

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 13TH OF MARCH 2017 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

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

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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGEANCE**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES:**
February 27, 2017
6. **PUBLIC HEARING WITH POSSIBLE ACTION**
 - A. **REQUEST FOR ANNEXATION OF PROPERTY LOCATED AT 7 LOPEZ LOOP:**
PATRICK SANCHEZ. LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 7, Tract B, Map 97, Lands of Placidio & Herman Sanchez, containing .63 acres, AKA 7 Lopez Loop, Belen NM .
7. **DISCUSSTION WITH POSSIBLE ACTION**
P & Z Meeting time change
8. **DISCUSSION**
Airport Overlay Zone- Joint Powers Agreement
9. **OPEN COMMENTS/REQUESTS**
10. **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

CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2746
www.belen-nm.gov

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

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

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, Economic Development Director
Lisa Miller, Planning & Zoning Administrator

PLEDGE OF ALLEGEANCE
Chairman Steve Etheridge

APPROVAL OF AGENDA:
The following items were added to the Agenda under Discussion. P & Z Meeting time change, Status of alley behind Rutilios, Waste Management-Recycling.

Commissioner Gordon Reeves moved to approve the agenda as amended.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Vice Chair Pete Armstrong moved to approve the minutes of February 13, 2017.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

DISCUSSION

Airport Overlay Zone

Steven Tomita informed the Commission of where, to date, the Commission stands as far as the progress of the Overlay Zone. They have looked at the area of influence, a notice has been sent to the people around the airport area informing them that the area in which their property is located is within the airport influence area which may include noise, air flights, etc. They also looked at the City owned property around the airport and the Commission felt that the incorrect zoning was in place and that it needed to be changed to SU-1 so that it allows flexibility for develop and this development will have to be reviewed by the Commission. The Commission has also put together a vision on what kind of uses would develop around the airport. They then started to look at the potential land use considerations and that is when it was decided that the Commission needed more voices that just the staff to help them with this by talking about overlay zones, how they work, what is involved with them, what are the regulations and how it is all done. Sandra Gaiser of the Mid Region Council of Governments was asked to attend so that she can give the Commission an idea on this process. He also informed the Commission that the County now has a Planning & Zoning Director and will be inviting him to attend the meetings to try to involve the County with the Airport overlay zone since it also includes County areas within the one mile radius around the airport. We will also be having public workshops also, as we progress on this. They have not reached to point for significant workshops.

Vice Chair Pete Armstrong strongly feels that the County should be involved with this. If they chose not to attend then they at least should get a copy of what the Commission is doing. The County has asked to review the document before final approval by the City and he feels that this could be a potential show stopper at that point. He would like to avoid that by providing them a copy of everything that we are doing in this process.

Steven Tomita said that we will do that but if they do not participate and then come to the final hearing and want to stop this, we are going to have a real problem with that because we will asked them where they were when we had invited them to all the meetings and workshops to address any concerns that they have. If they do not want to participate then to bad, so sad. The County will not be excluded on what we are doing.

Sandra Gaiser gave the Commission some history on the airport compatible uses. In 2010 the MRCOG worked with Belen to do a Strategic Growth Plan and they concentrated on the airport. Belen has an Airport Ordinance and the County has an overlay district and a draft Joint Powers of Agreement between the County and the City was drafted regulating the land uses around the airport area.

Steven Tomita asked if that was ever formally adopted.

Sandra Gaiser said no. This document could be reintroduced to fit the times and feels that the JPA is the best way to go because it is more formal and has to go to the DFA for approval which makes it more stringent. The MRCOG has been try to get this going for a few years and is glad to see it moving forward because it really needs to be addressed. There is a Kirkland Sustainability Committee that meets every three months with Kirkland Air Force Base, the City of Albuquerque, MRCOG, Bernalillo County, Debra from the City of Belen was at the last one, and several other agencies to try to look at the impacts and compatibility surrounding airports. They are very interested in the Belen Airport area since they helped get the second run way put in and are currently using that run way. She will report to them on what the City is trying to do and feels they will be pleased to see it happening.

