

# A G E N D A

**Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
August 11, 2016, at 3:00 p.m.**

<b>Item</b>		<b>Page</b>
<b>1</b>	<b>Call Meeting to Order</b>	
<b>2</b>	<b>Approval of the Agenda</b>	
<b>3</b>	<b>Approval of the Minutes of the July 28, 2016 P&amp;Z Meeting</b>	70
<b>4</b>	<b>Petition No. PP 16-65</b> – a request from Joe Kozimor, represented by Cheney-Walters-Echols, for a Preliminary Plan for a 46-lot subdivision in the Little Creek Subdivision Phase VI on 12.64 acres, located north of Piedras Street. (Steven Saavedra)	1
<b>5</b>	<b>Petition No. SUP 16-66</b> – a request from Heather and Bill Stotz for a Special Use Permit to allow chickens on five acres in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction. (Steven Saavedra)	20
<b>6</b>	<b>Petition No. PFP 16-67</b> – a request from Kenneth Kendrick, represented by Souder Miller Associates, for a Preliminary Final Plat for the Kendrick Subdivision, located south of Murray Drive east of Farmington’s Sewer/Water Treatment Plant and west of Curtis Place. (Cindy Lopez)	49
<b>7</b>	<b>Discussion and action on corrections to the Planning and Zoning Commission Rules of Procedure.</b>	61
<b>8</b>	<b>Business from:</b> Floor: Chairman: Members: Staff:	
<b>9</b>	<b>Adjournment</b>	

*The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, August 23, 2016.*

**ATTENTION PERSONS WITH DISABILITIES:**

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk’s office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.



**COMMUNITY DEVELOPMENT PETITION REPORT**  
**Preliminary Plan for Little Creek Subdivision, Phase VI**  
**Petition No. PP 16-65**

**A. STAFF REPORT, August 11, 2016**

**PROJECT INFORMATION**

Applicant	Joe Kozimor
Representative	Cheney Walters, Echols
Date of Application	July 11, 2016
Requested Action	Preliminary Plan approval
Location	12.65 acres north of Little Creek Subdivision, Phase V and north of Piedras Street.
Existing Land Use	vacant land
Existing Zoning	SF-7 Single Family District
Surrounding Zoning & Land Use	<b>North:</b> Unincorporated San Juan County – Vacant <b>South:</b> SF-5 Single-family Residential – Vacant <b>East:</b> SF-7 Single-family Residential District / Single Family Residential <b>West:</b> Unincorporated San Juan County – Vacant
Subdivision Class	Class 1
Notice	Preliminary Plans do not require notice
Staff Planner	Steven Saavedra, Associate Planner

**SUBDIVISION INFORMATION**

Number of Lots	46 lots.
Acres of Land	13.64 Acres.
Minimum Lot Size	7,000 square feet.
Utilities	<b>Water:</b> Per City standards. <b>Sewer:</b> Per City standards <b>Electric:</b> Per Electrical Engineering
Access & Circulation	The subdivision connects to the purposed road network by extending to Starling Lane and Piedras Street, with a new loop street where the lots take access.
Street Lights	Per City standards
Street Signs	Per City standards
Fire Hydrants	Per City standards
Drainage	Per City standards

<b>Recreation</b>	Per City standards
<b>NBU Mail Box</b>	Coordinated with USPS

### **GENERAL INFORMATION**

The petitioner requests preliminary plan approval of a Class 1, 46-lot subdivision of approximately 13.64 acres located north of Little Creek Subdivision, Phase V and north of Piedras Street. The Developer annexed the subject property into the City with SF-7 zoning in 2013. This zoning requires a minimum 7,000 square-foot lot.

### **ISSUES**

#### **Community Development Director: Mary Holton – 599-1285**

- Julie Baird, David Sypher, Nica Westerling, Charles Trask, Steve Saavedra, and Mary Holton met with Joe Kozimor on 7/13. Since then:
  - a) Joe Kozimor and Robert Echols sent the NMDOT Access Permit for Starling Lane to Traffic Engineer Charlie Trask on July 18, 2016.
  - b) Charlie inspected the improvements required by NMDOT on July 28, 2016. Assuming they are approved, Charlie Trask sent Joe Kozimor and Robert Echols a letter directing them to improve Starling Lane. Joe Kozimor and Robert need arrange for Dale Brack to inspect Starling Lane once the improvements are made and Dale Brack will advise if the roadway can be opened. The Community Development Department Director advised that Starling Lane needs to be open before any building permits could be issued in Little Creek VI.
  - c) Location of pond?
  - d) The ultimate drainage area planned for the Little Creek Development needs to be adequately sized and located on all plans and submitted to the City before the Planning and Zoning Meeting on August 11. Staff is concerned that this area has not yet been designated for this purpose and staff wants to ensure that it is provided. This area is located west of Little Creek V and is currently located outside of the City.
  - e) The developer was informed, if this isn't submitted by the Planning and Zoning meeting, the preliminary plan can go ahead and be considered by the Planning and Zoning Commission. However, the plat will be delayed for City Council until the plans are submitted.

#### **City Engineer: Nica Westerling – 599-1316**

- Please check the Plat Notes for accuracy, the lot numbers seem to be off.
- Please show the width of Piedra Street.

