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**CITY OF BELEN**  
**PLANNING & ZONING COMMISSION MEETING**  
**MINUTES**  
**SEPTEMBER 29, 2014**

Vice-Chair Gordon Reeves called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:32 p.m.

**PRESENT:** Chairman Tom Greer-Arrived at 6:50 PM  
Vice-Chair Gordon Reeves  
Commissioner Rod Storey  
Commissioner Steve Ethridge  
Commissioner Selma Martinez

**CITY STAFF:** Steven Tomita, Planning & Zoning Director  
Lisa Miller, Sr. Code Enforcement Officer

**OTHERS:** Jennie Mascarena, Citizen  
Susan Chavez, Citizen  
Robert Lovato, Citizen  
Marco Garcia, Citizen  
Rosalinda Pillado-Chaparro, Citizen

**APPROVAL OF AGENDA:**

Commissioner Rod Storey moved to approve the agenda as published.

Commissioner Selma Martinez seconded the motion.

Motion carried.

**APPROVE OF MINUTES:**

The Minutes of August 25, 2014, were reviewed.

Lisa Miller went over the errors that were corrected that Commissioner Selma Martinez found. She informed the Commission that she appreciates that Commissioner Martinez proofs the minutes before the meeting.

Commissioner Selma Martinez moved to approve the minutes with the few grammatical & spelling corrections done.

Commissioner Steve Ethridge seconded the motion.

Motion carried.

**ACTION ITEMS**

**A. REQUEST TO AMEND THE ZONE MAP FROM R-1 TO SU-1 TO BRING A GRANDFATHERED MOBILE HOME PARK INTO COMPLIANCE: JEFFERY AND MARK ULIBARRI. Legal**

**Description:** Township 5 North, Range 2 East, Section 18, Map 100, CTS Addition, Block 2, Lots 9-14, aka the 600 block of N Seventh St., Belen, NM, 87002.

Lisa Miller informed the Commission that the reason they were asking for a zone change request was the fact that they are considered a non-conforming use. They were existing mobile home parks when they were annexed into the City. When the Zoning designations went into affect they were zoned R-1 instead of an SU-1. What they want to do is to change the zone to reflect the correct zone. She also told the Commission that the people requesting the zone change were not present.

Commissioner Rod Storey asked if they had come in on their own to request this.

Lisa Miller said that it started with her being out on rounds and noticed an RV parked there and hooked up to utilities. They were informed that they were not allowed to have an RV there and if they left it there they would be changing the non-conforming use and when that is done it has to come into compliance with the zone that it presently has, which is R-1. To do this they would have to move them all out.

Steven Tomita said that it could be left alone as is, or it can be properly zoned and improved.

Commissioner Rod Storey asked if it would be a specific SU-1 use or an in general SU-1 use.

Lisa Miller informed them that it would be zoned as a specific SU-1, a mobile home park only. This would also give the City more teeth, as far as code enforcement, into the management of the area. The City has rules and regulations concerning Mobile home parks. All three of the requests on the Agenda are non-conforming uses and owned by the same family. This one sits on .46 Ac. The one on Ross Ave sits on 2.04 Ac. And the one on N Seventh is about the same size as the one on W Chavez.

Commissioner Rod Storey informed the Commission and the public that he typically has a problem acting on any type of request without the property owner being present.

Steven Tomita said that he agrees with that but out of courtesy the Commission should allow the public attending this meeting to express any concerns that they have, then you have a choice to either table the requests, deny or approve the request. It is up to the Commission as to what is done.

Vice-Chair Gordon Reeves said he would like to hear what the public has to say and asked the Commission what they would like to do.

All agreed to hear the testimony from the public at this time.

Mr. Roberto Lovato informed the Commission that he was selected as spokesman for the neighborhood. This property is an eye sore as well as bad for the children in the area. There is a school adjacent to this and there is known usage of drugs, gang activity and a lot of other things going on there. He has personally been robbed and knows that some of his neighbors have also. He feels that it needs to be cleaned up. This is not how Belen should represent itself, especially being right next to a school and on Main Street. This is a bad place and needs to be removed and something that is beneficial placed there. The Police have been there several times and this place seems to be a magnet for the type of people that bring in this kind of problems.

Commissioner Rod Storey said that this piece of property has been grandfathered in and is a non-conforming use. Code enforcement has their hands tied in a certain respect and that is why, as the Code enforcement Officer is saying, it would help us to have a more control if the place was zoned correctly. It is not necessarily a vote in favor of the trailer park but it does give the city a better chance to get this cleaned up and conforming to the rules and regulations.