Steven Tomita said that it is similar to what was done in at the two airports that he worked on. The one at Glendale AZ , which was an Air Force airport, and the Mesa Phoenix Airport, which was originally an Air Force Base. The airports there have an agreement with the Air Force to use the run ways for training. We need to be looking at the same things that they have done so that the airport can still be used by the Air Force but allow development around it.

Sandra Gaiser said that the City can do the planning and platting but their needs to be some coordination with the County also. She will keep the Air Force informed on what is going on with the Belen Airport because they are very interested. There are residential areas up by the airport and the Air Force would prefer not to have a lot of residential areas around their approach zones. In the City's case you are looking at land use compatibility.

Steven Tomita said we are also looking at traffic circulation around the airport.

Sandra Gaiser said that they had spoken with Steven and Lisa last Friday and she is not that sure of what the Commission's process is going to be and asked what kind of information they would like for her to provide. Steven Tomita has provided them with a copy of the Scottsdale Overlay zone and feels it is a good one and it is one that they might want to consider. She understands that the Commission wants to have an Overlay Zone which puts a few extra restrictions on the underlying zone. Her concern is that there is a lot of vacant land around the airport and if you allow residence by right to have a home out there, and it might become an issue. She asked what the property around the airport was zoned.

Lisa Miller said that any of the properties within the City Limits around the airport is zoned Commercial.

Sandra Gaiser asked the Commission what they feel about all of this.

Commissioner Gordon Reeves said that they have been working on this for about 6 months and he is confused.

Steven Tomita said that was why he is bringing back the different steps, because it was beginning to stray all over the place. That is why he has brought Sandra in. We need to take the vision we had and take it from there and how it fits that picture.

Sandra Gaiser was given a map of the one mile radius around the airport and a copy of what properties are within the City Limits and a copy of what the Commission has on the vision list. She asked Lisa if she knew what the zoning was around in that area.

Lisa Miller said that it is OD (Outland District) and the minimum lot size for a home is one acre.

Sandra Gaiser asked if there had been an analysis of what already exists in that area.

Steven Tomita said no.

Sandra Gaiser said that the new aerials are out and asked how old were the ones that the City was using because it is not showing the cross run way.

Lisa Miller said that she is trying to get a copy of the new ones from the County and the ones she has are the ones just before the new ones.

Sandra Gaiser said that MRCOG provided the County with the new high resolution aerials that they have now and that they would look into getting the City of Belen a copy of them also. There needs to be an analysis of what is in the County area and work with the County on this. If the minimum is one acre the County may push back on what Belen sees going on out there. She said that the County really needs to be involved with this.

Steven Tomita said that we can put that one mile area into our Comprehensive Plan because it is in our three mile Planning & Platting jurisdiction. He feels that we need to get the Joint Powers Agreement with the County because it will make a big difference.

Sandra Gaiser said that what the City is visioning for that one mile area will require infrastructure even with most of it located within the County. There is nothing wrong with what you have on your visioning list but she thinks that the County really needs to be involved with this also. She informed the Commission that she likes what the Scottsville area has done with their airport area Ordinance and suggested to they take a good look at it for their airport overlay zone. She also provided a copy of the Dear Valley airport area and said that it has some prohibited uses around their airport.

Steven Tomita said that what should come next, to go forward, is what of ordinance, plans, we put in place to encourage and see that it happens. In other words, what do we do so that it just doesn't become a hodge podge mess out around the airport and what can we put into an overlay zone that can govern that development and can we govern the future development without re-zoning.

Sandra Gaiser said that it sounds like the Commission feels that there should be some sort of regulations that directs the growth in the area so that it is compatible with the airport. That's Economic Development. The City does have the Planning & Platting jurisdiction within the County. Dona Ana County has what is called an Extra Territorial Zone and it basically entails that a review board be created to hear requests that concern this zone. The City of Las Cruces handles their reviews and the County of Dona Ana handles theirs but if it involves the planning & platting jurisdiction it goes to the Review Board for approval. That wasn't very popular and it is very complicated.