**Associate City Engineer: Lisa Hale-BlueEyes – 599-1312**

Reviewed the plans for the storm water drainage and has the following comments:

- Please show the wall detail and location of walls on the drainage plan.
- Please show small drainage pond for the subdivision on the plan.
- Please show the drop inlets that will be installed at the end of Piedra.
- Please provide a proposed grading plan.
- On overall drainage plan, please show future volumes and Phase IV, V and VI volumes i.e. show that the 476,292 cf volume is sufficient for all phases (present, proposed and future).
- Keyed Notes 1: Please show the proposed plans for the inlet and piping.
- Keyed Notes 2: Is the homeowner aware of the storm water harvest pond being constructed on each lot? many times homeowners fill in the ponds.
- Keyed Notes 3: Does temporary storage area currently hold the volume for Little Creek Sub Phase IV and Phase V and the proposed Phase VI? Show location and plans for the temporary storage area.
- Is the outlet pipe shown on future storm water pond existing or future? If existing, show size and inverts of piping and release rate.
- When will the future drainage easement on the west of the development be completed? Where does storm water go now?
- Please look at the percentage cover on the Phase VI drainage calculations. A1 seems too high and A2 seems too low, this affects the volume, intensity, and peak runoff.

**Traffic Engineering: Charles Trask 505-599-8201**

- Staff Report April 16, 2015, Preliminary Plan for Little Creek Subdivision Phase V
  1. The required road closure on Primavera Drive is in place according to the agreement.
  2. The required road closure on Starling Lane has been graded open and signs changed from "Road Closed" to "Road Closed To Through Traffic" which effectively circumvents the required closure. The signs that are in place are extremely worn out and do not conform to the MUTCD, see Attached Photo 1 and Photo 2.

- Staff Report June 25, 2015, Final Plat for Little Creek Subdivision Phase V
  1. The requirement for "Road closures of Primavera and Starling must remain until a public access to US 64 is constructed" This requirement has not been fulfilled. Starling Lane has not been constructed. However, Starling Lane has been opened to traffic. Primavera is still closed.
- NMDOT Access Permit
  1. Since the conditions of the Permit are going to change from commercial to commercial and residential, a new NMDOT permit must be obtained.
  2. It is not known when the developer contacted NMDOT prior to construction or after construction. Please provide documentations of final NMDOT approval.
  3. The required condition for the "Little Creek Subdivision will update TIA at different phases to determine when a signal is required at this intersection..." should begin after Starling is constructed and open to traffic and both Starling and Primavera are open to traffic
  4. Acceleration and deceleration lanes were constructed but are currently not painted in accordance with the MUTCD, see Photo 3. The Taper lengths do not comply with recommendations in TIA.
  5. The requirements for Four Seasons Parkway were not inspected.
- It is the opinion of the City of Farmington's Traffic Engineer, there are no reasons why Starling Lane cannot be constructed per the previous agreement, based upon the following:
  1. Confirmation that the City Engineer has reviewed and approved the construction drawings for Starling Lane.
  2. Starling Lane is closed to residential access until constructed to US Highway 64 with devices that conform to the MUTCD and all NMDOT access provisions are completed.

#### **Electrical Engineering: Luwil Aligarbes– 599-8321**

- The FEUS electric utility accepted the Little Creek Subdivision Phase VI. The 10' wide utility easement shown on the plat complies to the FEUS minimum requirements.

**Fire Marshall: Brandy Vega– 599-1439**

- Is there adequate water suppression and water pressure for all the lots? Is there sufficient access throughout the subdivision for emergency units?

**Legal, Deputy City Attorney: Russel Frost– 599-1124**

- Many plans such as floodwater drainage, safe ingress & egress, streets, utilities, and financial responsibilities are negotiated and included on subdivision plans. Legal has no comment on Preliminary Plan, but suggests including all agreements on the Preliminary plan.

**Parks, Recreation & Cultural Affairs: Cory Styron 599-1402**

- PRCA would like to further discuss with the petitioner proposed park location/cash-in-lieu consideration.

**Water and Wastewater: Manuel Tso– 599-1315**

- Please provide master plan of total developable area.

**Associate Planner: Steven Saavedra – 599-1282**

- The developer will be required to pay for street signs at the time of the final plat submittal.
- Residential construction along the through lots with frontage on, but no access to, will be required to install sidewalk per City Standard. A plat note enumerating the same will be required.
- A note stating that the setbacks shall meet City Standards for the underlying zoning district should be included.
- Safe sight triangles must be addressed and anticipated at all intersections pursuant to Section 5.3.6 of the UDC.
- Account for mail service in the subdivision and a Neighborhood Box Unit arrangement as required by USPS. Easements needed for this purpose are to be shown on the plat.
- Addresses for individual lots will be provided to the surveyor for inclusion on the final plat.

**STAFF CONCLUSION**

Staff concludes that the approval of Petition PP 15-01, Little Creek Subdivision, Phase VI, is appropriate, subject to technical and corrective changes as enumerated in this report.

## **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition PP 16-65, a request from Joe Kozimor represented by Cheney Walters, Echols, for the Preliminary Plan for the Little Creek Subdivision, Phase VI, a 46-lot subdivision on 13.64 acres located north of Little Creek Subdivision, Phase V and north of Piedras Street, subject to following conditions:

1. The petitioner is required to revise and update the NMDOT Access Permit and install all roads and access upgrades prior to any building permits being issued for Little Creek Phase VI.
2. Residential construction along the through lots with frontage on, but no access to, Piedras Street will be required to install sidewalks on Piedras Street per City Standard. A plat note enumerating the same will be required.
3. Safe sight triangles must be addressed and anticipated at all intersections pursuant to Section 5.3.6 of the UDC, as shown on the Little Creek Subdivision Phase VI plat.
4. A letter of commitment regarding the future location and use of the drainage pond for the development, with the submittal of the final plat.