Steven Tomita said that was correct.

At this time Chairman Tom Greer apologized to the Commission and the public for being late in arriving.

Lisa Miller explained to Chairman Tom Greer that the Commission was listening to the comments and concerns for the first action item on the agenda and that the Commission made the decision to listen to these comments and concerns even though the owner of the property is not present. At that time the Commission will decide how they want to proceed.

Susan Chavez informed the Commission that she lives on N Sixth St. on the north side of the trailer park. Most of the citizens in this area are Senior Citizens. There are some that are 80 and 90 years old and are ill and they are all scared. There are times when these people come into our yards and have to be chased off by other neighbors. They have broken into homes. The Police are there all the time. She feels that the trailer park is filthy. They are just scared.

Chairman Tom Greer asked for a brief rundown of what the implications of each of the actions that the Commission can make.

Lisa Miller explained that if it was not approved, it can and probably still stay a mobile home park. If the Commission approves it then the City will have little more teeth to be able to have it cleaned up more than it is now. It has been cleaned up some but it is not enough at this point.

Chairman Tom Greer asked the public if this was clear to them. It seems odd in this situation and he wanted to make sure that they understand this situation.

Steven Tomita added that if it is denied, that will even limit the improvements that they would like to make because then they would be changing it and have to go by what it is currently zoned at. This is one of the other reasons that the owner wants to change this. They want to get rid of some of the old trailers, etc. but under a non-conforming use they cannot change much and are limited to how much they can change. With a zone change they can do more.

Marco Garcia said that from what he understands, the mobile homes were there when the zoning was put in place and therefore is grandfathered in, but once a mobile home is moved it should take them out of being grandfathered in. They should not be able to move another mobile home in there.

Chairman Tom Greer said that staff is saying that the trailer park was grandfathered in, not individual trailers.

Vice-Chair Gordon Reeves thanked the public for attending and voicing their concerns. He moved that this request be tabled until the owners are in attendance and can provide the Commission with a plan for the improvements they are going to implement.

Commissioner Rod Storey seconded the motion.

Motion carried.

Motion was as follows:

Commissioner Selma Martinez	Yes
Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	Yes
Commissioner Steve Ethridge	Yes
Chairman Tom Greer	Yes

Chairman Tom Greer asked if they have tried to contact the owners of the mobile home park to speak to them about the issues that seem to be going on around there.

Marco Garcia said that he has had no luck. The owner seems very illusive.

Lisa Miller informed everyone that the Owner has been very ill, in fact he was not expected to make it, but was able to have the transplant that was needed. He has given power of Attorney to run and take care of the Mobile Home Parks to his two sons and they are Mark and Jeff Ulibarri. So far the sons have been able to pull out empty trailers from all three parks. They have taken tenants that have not been paying rent to court for eviction or back payment. They are the ones who wish to clean them up.

**B. REQUEST TO AMEND THE ZONE MAP FROM R-1 TO SU-1 TO BRING A GRANDFATHERED MOBILE HOME PARK INTO COMPLIANCE: JEFFERY AND MARK ULIBARRI. Legal**

**Description:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 8A3, 8B, 8A2, 9B, 8-A-1, 9-A-39, aka 108 W Ross Ave., Belen, NM, 87002.

Commissioner Rod Storey moved that this request be tabled until the owners are in attendance and can provide the Commission with a plan for the improvements they are going to implement.

Vice-Chair Gordon Reeves seconded the motion.

Motion carried.

Motion was as follows:

Commissioner Selma Martinez	Yes
Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	Yes
Commissioner Steve Ethridge	Yes
Chairman Tom Greer	Yes

**C. REQUEST TO AMEND THE ZONE MAP FROM R-2 TO SU-1 TO BRING GRANDFATHERED MOBILE HOME PARK INTO COMPLIANCE: JEFF AND MARK ULIBARRI. Legal Description:** Township 5 North, Range 2 East, Section 18, Map 100, BTS Addition, Block 13, Lots 1-4, and a 60' X 100' section east and adjacent to Lots 1-4, AKA the 101 W Chavez Ave., Belen NM 87002.

Marco Garcia said that he owns property adjacent to this mobile home park. This property is an eyesore and has had a mobile home parked in the street dismantling it. It is just a mess. He has not been able to sell his property because of this.