Steven Tomita said that a JPA could reflect that our Airport Commission review these requests and make a recommendation to the governing body and the County may confer to the City within the one mile radius. This would be a simpler way to do this.

Sandra Gaiser said that a JPA or a MOU needs to be done and that would get the County on board. The JPA that was developed can be used and changed where need be would be the best place to start. It is complicated because you have the County jurisdiction and the City jurisdiction within the planning & platting jurisdiction of the airport. You have a lot of layers going on and it is best to handle this with a JPA. She asked what else they would like her to do.

Steven Tomita said that we should look at the draft JPA and the Dear Valley Airport and the Scottsdale Airport regulations to become familiar with how they have accomplished regulations for their airport area.

Vice Chair Pete Armstrong suggested they also use the Iowa Airport Land Use Guidebook, provided in our packets, because he likes the categories that they used because it is FAA and FAR guidelines and that is what you want in a document like what we need to come up with.

Chairman Steve Ethridge said that the Council has been discussing changing the name of the airport and wanted to know if that was relevant to what they are doing.

Steven Tomita said they are looking at changing it to a Regional Airport, because it does qualify, and he feels that the City does need to do that. Changing it opens up a whole new marketing and avenue for Economic Development. There is no master plan for the airport and he wants to establish land uses out there then develop an Airport Master Plan.

Vice Chair Pete Armstrong asked who the keeper of these documents was going to be and being that we have an airport manager, he finds it perplexing that the airport manager is not a part of this process.

Steven Tomita said that it is adopted by Ordinance and added to our Municipal Code Book. The airport manager has been notified about each of our meetings, but her focus is the run ways and the buildings around them.

Vice Chair Pete Armstrong feels that she should be involved with this because it involves the airport, she should be here.

Steven Tomita said they should focus on the JPA and look at the three airport documents they have been provided, and go forward from there.

Sandra Gaiser said that they can be a mediator for this and that way everyone can meet on a natural turf, but the JPA will have to be initiated by the City of Belen. A JPA goes to the State Finance Department and can take up to six months to complete.

Steven Tomita said that we are not saying that the DFA will take six months to make a decision. We have to come up with the documents to support the JPA and then send them up to DFA for the final approval. We will be working on the documents.

P & Z Meeting Time Change

Commissioner Claudine Montano informed the Commission that she would like to have the P & Z Commission meeting time changed to three o'clock (3:00 PM) in the afternoon or maybe even five (5:00 PM). She feels that 6:30 PM is a little late.

Vice Chair Pete Armstrong said that he didn't care because he is retired and available anytime.

Commissioner Claudine Montano said it would also help Steven and Lisa because it is a very long day for them on our meeting dates.

Steven Tomita said that he would welcome any shortening time.

Chairman Steve Ethridge said that most of the Commissioners are flexible with their time but there is one who is not.

Steven Tomita informed the Commission that most Counties and City's operate differently. Most County's have their meetings during the day and most Cities' have theirs during the evening.

Commissioner Gordon Reeves asked if everyone was ok with meeting at 3:00 PM. He does not have a problem with 3:00 PM.

Steven Tomita said that the only problem he would have is, with the multiple roles he has, he never knows when something suddenly comes up and he has to attend a meeting or meet with someone or some group. He does recommend that the workshops be held in the evening.

Commissioner Gordon Reeves said that Commissioner Thompson would have a bad time attending an afternoon meeting because she runs her own business and she is a hands on person when it comes to her business.

Vice Chair Pete Armstrong said that 5:00 PM would probably be better but it doesn't matter to him when.

Chairman Steve Ethridge said that it needs to be put on next meeting agenda as an action item.

All were in agreement.