**PP 16-65**

**Zoning District**

**Zoning Classification**

Single-family 5

Single-family 7

FM IN City Limit

Road Center Lines

Roads Labels



140  
Feet





CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	The FEUS electric utility accepted the Little Creek Subdivision Phase VI. The 10' wide utility easement shown on the plat complies to the FEUS minimum urd easement. Can sign plat at any time.
ELEC	T & D	
FIRE	Fire Marshall	Is there adequate suppression water and water pressure for that many lots. Access throughout the subdivision.
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Many plans such as flood water drainage, safe ingress & egress, streets, utilities, and financial responsibilities are negotiated and included on subdivision plans. Legal has no comment on Preliminary Plan, but suggest including all agreement on the Preliminary plan.
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	PRCA would like to further discuss with the petitioner proposed park location/cash-in-lieu consideration.
PW	City Engineer	
PW	Engineering	<ol style="list-style-type: none"> <li>1. Please check the Plat Notes for correctness. The Lot #'s seem to be off.</li> <li>2. Please show the width of Piedra Street.</li> <li>3. What is the progress of the Joe and Stan Subdivision submitted for comment in May of 2015? Was this subdivision submission abandoned? It would overlap the Little Creek Subdivision.</li> </ol> <p>Drainage Plan Comments – July 18, 2016</p> <ol style="list-style-type: none"> <li>1. Please show the wall detail and location of walls on the drainage plan.</li> <li>2. Please show small drainage pond for the subdivision on the plan.</li> <li>3. Please show the location of the drop inlets to be installed at the end of Piedras.</li> <li>4. Please provide a proposed grading plan.</li> <li>5. Please provide overall drainage plan for all developments to date and future developments. What is the volume of the</li> </ol>

		<p>drainage pond for Phase V? What about any other developments that will drain to the future storm water pond?</p> <p>6. Key Notes 1: Please show the proposed plans.</p> <p>7. Key Notes 2: Is the homeowner aware of this? Many times homeowners fill in the ponds or low spots.</p> <p>8. Key Notes 3: Does temporary storage area currently hold the volume for Little Creek Subdivision Phase V and future Phase VI? Show area of Temporary Pond.</p> <p>9. Is the outlet pipe from future stormwater pond existing or future?</p> <p>10. When will the future drainage easement on the west of the development be completed? Where does the water go now?</p>
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment for Little Creek Subdivision Phase V. Provide master plan of total developable area.

**Other Entities**

New Mexico Gas Company	
CenturyLink	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

# PETITION APPLICATION

RECEIVED

JUL 11 2015



Incomplete applications will not be accepted.

Return completed application to:

COMM DEV DEPT

Planning Division  
 Community Development Dept.  
 City of Farmington  
 800 Municipal Drive  
 Farmington, NM 87401  
 (505) 599-1317  
 (505) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**

- Annexation and / or Zoning
- Preliminary Plat
- Final Plan

- Summary Plat
- Special Use Permit
- Variance (ARB)

- Zone Change to \_\_\_\_\_ District
- Temporary Use Permit
- Proposed Length of Use: \_\_\_\_\_

**INFORMATION**

Applicant's Name: Joe Kozimor

Project Location: Piedras Street / Bluejay Circle

Address: P.O. Box 629, Farmington, NM, 87499

Existing Use: **Vacant**

E-Mail: **joek@consolidatedconst.com**

Proposed Use: **Residential**

Telephone: (505) 326-7771

Current Zoning: **SF-7**

Relationship to Property Owner:

Assessor's Parcel I.D. and/or Tax I.D. Number:  
**Z-080-172-198-462**

Legal Description of Subject Property: *See Attached Plat*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No

If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: George T. Walters

Email: gtw@c-w-e.com

Phone: (505) 327-3303

Address: 909 West Apache, Farmington, NM, 87401

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

MORTGAGE HOLDERS (If any)

Name: Joe Kozimor

Phone: (505) 326-7771

Name:

Phone:

Address: P.O. Box 629, Farmington, NM, 87499

Address:

**OWNER CERTIFICATION**

\* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Joe Kozimor

Address: P.O. Box 629, Farmington, NM, 87499

Owner's Signature: *Joe Kozimor*

Phone / Email: 326-7771

**\*\*\*\* STAFF USE ONLY \*\*\*\***

Received By \_\_\_\_\_ Time \_\_\_\_\_

- Blueline Copies of Plans \_\_\_\_\_

Date \_\_\_\_\_ Fee Received \_\_\_\_\_

- Ownership Report (subject and surrounding properties)

Project File No. \_\_\_\_\_

- Legal Description \_\_\_\_\_

Date of Hearing/Meeting: \_\_\_\_\_

- Detailed Statement of Proposed Use \_\_\_\_\_

# PRELIMINARY PLAN CHECKLIST

**Return Application & Checklist to: Development Services Division  
Community Development Dept.  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317  
(505) 599-1299 (fax)**

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## Preliminary Plan Information

Name of Subdivision	Little Creek Subdivision, Phase VI
Name of Owner	Joe Kozimor
Name of Subdivider	Same
Name of Person who prepared the Plan	George T. Walters, P.S.
Location of Property by Streets:	Piedras Street / Bluejay Circle
Present Zoning of Property:	SF-7
Present Uses of Property	Vacant
No. of Acres in Total Tract	12.64 Acres
No. of Lots	43