Lisa Miller said that this mobile home park is an ongoing problem. They are continually sited for debris. She went out on September 25 for a field check and found that the third trailer now has debris all around it and trailer number two is also building up debris again. The first trailer was cleaned up and is keeping it that way so far. The third trailer owner was taken to court by the Ulibarri's for nonpayment of rent and not properly hooked up to utilities. She was evicted and told to move the trailer out.

Marco Garcia said that he does not think that any of those trailers are up to code.

Lisa Miller said that they are within the required years for placement.

Commissioner Rod Storey asked if they are up to manufactured housing standards and suitable to be occupied.

Lisa Miller said that Manufactured Housing inspects them when they are placed there and hooked up to utilities. Once it is approved Manufactured Housing is done with it. If she has permission to enter the home, she can but if she does not have permission from the park owner and the home owner she cannot enter the home. The only other way to enter it is to have a warrant.

Vice- Chair Gordon Reeves asked if it was approved, are we not locked into accepting existing conditions.

Lisa Miller said that we are locked in with respect to the trailers that are there but we can place requirements on them that we are not able to at this time.

Steven Tomita said that the only thing that we could maybe enforce would be with the Fire Department and they would have to be the ones to inspect the trailers, the conditions of the surrounding, etc. The Health Department and the State Building Inspector are also someone who may be able to help, but these departments also have to have permission to enter.

Lisa Miller informed the Commission that she was able to have the electrical connections removed at 108 W Ross Ave, but only on the ones who did not have trailers on them. On the W Chavez trailers, two of them are empty and the sons had those meters pulled.

Marco Garcia said that if the sons want to clean these up then why can't they clean up the lots that are vacant. There are weeds, trash, etc. on these lots.

Lisa Miller informed them that they had cleaned up those lots. If it is coming back again it is because someone is dumping on the empty lot and this does happen a lot.

Steven Tomita said it is not that we are not trying, we are. There is a process that is required and sometimes it takes a while to get this done. We will contact our Fire Department and see if they can help speed this along.

Rosalinda Pillado-Chaparro said that she lives at in this mobile home park and informed the Commission that there is someone living in that trailer. The previous resident moved out and these are new tenants. They are remodeling the trailer and that is why all that debris is in the yard. These residents are up all night playing music and partying.

Commissioner Rod Storey asked, after looking at the Mobile Home Park Regulations, if zoning it as a SU-1 would change them and they would need to adhere to the current regulations or would it allow them to stay as they are since they already exist.

Steven Tomita said it would be able to stay the way it is, and SU-1 over rides all other zoning by allowing variances, and other restrictions that other zones do not incorporate.

Commissioner Rod Storey asked if there were any other SU-1 zones in the area.

Lisa Miller said there is one on First St. behind the Hacienda. That whole area from Chavez to Ross is an SU-1 area. Each one of those trailers sits on their own individual lots.

Steven Tomita said to keep in mind, that with a SU-1 you can add conditions and requirements that they must comply with.

Commissioner Rod Storey moved that this request be tabled until the owners are in attendance and can provide the Commission with a plan for the improvements they are going to implement.

Vice-Chair Gordon Reeves seconded the motion.

Motion carried.

Motion was as follows:

Commissioner Selma Martinez

Yes

Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	Yes
Commissioner Steve Ethridge	Yes
Chairman Tom Greer	Yes

## **DISCUSSION/REVIEW**

### **A. Changes to the Ordinance 9.16: Alcoholic Beverages in Municipal Building and on Municipal Property.**

Steven Tomita said that the reason that this is before them is, as announced in the paper, an action was taken by the Council and a resolution was passed to support an IRB for a new manufacturer coming into the area. This manufacturer will be bringing in 40 VIP's to Belen, to tour the new building and host a luncheon at the Harvey House to showcase Belen. One of the things about Belen and Valencia County is our Wineries and suggested that they showcase this wine but, it turns out that according to our present Ordinances, we cannot do this. We can only have alcoholic beverages served on public properties if it is a special public event, such as our festivals and fairs. Even though this will promote Belen, this is not a public event. What he wants to do is to include a special event that promotes Belen and Economic Development. He read the Ordinance for the Commission. The Key language is that it has to be a public event.

Chairman Tom Greer said that in 9.16/010: Declaration of Policy and intent. It reads; This governing body finds and declares that the consumption of alcoholic beverages in or on municipal property owner or controlled by the city is a positive danger to the health, safety and welfare of the citizens of Belen. In that, there should not be any alcohol consumed anywhere, ever in the City of Belen. In reality, this whole entire thing needs to be written.

