do want to put a razor wire, or whatever, and then when you do somebody gets hurt then you have a legal problem on our hands. It is a nightmare.

Chairman Steve Ethridge said that the use of railroad ties, pallets needs to be changed from prohibited to shall be discouraged. You can't outlaw railroad ties in a railroad town.

Steven Tomita said that discouraged has no teeth in it.

Commissioner Gordon Reeves said that discouraged just means to go ahead and put it in. It will not stop it.

Steven Tomita said that it is either you are going to allow it or not allow it.

Chairman Steve Ethridge said that it is up to the Council for the final, but he feels that there is going to be an issue when it comes to the railroad ties, especially being a railroad town. He personally does not like rail road ties and he understands that they are used in landscaping, but he does not think this area would like prohibiting them to be used for fencing. He likes galvanized steel and feels it should be allowed. There are some fences in Belen made out of galvanized steel that look ok. There is one on Bernard, but it will be up to the Council for the final say. He also said they might like to put a limit on the fence lighting on wattage or lames because you might get some who has some bright lights lying around and decides to use them on his/her fence.

Commissioner Gordon Reeves said that it says Night Sky Regulation so that should take care of that.

Commissioner Claudine Montano said you don't see much lighting on fences anymore. All you might see is on the some fence pillars some small lights, but not many.

Chairman Steve Ethridge said that he would like to add applicable to number 6 of the General standards, which has to do with the clear site triangle.

Steven Tomita said that if you have a corner lot that has a street intersection, it needs to go by the laws for a clear site triangle so that it does not affect traffic.

Chairman Steve Ethridge said what if it is a cull-de-sack.

Steven Tomita said it does not have an intersection on the cull-de-sack itself, just on the entrance and exit. A cull-de-sack is not an intersection. On all street corners you have a clear site triangle. We are referring to state statutes as far as the clear site triangle regulations go.

Chairman Steve Ethridge asked if there was anything else for the residential area. There was none.

Steven Tomita said that they now needed to work on the Commercial and Industrial areas.

Commissioner Gordon Reeves said that it should be pretty simple due to the fact that the general rules have been established. The main thing is basically the materials and the heights of the fences.

Chairman Steve Ethridge asked what would be different for the Commercial zones.

Commissioner Gordon Reeves said that the height of the fence can go up, which will be engineered.

Steven Tomita asked what our existing regulations.

Lisa Miller said that for the commercial areas, if it used as a residence, the front setback is 20 feet, side is 5 feet, and rear is 15 feet. If it is used as commercial it is 6 feet from the front, five on the sides, 15 on the rear. Fence height is not mentioned in the Ordinance for the C-1 zone but for the C-2 zone it is not exceeding three feet solid and 4 foot non-solid in the front and 6 feet side and rear property lines. It is the same for C-R. All of our fence regulations are similar. There is not anything mentioned about the materials used for fencing.

Commissioner Gordon Reeves said so they can use any materials the wanted like, railroad ties, pallets, block, chain link, crates, etc.

Steven Tomita said they could use anything they want. There are no restrictions on materials in the existing ordinances. It just gives you heights.

Chairman Steve Ethridge asked if they wanted restrictions, rules and regulations for the commercial areas.

Commissioner Gordon Reeves said that they need them. He doesn't want to see pallets, or railroad ties and materials such as that in a commercial area. The materials that he suggests is the same basic materials that was used in the residential area but include chain link.

Commissioner Claudine Montano said that some people use pallets and then plaster over them so that they look like adobe.

Commissioner Gordon Reeves said there are a lot of times where a wall is framed and then they come back and stucco it to make it look like adobe. There are several materials that can be used that way.

Steven Tomita said that it is the exterior surface appearance of the fence.

Commissioner Claudine Montano said that she does not think excluding railroad ties is fair, some people use them as landscaping in their yards and on the front of buildings, such as planters, sidewalk boarders, etc.

Steven Tomita said that is internal landscaping and not actually exterior fencing.

Lisa said there is another material that is being used as fencing and that is old tires. There are a few of these up on the west mesa that used old tires to fence off the whole property.

Steven Tomita said that old wooden doors were proposed as a fence at the little park on Sixth St and Dallies, but that was rejected by the Council. He asked what the Commission was proposing for the Commercial uses.

Commissioner Gordon Reeves said the same for residential, but ad chain link for the materials. No pallets, railroad ties, etc.

Vice Chair Pete Armstrong asked if this was to be for both the commercial and industrial areas? He was going to suggest barbed wire outriggers in this area because he has this around his commercial building.

Commissioner Gordon Reeves also suggested letting razor wire be allowed in the zone also as long as it tops the fence.

Chairman Steve Ethridge asked about an electric fence.

Commissioner Claudine Montano said that there are electrical fences in residential areas.