### Preliminary Plan Check List

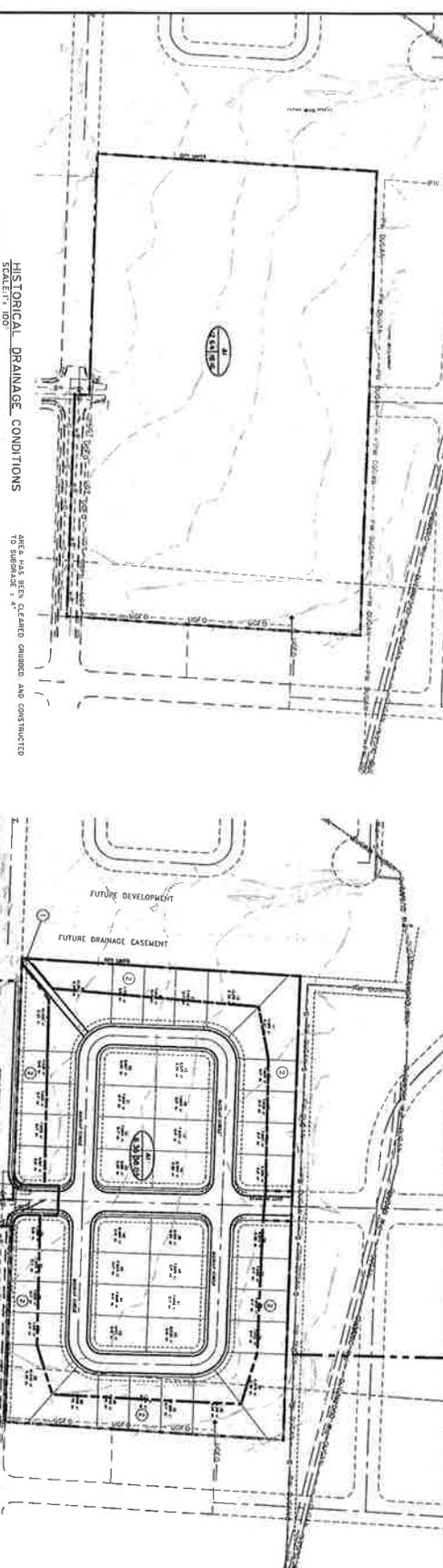
The following checklist identifies the information required to be shown on a preliminary plan. The consulting engineer preparing the plan should review the checklist to insure that all required information is included.

- The location of all present property lines, section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.
- The proposed location and width and approximate finished grade of all proposed streets, alleys, setback lines, utility easements, and area to be reserved for public use.
- Existing utilities, drainage courses, and culverts, within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer outlets.
- The title under which the proposed subdivision is to be recorded and the names of the engineer, the registered land surveyor, and the subdivider and owner of the tract, with the address to which any notice is to be sent.
- The layout, numbers, and approximate dimensions of proposed lots.
- The existing zoning classification and proposed use for the area being platted.
- Proposed names for all streets in the area being platted.







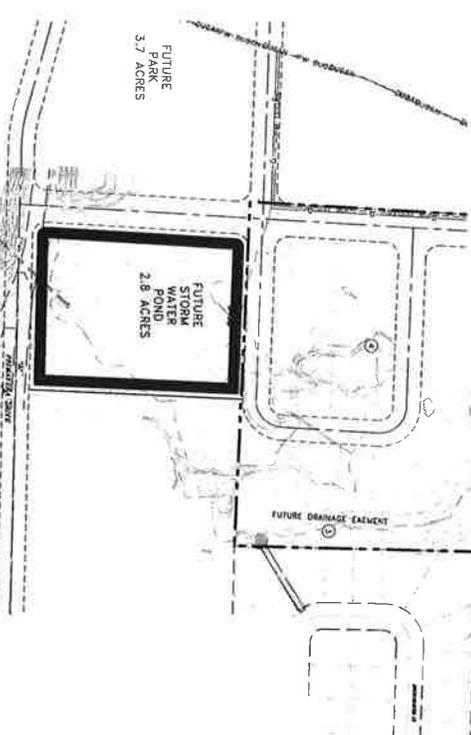


HISTORICAL DRAINAGE CONDITIONS  
 SCALE: 1" = 100'  
 LITTLE CREEK PHASE 6 SUBDIVISION  
 ATTACHMENT #2

AREA HAS BEEN CLEARED, GRUBBED, AND CONSTRUCTED TO SUBGRADE.

3811196 SAND/SUBSOIL LOAD

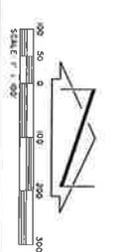
Basin	Historical	Developed	Volume	Flow	Velocity	Time	Area	Perimeter
A1	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
A2	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
A3	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00



KEYED NOTES:

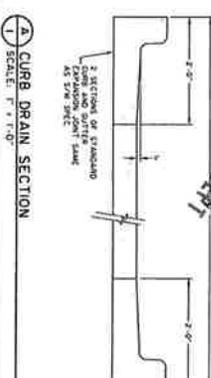
- 1 FUTURE SANDY WATER POND TO BE CONSTRUCTED AT END OF CONCRETE BASIN TO FUTURE STORM WATER POND. STORM WATER TO BE PUMPED IN 3" PVC PIPE AND CONNECTED TO THE FUTURE 36" DEEP STORM WATER POND.
- 2 THE REAR OF EACH LOT SHALL HAVE A STORM WATER HARVEST POND CAPABLE OF COLLECTING 100% OF RAINFALL FROM THE LOT.
- 3 FUTURE DRAINAGE EASEMENT FOR STORM WATER IMPROVEMENTS.
- 4 TEMPORARY STORM WATER STORAGE AREA IN SAND AND GRAVEL, USING AREAS FUTURE DATE FOR DEVELOPMENT.
- 5 LITTLE CREEK SUBDIVISION PHASE 5 COMPLETE.