Commissioner Rod Storey said it still has to be served by a licensed establishment and personnel.

Steven Tomita said that it doesn't change anything but allows that specific type of use to take place on public property.

Chairman Tom Greer said that the Commission needs to take this Ordinance, do some scribbling, and get some ideas on how this should be changed. This Ordinance seems easy compared to the Noise Ordinance that we have been working on.

Vice-Chair Gordon Reeves asked if a special events permit could be used in this situation.

Steven Tomita said that you could but then you would be setting a precedence and then you have a problem of who do you approve and who do you deny. You put in



the language in there that it has to be limited to the promotion of the City of Belen. Then you put a limit on the basis of it. This is an extremely important event. This will possibly bring in more events to promote Belen. Judy Chicago would like to start bringing associates from all over the world to promote Belen and get people interested on coming here and occupying some of the vacant structures. This language would be placed in 9.16.040 and 9.16.040 A.

Chairman Tom Greer said that the whole Ordinance needs work. As it is it contradicts itself especially the Declaration of Policy and Intent compared to the rest of it. He feels that staff needs to take a stab at changing this and then get it to the Commission by email to get it approved for the Council.

Steven Tomita said that it would need to be done in a special meeting, but there is not enough time to have this done by the Council Meeting of October 6, 2014. You need to publish a special meeting and there is not enough time for this.

Vice-Chair Gordon Reeves suggested that the Commission ok the staff to work on this and present it to the Council with their approval.

Steven Tomita said that he would present the input from the Commission to the Council. This will include changing the Declaration of policy and intent, plus add the rewording to 9.16.040 and 9.16.040 E.

#### **B. In-Operable Vehicles.**

Steven Tomita said that Commissioner Steve Ethridge, and Lisa Miller brought up issues on trying to enforce the in-op vehicles. It is a very inclusive, broad band clause in our Ordinance and it does not allow somebody to restore a vehicle or even use an antique vehicle as yard decoration, etc. Our Ordinance does not allow for any of that. An in-op vehicle is not allowed at all. What he wants to bring before the Commission is; do they want to consider amending our Ordinance to accommodate such conditions or situations.

Lisa Miller said the way it is now she would be citing the whole city.

Chairman Tom Greer said that there is a point to start on this but, if the vehicle does not have a valid license, it should not be there.

Steven Tomita said that he would have a problem with that if he was a resident, because if he had a big yard and wanted to bring in an old Model A and use it as a landscaping object, he could not do it.

Commissioner Rod Storey said that you have to be careful with this. He asked if there in anything in our Ordinance that says that vehicles such as this cannot be kept in a garage, or in a concealed building.

Lisa Miller said that if it is concealed, it can be kept. It just cannot be visible.

Steven Tomita said that he wanted to bring this to the attention of the Commission to perhaps change this Ordinance. We are being pushed, by Council, to enforce that Ordinance and if we did such, the residents of Belen would be really stirred up.

Chairman Tom Greer asked if this was something that the Police should be enforcing.

Lisa Miller said that as of October 6, 2014 the Code Enforcement Officer will be assigned to the Police and the person who will be doing this starts on the Sixth.

The Commission unanimously said that this Ordinance needs to be looked at for amendment.

Steven Tomita said that we would email the Commissioners the Ordinance so that they may review it for discussion at the next meeting.

### **OPEN COMMENTS/REQUESTS**

Chairman Tom Greer said that he has some questions on the Council wanting the Commission to be involved with the Master Plan, The Boundary Committee, The Downtown Master Plan, etc. because he has not heard anything from the Council on what direction we need to take, etc.

Steven Tomita said that Leona is over whelmed with the trying to put together the contract for these and the person who was going to be sending me a copy of a draft contract to work off of has not done so. We also have to declare a down town area for these documents to move forward. This has to be carefully worded. The application forms for the Comprehensive Plan have been forwarded to MRCOG to be put into the correct version they are using, then be sent back to me so that the Council can re-affirm that and have the Mayor sign it so that it may returned. We are also moving forward on the revisions on the Zoning Ordinances. There are a lot of problems with our Code book and some of it cannot be legally enforced. This needs to be done and reviewed by an Attorney so that we are sure they can be enforced. We are going to be going through the Zoning Ordinance piece by piece so that they are enforceable. At this time the Commission will need to meet twice a month.

### **ADJOURNMENT**

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

Commissioner Selma Martinez seconded the motion.