Steven Tomita said they are in commercial zones also. That is considered a wire fence. You can specify an electric fence. Ranchers will use these in livestock areas.

Commissioner Gordon Reeves asked about barbed wire.

Steven Tomita said that it is used as the out rigging in a lot of commercial areas, usually located along the top of the fence. You do not want a total barbed wire fence around a commercial use. You want the barbed wire and the razor wire arms for security. These are located on the top of the fence.

Vice Chair Pete Armstrong said that when he went to put the fence up around his commercial property, valley fence suggested a fence with outriggers for a total fence height of 8 feet. This turned out to be around 6 feet of fencing and 2 feet of out rigging.

Steven Tomita said that most of the ones he has seen are 7 feet with 1 foot of out rigging.

Lisa Miller asked if that was what they wanted in a commercial zone.

Vice Chair Pete Armstrong said yes.

Commissioner Gordon Reeves asked what the maximum height should be.

Lisa Miller asked them if that is what they wanted for minimum height. Minimum height is 6 feet without engineering but you can set the minimum height to seven and that would only mean that they would need to have their fence engineered.

Steven Tomita said does that mean with the out rigging or without the out rigging.

Lisa Miller said that is what she is asking. Do they want the minimum fence height to be 7 feet then the out rigging?

Commissioner Gordon Reeves said that if you go 6 foot like in a residential area, you can add an extra 2 feet or out rigging for commercial.

Vice Chair Pete Armstrong said that if it is besides a big building you are going to want more than an 8 foot fence and he is just throwing this out as an example.

Steven Tomita said to keep in mind that there needs to be some type of restriction on height or things could get carried away. If they are going to be going over a certain height there needs to be plans and they need come before the P & Z and say what they are doing, otherwise you could have humungous walls. Like in the case the Commission heard tonight, were a variance on the fence height restrictions was requested, they were not affecting a lot of residences, but where you have an industrial zone that is next to a high density residential area, then in the master planned developments we are going to want to mandate a certain height of fencing for sound control.

Vice Chair Pete Armstrong said that type of fencing can be seen along the freeways. It does work.

Steven Tomita said that he would limit it to 7 feet in a commercial zone. That means that the actual fence is 7 feet and you can have a 1 foot out rigging. That is a total of 8 feet.

Commissioner Gordon Reeves said that they will still have to have engineering done on anything over 6 feet. He asked if they could go 6 feet with a 2 foot rigging. He is trying to see if the cost could be cut due to the fact you do not need engineering for a 6 foot fence.

Steven Tomita said that he is saying the general fence height needs to be set at a maximum of 7 feet. If they are going with any out rigging the total would be 8 feet.

Vice Chair Pete Armstrong said that we would not be limiting how much lower that fence could be but establishing the upper tier and after that they have to get a variance.

Steven Tomita said that the minimum should be 6 feet.

Lisa Miller asked if this would be for the whole lot or what, if any, setbacks would be in place for the front.

Steven Tomita said a general store usually does not have a fence in front and where would this occur, in commercial, where you would have a fence all the way around?

Commissioner Gordon Reeves said places such as equipment yards, storage units, corporate yards.

Steven Tomita said places like warehouses, dismantling yards, Equipment buildings such as PNM or Centrylinck. He asked the Commission if they want to spell that out in the ordinance. You could stipulate in the ordinance that a full fence would be allowed for business such as storage units, warehouses, corporate yards, and equipment yards.

Vice Chair Pete Armstrong said, the building where he is, the area that is even with the sidewalk and then part of it in back considerably away from the sidewalk and at some point he will be putting a fence there. Temporarily he wants to put a fence there to keep the SH'S out of that area but in the future he wants that to be a kind of collecting area with tables and chairs and things like that, so he wants to put a nicer fence around it and he wants people to be seen and be able to see out at the same time. He wonders if they are not trying to address all kinds of situations individually, at this point, where maybe what we should be doing is giving some broad guidance and then say come in and work with us.

Commissioner Gordon Reeves said that he thinks they can spell out the businesses that would be allowed to have a fence around the parameter and anything else will require a variance.

Vice Chair Pete Armstrong said that he is happy with that.

Steven Tomita said lets go over the industrial.

Lisa Miller said that earlier the Commission had decided that everything that is in the general, residential and commercial should go into industrial.

Steven Tomita said that basically the only difference would be the height of the fences. He would suggest a 10 feet maximum.

Commissioner Gordon Reeves suggested that the maximum height from the commercial restrictions (8') should be the minimum for the industrial. Most of your fence fabric come in 6', 8', 10' and 12', so he would suggest that the maximum for industrial be 12'.

Vice Chair Pete Armstrong said that anything higher than that needs a variance.