LEGEND



DEVELOPED DRAINAGE CONDITIONS  
 SCALE: 1" = 100'  
 7000 SQUARE FOOT LOT (M1)  
 DRAINWAY: 18" DIA. 1200 FT  
 CONCRETE: 4" THICK 4000 FT  
 LANDSCAPING: 4000 FT  
 STORM WATER HARVEST FROM LITTLE CREEK SUBDIVISION PHASE 6 WILL CONDUCE DRAINAGE THROUGH DRAINAGE CANALS TO THE SANDY WATER POND AND THEN TO THE STORM WATER POND. THE SANDY WATER POND WILL BE CONSTRUCTED WITH A 3" DIA. PVC PIPE AND CONNECTED TO THE STORM WATER POND. THE SANDY WATER POND WILL BE CONSTRUCTED WITH A 3" DIA. PVC PIPE AND CONNECTED TO THE STORM WATER POND.

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DATE: 7/13/2016 DRAWN BY: HNS PROJ: 15117 SCALE: 1" = 100' FILE: 15117SHEET1 SHEET 1 OF 2	<b>DRAINAGE PLAN</b> LITTLE CREEK PHASE 6 SUBDIVISION FARMINGTON, NEW MEXICO		<b>CHENEY-WALTERS-ECHOLS &amp; ENGINEERS - SURVEYORS</b> 809 W. APACHE • FARMINGTON, NEW MEXICO 87401 • (505)327-5303	REVISION NO. 1 DATE	69
				PRINTED: Jul 26, 2016 FILE: D:\DWG\HNS\15117\01\15117SET1.dwg	69







**COMMUNITY DEVELOPMENT PETITION REPORT**  
**Staff Report**  
**Petition SUP 16-66 – Keeping of Chickens**  
**6116 Jackrabbit Junction**

**A. Staff Report, August 11, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Heather Stotz
<b>Representative</b>	Heather Stotz
<b>Date of Application</b>	July 12, 2016
<b>Requested Action</b>	Special Use Permit for the Keeping of Chickens
<b>Location</b>	6116 JACKRABBIT JUNCTION
<b>Existing Land Use</b>	Residence
<b>Existing Zoning</b>	RE-2 Residential Estates
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> RE-2 Residential Estates/Vacant <b>South:</b> RE-2 Residential Estates/ Residential <b>East:</b> RE-2 Residential Estates/Residential <b>West:</b> RE-2 Residential Estates/Vacant
<b>Notice</b>	Publication of Notice for a public hearing of the City Council appeared in the Daily Times on Sunday, July 24, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, July 20, 2016, and a sign was posted on Monday, August 1, 2016.
<b>Staff Planner</b>	Steven Saavedra, Associate Planner

**STAFF ANALYSIS**

**Project Description**

The petitioner is requesting a special use permit for the keeping of thirty (30) chickens and a rooster on a 5.0-acre parcel of land in the RE-2 Residential Estates District located at 6116 Jackrabbit Junction. According to Table 2.3 of the City of Farmington Unified Development Code (UDC), keeping chickens, broiler, or layer (and other animals or fowl) is allowed in the RE-2 district with an approved special use permit. The applicant must comply with the use standards of Section 2.4.7, animals or fowl, of the UDC and Chapter 6, Animals, of the Farmington City Code. According to the UDC, the minimum lot area per animal unit is determined by the SUP, but Section 11.1 of the UDC recommends that the minimum lot area per chicken is 0.02 acres. A 5-acre parcel would allow 250 chickens according to the chicken to land equivalency ratio.

Section 2.4.7 D of the UDC states: “Adequate fencing, screening or separation from adjoining premises shall be provided based upon the type, number and size of animals ... for protection of the animals; ... protection of the public; and for control of dust, noise, odors or similar nuisance factors.”

Section 6-1-5 of the Farmington City Code states that:

(a) No person who is the owner, tenant or person in possession and control of any ... yard or premises in the city in which any animal ... is kept or maintained shall allow the accumulation of ... water, moisture, animal droppings, or liquid discharges of such animal which create a stench or emit offensive odors or which are otherwise injurious to the public health and safety. However, nothing in this section shall be construed to include temporary manure deposits upon any private property for the purpose of fertilizing or composting.

The petitioners currently have a chicken coop on the (southeast section) of the property according to their site plan. The chicken coop is 64 square feet, with a chicken run 32 square foot in size. The petitioners have indicated to staff a plan to care for the chickens and rooster, by disposing of waste and mitigating nuisances.

#### **Special Use Permit Criteria – Section 8.9.4 of the UDC**

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that a SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

A. Effect on environment: The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

Regular cleaning of the chicken house/coop and yard are essential to the use not becoming a detriment to the health, welfare, and safety of the surrounding neighborhood. The petitioner needs to ensure all chicken waste does not runoff into neighboring properties. A rooster enables the possibility of loud noise on the surrounding environment. A screening fence around the petitioners' yard, which encloses the property and will provide some separation of the use from neighboring properties, is recommended.

B. Compatible with surrounding area: The proposed site plan, circulation plan and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

The request seems to be compatible with the surrounding area. Despite the requested number of 30 chickens, the subject property is located on 5.0 acres in the RE-2 Residential Estates District. All the surrounding properties are

single-family residences, in the RE-2 Residential Estates District. Keeping chickens as an accessory use to a single-family residence may be compatible with the character of the surrounding area if nuisances are mitigated.

C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust smoke, vibration, fire hazard or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

The petitioner has indicated that the chicken house/coop and yard will be cleaned in order to mitigate the impacts of the chickens and rooster(s).

D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

There are no negative impacts to infrastructure anticipated in relation to the proposed use.

E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Future Land Use Plan of the City's Comprehensive Plan identifies the area of this request and neighborhood as rural. Keeping chickens may be allowed in residential settings, subject to obtaining approval of a special use permit. The use is subject to the standards of Section 2.4.7 of the UDC, as well as Chapter 6 of Farmington City Code.