Alley behind Rutilio's

Lisa Miller informed the Commission that Commission Reeves wanted an update as to what is happening with the abatement of the alley behind Rutilio's. She informed them that it was pulled from the agenda by Mr. Luna because he was going to be out of the Country. His daughter was to contact me to put it back on the agenda but has yet to do so. To get this going again it would have to start all over because it has been too long since it was back in April of 2015. She gave the Commission a copy of her file. She didn't put it back on an agenda because they dropped it.

Commissioner Gordon Reeves said he would like to re-open it.

Steven Tomita said that the Commission cant. They, the Luna's need re-file it. The Commission itself can initiate it and asked what reason would they have for doing that.

Commissioner Gordon Reeves said because it is an alley and not an easement and is the City going to let everybody take over an alley to use however they see fit.

Steven Tomita said why.

Commissioner Gordon Reeves said because you will have people just taking over our alleys and the City should not allow that. It is being overlooked when it should not be.

Steven Tomita said there is a process to go through to get an alley abandoned. He informed them that the alley has not been abandoned. It still exists.

Commissioner Gordon Reeves said that Rutilio's has encroached on that alley.

Steven Tomita said yes but the City needs to do something about it and not the P & Z Commission. Someone can encroach on public property but they cannot claim ownership of public property. Once it is designated as public property, it stays public property. You can take adversarial possession of private property but not of public property. He said that he can take it to the City manager for advisement. The City manager has to decide whether to pursue it or not.

Waste Management-recycling

Lisa Miller informed the Commission that the Waste Management contract with the City runs out in September. She spoke with the City Manager about the Commission's request for more recycling and was informed that it could be a part of the new contract for solid waste pick up and the City manager would look into it. She has also asked the water department to check into what the added price would be to add it now. They have not gotten back to her yet.

Vice Chair Pete Armstrong said that recycling is very expensive. What is recycled most is cardboard. He asked if the City could place more bins in the Water Department yard on N main to see if it would be feasible to add it to the new contract. Give it a test run before you make it a part of the next contract.

OPEN COMMENTS/REQUESTS

Steven Tomita said a new business has moved into the old subway building. It is called MetroPC. He is still working with Circle K. There was a little hitch but we are still working through it so that it can move forward. There was a workshop put on by Jess Goebel and Main Street at the Business Center to discuss the perceptions of the Belen area. Some good ideas on how to bring more businesses to Belen were brought up. They are hoping to get things going in the area.

Lisa Miller informed the Commission that the building plans for the Credit Union came into the office for review.

Steve Ethridge expressed his condolences for Margaret Sinclair. He encouraged the Commission to attend the 2017 Planning Commissioners Workshop being put on by MRCOG on the 28th of April in Albuquerque.

ADJOURNMENT

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

Commissioner Gordon Reeves seconded the motion.

Motion carried.

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

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

CITY OF BELEN
100 SOUTH MAIN STREET
BELEN NM 87002
(505) 864-8221

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Belen Planning and Zoning Commission will conduct a public hearing to consider the following property for annexation into the current city limits with a R-1 (Residential) Zoning Designation.

LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 7, Tract B, Map 97, Lands of Placidio & Herman Sanchez, containing .63 acres, AKA 7 Lopez Loop, Belen NM

You are further notified that this public hearing will be held on **Monday, March 13, 2017 at 6:30 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen NM 87002.

The City Council will conduct a public hearing with possible action to consider this annexation on **Monday March 20, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 S Main Street, Belen NM 87002.

Any person having objections or wishing to be heard should attend the above scheduled hearings or may write comments to the Planning & Zoning Department, 100 South Main Street, Belen NM 87002.

LEGAL NOTICE PUBLISHED: February 23, 2017

PETITION FOR ANNEXATION

Name and address of Petitioner (s): Patrick A. Sanchez
19245 A Highway 314
Belen, Nm 87002

I (We), own the following-described property:
Land of Placido and Herman Sanchez
Tract B 1993 Rev
Map 97 .63 AC D-5-7
The total acreage of the property is:
.63 acre

The above-described property is located within the area that is proposed for annexation, as shown on the attached plat and description.