Steven Tomita said the thing is, do we want them to get a variance or do we want them to just get P & Z review and approval. You could say that anything above that height requires a drawing and P & Z review and approval.

Commissioner Gordon Reeves said that sounds good.

Chairman Steve Ethridge asked if anyone knows someone from Valley Fence that they could talk to and see if we are leaving anything out.

Steven Tomita said that most of you industrial fencing is chain link unless it's someone like Motorola, Intel, etc. they are solid.

Commissioner Gordon Reeves said they also have cameras and motion detectors mounted to the fence.

Chairman Steve Ethridge asked if anybody has any more for the discussion on the fencing. There was none.

OPEN COMMENTS/REQUESTS

Lisa Miller said that Steven Tomita will not be here at our next meeting and also the last P & Z Commission meeting falls on the Monday after Christmas. She asked if the Monday after the holiday was taken in account for this Christmas because it is on that Sunday before the scheduled meeting.

Steven Tomita said that he thinks that we have off that Monday.

Lisa Miller asked the Commission what they would like to do for that meeting, either meet on Tuesday like the usually wood in cases like this, or would they like to forget that meeting being it is so close to Christmas.

Commissioner Gordon Reeves said that he would not be in town so he would not be able to attend.

Chairman Steve Ethridge asked if we needed to even have a meeting.

Lisa Miller said that it was up to the Commission on whether they wanted to or not.

Steven Tomita said that they are required to have at least one meeting a month.

It was decided that there would be not meeting at that time.

Commissioner Gordon Reeves moved to cancel the second meeting of the month.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Chairman Steve Ethridge would like to hear from each Commission member like the Council does at the end of each meeting.

Steven Tomita said that if he wishes this to be done that needs to be added to the Agenda.

Chairman Steve Ethridge said he would like that.

Steven Tomita said the manufacturer, which was in the Belen Paper; He does not know where they got all their information on pricing and such because none of this has been disclosed. This started when there was a request for the Council to approve an inducement resolution for an IRB (Industrial Revenue Bond) for a manufacturer who is interested in the Solo Cup building. They have not made an offer on the building & property yet and part of this inducement resolution is to induce them to make an offer on the property and what it basically said is that if they move forward to purchase the property and submit all the documents, financial statements and anything else that is needed, then the City will move forward with the process to approve an Industrial Revenue Bond. An Industrial Revenue Bond does not bind the City financially, we just authorize it to happen and in doing so we forgo taxes for a certain period of time. Ours will be a percentage of the taxes not a full 100% like Los Lunas did for Facebook. WE offered a 67% for 20 years. This company is looking at 150 to 200 jobs to start and they really do not need the Revenue Industrial Bond but that tax break is substantial and also when they buy their equipment they will be offered what is called the LEDA which means Local Economic Development Act Grant from the state. It will offer from 1 to 2 million for the jobs. The IRB, the JTIP (Job Training Incentive Program) and other incentives has put us ahead of three other states. Solo cup is the only site that has a building on it. That building will be used for warehousing and distribution and they will be building another 80 to 100 thousand square foot building for the manufacturing and other offices needed. This is a positive for the areas of the City of Rio Communities and the City of Belen. If they come here this will be their western division. Loves will be submitting their plans sometime this week so that is moving forward. Tractor Supply will be here this week to go to the ALCO building to see if it will work. Things are starting to move forward.

Commissioner Gordon Reeves asked about the unfinished building on Green Acres Lane.

Lisa Miller informed him that Dwayne Pena, Code Enforcement Officer, has that one going to court to demolish at this time.

Commissioner Gordon Reeves asked if there was a way that the P & Z Commission can visit the Water meter Ordinance.

Lisa Miller said that would have to go to the City Council to be addressed.

Steven Tomita said that the City Council has been working on this for awhile. He is also working on a freeway sign that will be placed at Eagle Park near the freeway. This will inform the public that we are here and what things we have to offer. It will be 8' X 16' and will also be advertising City Events. There are a couple of potential residents for the Business Center. At this time the model railroad club is set up inside and their display is 40' by 40', the largest they have set up in a long time. Schedule times are on the website and on flyers at City Hall. It took them three days to set up. They want to come back again next year.

Vice Chair Pete Armstrong said that he had gone out to the property that requested the zone change and was surprised at how big it was. I am glad that they are getting legal.

Steven Tomita said that he has missed out on Commission training since he is new, but informed him that the Commission is not supposed to visit any of the sites that are coming before them for

a request. The Commission at that time is like a legal court of law and can only go by the evidence and what is presented to them. You can ask any questions or you can ask the staff to investigate for them but they cannot visit the site.

Vice Chair Pete Armstrong said he was not aware of that and thanked us for informing him of this fact. He said he was also out on the West Mesa and visited the area we have been working on with the Airport Overlay Zone. He was surprised at how many homes are out there.