F. Parcel size: The proposed use may be require to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

According to Section 11.1 of the UDC, a lot, which is 5.0 acres, is recommended to be adequate for up to 250 chickens. The petitioners have, therefore, requested to keep 30 chickens.

G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

The applicant has shown the general location of the coop in the southeast of their property and has provided the size of the chicken coop (64 square foot), with a (32 square foot) chicken run.

Pursuant to Farmington City Code (FCC) 12-5-8 the maximum permissible sound levels at the receiving property line for residential districts are as follows:

- 7 pm to 7 am 50 dBA (decibels)
- 7 am – 7 pm 60 dBA

## ISSUES

### **Community Development Director: Mary Holton – 599-1285**

- A site plan indicating the locations of all buildings, driveway, the proposed coop, and required setbacks is required with the SUP petition.
- Minimum lot size in RE-1 is 1 acre. This specific lot consists of 5 acres, which should be sufficiently sized to ensure that neighbors will not be impacted by the proposed additional use. If the SUP is approved, it is recommended that a maximum number of chickens be given and that no roosters be permitted. Additionally, it is recommended that all required setbacks be maintained and that the SUP be re-reviewed in the event of subdivision of the lot.
- It is noted that Planning Division staff are currently reviewing a possible UDC text amendment that would allow a limited number of chickens by right in certain residential districts. This is similar to what the City approved in PD 14-01 and PD 15-01 for the La Plata Ranch PD Master Plan. Many communities across the US have adopted similar standards.

### **Chief Building Official: Derrick Childers -599-1305**

- Any accessory structures will require a building permit.

### **Zoning Compliance Officer: Leona Simms – 599-1326**

- On 8/3/2016 @ approximately 06:57am, I arrived at 06:55 am, I conducted a sound abatement test on the rooster crowing at 6116 Jackrabbit Junction
  - 07:05 Slow Low reading 09.7dBA no crowing only birds chirping and a distance vehicle on the road and a distance barking of a dog.
  - 07:09 Slow low 13:2 dBA rooster crow no longer than one second, just a very quick crow.
  - 07:13 Slow Low 12.3 dBA heard a quick crow.

Switch to slow high

- 07:22 no crowing from rooster from 6116 Jackrabbit Lane, I heard a rooster Southeast of where I was taking the sound test, that reading was on Slow Hi 30.09 dBA.
- At 7:26 slow Hi 31.2 dBA low quick crowing.
- At 7:30 slow hi 31.5 dBA low quick crowing.

Changed setting to Fast low

- At 07:35 32.9 dBA no sound only birds chirping nearby.
- At 7:41 dBA no sound only birds chirping nearby 32.7
- At 7:45 39.1 dBA low quick

#### **Animal Control: Jared Stock – 599-9465**

- Animal Control officers went to the subject area and conducted a noise check for barking dogs and other animal noise in the evening and late that night. They reported no sounds coming from the residence at all. It is the Animal Control unit's opinion that there does not appear to be any animal noise issues coming from this residence.

#### **STAFF CONCLUSION**

Staff concludes that the special use permit for the keeping of chickens is appropriate. However, the Community Development Department does not recommend for the keeping of a rooster, based on issues of noise, aggression, and the potential for breeding. The property is large enough and the chicken coop is far enough from other properties that they will not be detrimental to the health, welfare, and safety of the neighborhood or injurious to the neighboring property. The chicken coop should be in a fenced area of the property which is harmonious with the character of the surrounding area and will mitigate any negative impacts on the surrounding land uses. The petitioner is required to keep the area clean and the proposed use will not have negative impacts on the environment.

#### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition SUP 16-66, a request from Heather Stotz for a special use for the keeping of a maximum of thirty (30) chickens in the RE-2 Residential District located at 6116 Jackrabbit Junction subject to the following conditions:

1. Regular cleaning of the chicken coop and yard is required so that the use will not become detrimental to the health, welfare, and safety of the surrounding neighborhood.
2. A screening fence around the chicken coop, is required, which encloses the coop and will provide some separation of the use from neighboring properties.
3. The petitioner needs to ensure any chicken waste does not runoff onto neighboring properties.

4. The keeping of chickens on site cannot be used for commercial purposes.

Residential estate-1

# Subject Property

6160

6170

6120

CHAMISA LN

6116

Residential estate-2

6106

6110

5720

SUP 16-66

Residential estate-1

Residential estate-2

Parcels

Date: 8/4/2016

0 237.5 475 Feet



# PLANNING MEMO COMMENTS SUMMARY

**SUP 16-66 SUP 16-66 JACKRABBIT JUNCTION**

**Deadline: 7/20/16**

## City of Farmington Departments

CD		<p>A site plan indicating the locations of all buildings, driveway, the proposed coop, and required setbacks is required with the SUP petition.</p> <p>Minimum lot size in RE-1 is 1 acre. This specific lot consists of 5 acres, which should be sufficiently sized to ensure that neighbors will not be impacted by the proposed additional use. If the SUP is approved, it is recommended that a maximum number of chickens be given and that no roosters be permitted. Additionally, it is recommended that all required setbacks be maintained and that the SUP be re-reviewed in the event of subdivision of the lot.</p> <p>It is noted that Planning Division staff are currently reviewing a possible UDC text amendment that would allow a limited number of chickens by right in certain residential districts. This is similar to what the City approved in PD 14-01 and PD 15-01 for the La Plata Ranch PD Master Plan. Many communities across the US have adopted similar standards.</p>
	Director	
CD	Addressing – Planning Division	
CD	Chief Building Official	Any accessory structures will require a building permit.
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Marshall	No comment
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	No comment
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	No comment-M. Gardocki
PW	City Engineer	

PW	Engineering	I have no comments in regards to this SUP.
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

**Other Entities**

New Mexico Gas Company	
CenturyLink	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

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## 6116 Jackrabbit Lane, rooster crowing

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Simms, Leona <lsimms@fmtn.org>

Wed, Aug 3, 2016 at 10:42 AM

To: Steven Saavedra <ssaavedra@fmtn.org>

Cc: "Lopez, Cynthia" <clopez@fmtn.org>, Mary Holton <mholton@fmtn.org>

On 8/3/2016 @ approximately 06:57am, I arrived at 06:55 am, I conducted a sound abatement test on the rooster crowing at 6116 Jackrabbit Junction.