I (WE), hereby petition the City of Belen to annex the territory as designated on the attached plat and description.

NAME:

Patrick A. Sanchez

DATE:

02/06/2017

Instruction:

1. Fill in your name and address; property description, and the total acreage of your property.
2. Attach a survey and legal description of your property.
3. Sign and date your petition; file the petition with the City Planning and Zoning Department and request a date on which your petition will be presented to the Planning and Zoning Commission and City Council.

**CITY OF BELEN, NEW MEXICO
DEVELOPMENT REVIEW APPLICATION**

Date of Application: 2-6-17
Name of Development: _____
Case Number: _____

TYPE OF DEVELOPMENT:

- | | |
|---|--|
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Limited to Six Months |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Preliminary and Final Plat | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Amendment to Zoning Map | <input checked="" type="checkbox"/> Annexation: <u>.63</u> acreage |

Applicants Name: Patrick A. Sanchez Phone: 505-864-7154
Address: 19245A Hwy 314, Belen, NM 87002
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: 07 Lopez Loop
Block and Lot: _____ Addition: _____
Tract Number: B Map: 97
Total acreage in Tract: .63
Number of Dwellings: 1 Density/Acre: _____
Zoning of Property: _____ Present Use: Residential
Requested Zoning: _____

ADMINISTRATION

Application Received By: [Signature] Date: 2-6-17
Filing Fee: \$ 25.00

Scheduled Review of Application by:

Planning and Zoning Commission	Date: <u>3-13-17</u>
Belen City Council:	Date: _____

Original Mylar Submitted: () Yes () No Date: _____

OWNERS AFFIDAVIT

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

We, Patrick A. Sanchez
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
07 Lopez Loop, Belen, NM 87002 for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

_____ 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.

Patrick A. Sanchez
Signed

19245A Hwy 314
Address

Belen, NM 87002

505-864-7154
Phone

Subscribed and sworn to before me this 6th day of February, 20 17.

Lisa R Miller
Notary

My Commission Expires:
9-13-17



STATE OF NEW MEXICO	
COUNTY OF VALENCIA	
FILED FOR RECORD	
BOOK I	PAGE 50
NOV - 5 1982	
COUNTY CLERK	
REC NO. 87195	AMT. \$ 10.00
PD BY Sterling	DEPUTY JRC

LOT 21 BRENT ESTATES ADDITION
PLAT FILED JUNE 5, 1961

TIED TO N.M.
CAP STAMPE
FOUND ALONG
OLD U.S. HWY.
N61°13'19"E-5'

1" = 50'



TRACT "A"
(2.000 AC.)

LOPEZ ROAD

TRACTS 5
SHOWN ON P
IN. BOOK 260

TR. 40

TRACT "B"
(0.631 AC.)
(SEE NOTE NO. 6)

TR. 5-17
TR. 5-18
V. 90 S.
M. 2. G. C. D.

CAR PORT
HOUSE

N17°17'35"W-61.38'
[N15°48'25"W-61.38']

S05°19'07"E-48.50'
[S03°49'57"E-48.50']

S75°00'04"W-73.35'
[S76°32'41"W-73.85']

S82°11'20"W
57.40'
[S83°40'30"W]
[57.40']

TR. 6-A-1
MAP 97

651-C

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STATE OF NEW
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PROPOSED DRAFT

JPA No. _____

JOINT POWERS AGREEMENT BETWEEN THE CITY OF BELEN AND THE COUNTY OF VALENCIA

REGULATING LAND USES AROUND THE BELEN MUNICIPAL AIRPORT

This Joint Powers Agreement (the "Agreement") is entered into on the ____ day of _____, 2009, by and between the City of Belen (the "City") and the County of Valencia (the "County").