Steven Tomita said that it's ok for him to do that. He is doing that as a Commissioner and not a court of law. Most people are confused and they think that it is zoning but it is not, an overlay zone is what we see, and would like to see, in an area for the future. We can set boundaries on what they can do to a certain degree. If they want to do something else they will then have to consult with us on the issue. This is what we are planning for the area. This is a land use overlay and not a zone designation.

Chairman Steven Ethridge said he would like to convey his condolences to Florence Henderson and her family on her death and Ron Glass from the Barney Miller Series. He was in the parade this weekend and wants to thank the Police Chiefs daughter, Kirsten, for firing up the Fire siren. It is a time machine and has not been heard for many, many years. He hopes that everybody did a little extra business this weekend

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Pete Armstrong moved to adjourn.

Chairman Steve Ethridge seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:39 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Planning & Economic Development Director

1 **17.54.060 – Fences**

2 **A. General Standards**

- 3 1) Fences and screening shall be permitted in all zones, as provided in this Section.
- 4 2) The height and location requirement of this section may be modified as provided in
- 5 **Chapter 17.54.070, Administration and Enforcement**, of this title.
- 6 3) On that part of the lot other than the required front setback area, fences may be
- 7 erected up to six (6) feet in height.
- 8 4) Any fence above six feet (6) in height shall be designed by a New Mexico registered
- 9 structural engineer and approved by the City of Belen.
- 10 5) The fence details shall show the proposed method of construction and anchoring of the
- 11 fence, posts, and gate.
- 12 6) The fence details shall clearly show the distance to the sight line of a street right-of-way
- 13 to the sight line of a street right-of-way intersection. Adequate sight distance shall be
- 14 maintained as per **18.31.6 NMAC, State Highway Access Management Requirements**
- 15 Table 18.F-2.

16 **B. Residential Zoning Districts A-R, R-1, R-1A, R-2, R-2A, R-3, R-4**

- 17 1) There shall be no fences or screening located from the front corner of the house or
- 18 garage within the front setback.
- 19 2) A fence constructed on a side or rear property line shall not exceed a height of six
- 20 feet (6') from highest finished grade adjacent to the fence.
- 21 3) Fencing materials shall consist of, but is not limited to, adobe, pro panel, concrete,
- 22 wrought iron, wood slats, brick, stucco, and manufactured decorative fencing . Post
- 23 and rail fencing is limited to a 1 acre or larger parcel.
- 24 4) Street facing fences shall be in a color that matches or is in harmony with the
- 25 structure/home.
- 26 5) The use of barbed wire, chain link, wire mesh shall not be allowed within the
- 27 Residential Zoning Districts unless in an agricultural zone.
- 28 6) The use of railroad ties, pallets, corrugated steel and razor wire shall not be
- 29 permitted within the Residential Zoning districts .
- 30 7) Fence lighting shall adhere to night sky regulation, be low profile, no more that 18"
- 31 above fence line and not be in a position to interfere with abutting owners privacy.

32 **C. Commercial Zone Districts C-R, C-1, C-2.**

- 33 1) The use of railroad ties, pallets, and corrugated steel shall not be permitted within the
- 34 Commercial zones.

- 35 2) All Residential uses located in a Commercial Zone shall use the Residential Zoning
36 Districts fence regulations.
- 37 3) Fence height restriction shall be seven (7) feet with one (1) foot of out rigging for a total
38 of eight (8) feet.
- 39 4) Out rigging shall be located on the top of the fence.
- 40 5) Front fencing in together with Parameter fencing shall be allowed in the following
41 Commercial uses;
- 42 a. Storage units, Warehouses, Equipment buildings, Automotive sales yards, utility
43 buildings, open storage and impound areas.
- 44 6) All other Commercial uses shall follow setback regulations, for the specified Commercial
45 Zone, provided in **Title 17 Zoning**, of the City of Belen Municipal Codes.
- 46

47 D. Manufacturing and Industrial Zone Districts M-C, M-1

- 48 1) The use of railroad ties, pallets shall not be permitted within the Manufacturing and
49 Industrial Zone Districts.
- 50 2) All residential uses located within a Manufacturing and Industrial Zone District shall use
51 the Residential Zoning District regulations.
- 52 3) Fence height restrictions shall be a maximum of twelve (12) feet in height including out
53 rigging.
- 54 4) Out rigging shall be located on the top of the fence.
- 55 5) Fencing within the Manufacturing and Industrial Zone Districts shall require a plan
56 review by the Planning and Zoning Commission

57 E. Special Use Zone District SU-1.

- 58 1) The underlying use within the SU-1 Zone District shall determine what fence regulations
59 apply.
- 60 2) Fencing within the Special Use Zone shall require a plan review by the Planning and
61 Zoning Commission
- 62
- 63