07:05 Slow Low reading 09.7dba no crowing only birds chirping and a distance vehicle on the road and a distance barking of a dog.

07:09 Slow low 13.2dba rooster crow no longer than one second, just a very quick crow.

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Switch to slow high

07:22 no crowing from rooster from 6116 Jackrabbit Lane, I heard a rooster Southeast of where I was taking the sound test, that reading was on Slow Hi 30.09

@ 7:26 slow Hi 31.2 low quick crowing.

@ 7:30 slow hi 31.5 low quick crowing

change setting to Fast low

@ 07:35 32.9 no sound only birds chirping nearby.

@ 7:41 no sound only birds chirping nearby 32.7

@ 7:45 39.1 low quick

This documentation will serve as my observation of this event.

--

Respectfully,

*Leona Simms*

City of Farmington Community Development Dept.

Zoning Compliance Gas / Oil Well Inspector

Phone: (505) 599-1323

Fax: (505) 599-1299

email: [lsimms@fmtn.org](mailto:lsimms@fmtn.org)

# PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

**Planning Division**  
**Community Development Department**  
 City of Farmington  
 800 Municipal Drive  
 Farmington, NM 87401  
 (505) 599-1317  
 (505) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> <b>Annexation and / or Zoning</b><br><input type="checkbox"/> <b>Preliminary Plat</b><br><input type="checkbox"/> <b>Final Plan</b> | <input type="checkbox"/> <b>Summary Plat</b><br><input checked="" type="checkbox"/> <b>Special Use Permit</b><br><input type="checkbox"/> <b>Variance (ARB)</b> | <input type="checkbox"/> <b>Zone Change to _____ District</b><br><input type="checkbox"/> <b>Temporary Use Permit</b><br>Proposed Length of Use: _____<br><input type="checkbox"/> <b>Well site equipment modification</b> |
|--|---|--|

**INFORMATION**

Applicant's Name: <u>Heather Stotz</u>	Project Location: <u>6116 Jackrabbit Jct</u>
Address: <u>6116 Jackrabbit Jct.</u>	Existing Use: <u>lot</u>
E-Mail: <u>toozgirl@gmail.com</u>	Proposed Use: <u>chicken coop</u>
Telephone: <u>505-330-6111</u>	Current Zoning: <u>R2</u>
Relationship to Property Owner: <u>daughter</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2072176096215</u>

Legal Description of Subject Property: S/2 NW/4 NE/4 SE/4 OF SEC 19 30 12 BK 1594 PG 891

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No   
 If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: <u>Bill Stotz</u>	E-Mail: <u>mbill25@yahoo.com</u>
Phone: <u>215-7992</u>	Address: <u>6116 Jackrabbit Jct.</u>

**OWNERSHIP** Father

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: _____ Phone: _____	Name: _____ Phone: _____
Address: _____	Address: _____

**OWNER CERTIFICATION**

\* (Physical and Mailing)