RECITALS:

1. The New Mexico Joint Powers Agreements Act [11-1-1 to 11-1-7 NMSA 1978] authorizes two or more public agencies to jointly exercise by agreement any power common to the contracting parties [11-2-3 NMSA 1978], subject to any of the restrictions imposed upon the manner of exercising such power of one of the contracting public agencies [11-1-5 NMSA 1978].
2. The City and the County, as parties to this Agreement, desire to coordinate the regulation of land use around the Belen Alexander Municipal Airport in order to provide both airspace protection and land use compatibility with the current and future operations of the airport.
3. Municipal airport facilities are subject to the planning and zoning laws and other ordinances and regulations applicable to the area in which the airport facility is located [3-39-5 NMSA 1978].

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES:

1. **PURPOSE:** The purpose of this Agreement is to establish common standards for the City and the County to regulate land use and development around the Belen Alexander Municipal Airport.
2. **AIRPORT ZONING AUTHORITY:** The provisions of the airport zoning regulations of the City [Chapter 11.12, Airport Zoning Regulations] pertaining to the approach zones, transitional zones, horizontal zone, and conical zone shall prevail both inside and outside the municipal limits of the City. The County airport overlay zones pertaining to the height limitation zone, the noise impact zone, and airport runway protection zone [Section 154.153, Airport Encroachment Overlay District] shall apply only within the unincorporated areas of the County in proximity to the Belen Alexander Municipal Airport.

PROPOSED DRAFT

3. **AIRPORT ZONING MAP:** An official airport zoning map delineating the airport overlay zones as defined by the City and County airport zoning ordinances shall be attached and made a part of this Agreement. The airport zoning map may also include the current underlying zoning categories defined by the City and County zoning ordinances and the delineation of the boundary of the municipal planning and platting jurisdiction. A copy of the airport zoning map shall be filed with the County Clerk as an official record.
4. **SUBDIVISION APPROVAL AND DISCLOSURE:** The municipal planning and platting jurisdiction of the City includes unincorporated territory within a radius of three (3) miles outside the municipal boundary [3-20-5 NMSA 1978]. Any proposed subdivision of land outside the City municipal limits within the municipal planning and platting jurisdiction shall be subject to concurrent review and approval by the City and the County [3-20-9 NMSA 1978]. For purposes of this Agreement, the City and the County, within their respective jurisdictions, shall require subdividers of land within one (1) mile of the airport runways of the Belen Alexander Municipal Airport to provide written disclosure to current and future property owners regarding airport zoning regulations. Such disclosure shall be part of the subdivision review process administered by the City and the County.
5. **AIRPORT AREA MASTER PLAN:** The City and the County shall collaborate in the development and implementation of an airport area master plan for Belen Alexander Municipal Airport. A master plan study area shall be established by consent of the City and County governing bodies. Preparation of a long range land development plan for the airport area will provide a basis for appropriate zoning and other land use regulations administered by the City and County. An extraterritorial zoning authority may be considered as an alternative to coordinated airport area zoning by the City and the County within their respective jurisdictions.
6. **LIABILITY:** No party shall be responsible for liability incurred as a result of any other party's acts of omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the Tort Claims Act.
7. **TERMINATION:** This Agreement may be terminated by either the City or the County upon delivery of written notice to the other at least ninety (90) days prior to the effective date of termination.
8. **AMENDMENT:** This Agreement shall not be altered, changed, or amended except by an instrument in writing executed by the parties hereto and approved by the New Mexico Department of Finance and Administration.
9. **GOVERNING LAW:** This Agreement shall be governed by the laws of the State of New Mexico.

PROPOSED DRAFT

10. SEVERABILITY: If any provision of this Agreement shall be found by a court of competent jurisdiction to be illegal, in conflict with any law of the State of New Mexico or otherwise unenforceable, the validity and enforceability of the remaining provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular provision found to be illegal, invalid or otherwise unenforceable.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above.

**APPROPRIATE SIGNATURE BLOCKS FOR:
CITY OF BELEN
COUNTY OF VALENCIA
N. M. DEPARTMENT OF FINANCE AND ADMINISTRATION
LEGAL REVIEW**