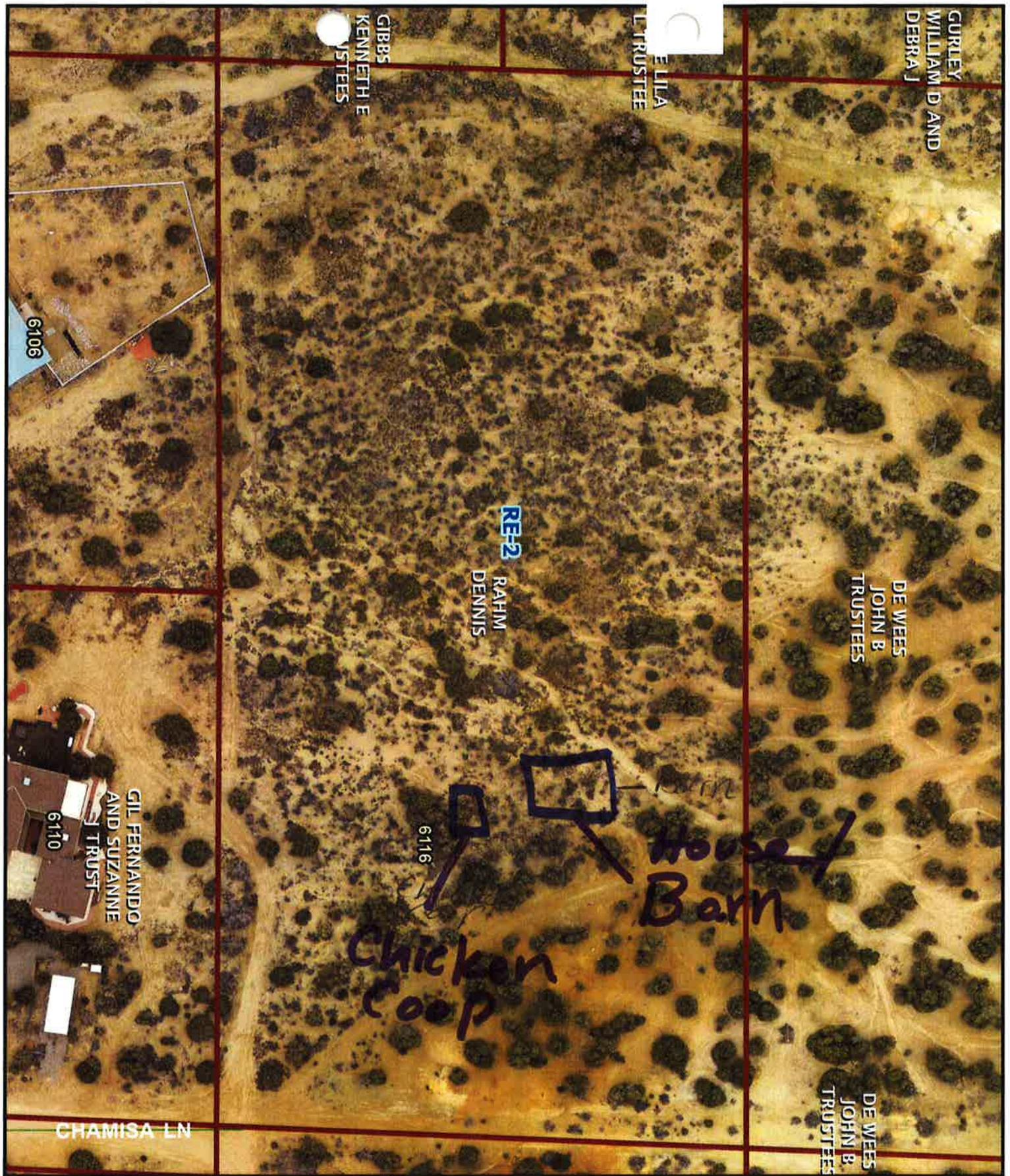
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: <u>William Stotz</u>	Address: <u>6116 Jackrabbit Jct.</u>
Owner's Signature: <u>Will Stotz</u>	Phone / Email: <u>215-7992 / mbill25@yahoo.com</u>

\*\*\* STAFF USE ONLY \*\*\*

Received By \_\_\_\_\_  
 Date \_\_\_\_\_ Fee Received \_\_\_\_\_  
 Project File No. \_\_\_\_\_  
 Date of Hearing/Meeting: \_\_\_\_\_

- Blueline Copies of Plans \_\_\_\_\_
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use



# Site Plan

6116 Jackrabbit

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

Date: 7/12/2016



## Project Description for Special Use Permit at: 6116 Jackrabbit Jct. Farmington NM 87402

I reside at 6116 Jackrabbit Junction in Farmington. The parcel of land is 5 acres. Before moving I did research into the municipal code (Under Chapter 6- Animals) and did not find anything concerning the keeping of fowl or chickens and I assumed with such a large parcel of land (and also asking several people who agreed that we were not subject to any covenants or HOAs that it should be fine to keep my chickens (I had previously in my last residence in Aztec with no complaints or problems). It was a surprise to me that a special use permit is required to keep them but I am sorry for not checking into the zoning laws more carefully and that is why I am trying to secure one now. The chickens I keep are very rare breed chickens, all of which trace their origins to Sweden. I currently keep the following breeds: Skånska Blommehöns, Bohuslän – Dals Svarthöna, Öländska Dvärghöns, Isbar and Orust.

The Skånska Blommehöns, or Swedish Flower Hen, numbered less than 500 birds worldwide in the 1980s. Today, about a thousand Swedish flower hens live in about fifty scattered flocks, and until one breeder imported them into the United States, few if any could be found outside remote villages in Sweden. I have 4 of them.

The Bohuslän – Dals Svarthöna, or Swedish Black Hen, is fibromelanistic trait that is, virtually every physical feature outside and inside the Swedish Black Hen is the deepest black color. A national poultry census in Sweden verified the existence of fewer than 500 Swedish Black Hens. I have 14.

Öländska Dvärghöns, or Olandsk Dwarf, are a bantam breed from Sweden. Giant pandas, viewed by most people as the very symbol of endangered animals, currently number about 2,500 adults in the wild. Take half that number –about 1,300 individuals—and you have the global population of blue whales. Halve that number again and you’re describing the remaining population of mountain gorillas; about 650 secretive apes living deep in the forests of Rwanda. But, mountain gorillas are almost common compared to the number of Olandsk. In 1989 there were 54 of these birds on the planet, and today their number can be measured in the hundreds. I have 7.

The Isbar, or Sliverudd’s Blue it is the only green-egg-laying single combed chicken breed in the world. I have 3.

The Orust- is a landrace of chicken that emerged on the western coast of Sweden where it survived by free-ranging along the rocky shores of Orust island, a windswept and desolate place. Orust are so rare that even learned chicken experts often are unfamiliar with the existence of this landrace of chickens, and a 2013 census put their total global population at 463 birds. I have 2.

In total I have 30 of the rarest Swedish chickens in the world. I keep meticulous records and can tell you when each of my chickens was hatched, when it laid its first egg, and who's stock it came from.

I have no plans to expand into some large chicken breeding farm. I only want to keep the birds I have, as I have grown very attached to them.

Thank you for your consideration in this matter.



world, the inverse square law is always an idealization because it assumes sound propagation in all directions. If there are reflective surfaces in the sound field, reflected sounds will add to the directed sound and you will get more sound at the measurement point than the inverse square law predicts. If there are barriers between the source and the measurement point, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a reasonably open area.

If you measure a sound level  $I_1 = 75$  dB

at distance

$$d_1 = 0.5 \text{ m} = 1.64041 \text{ ft}$$

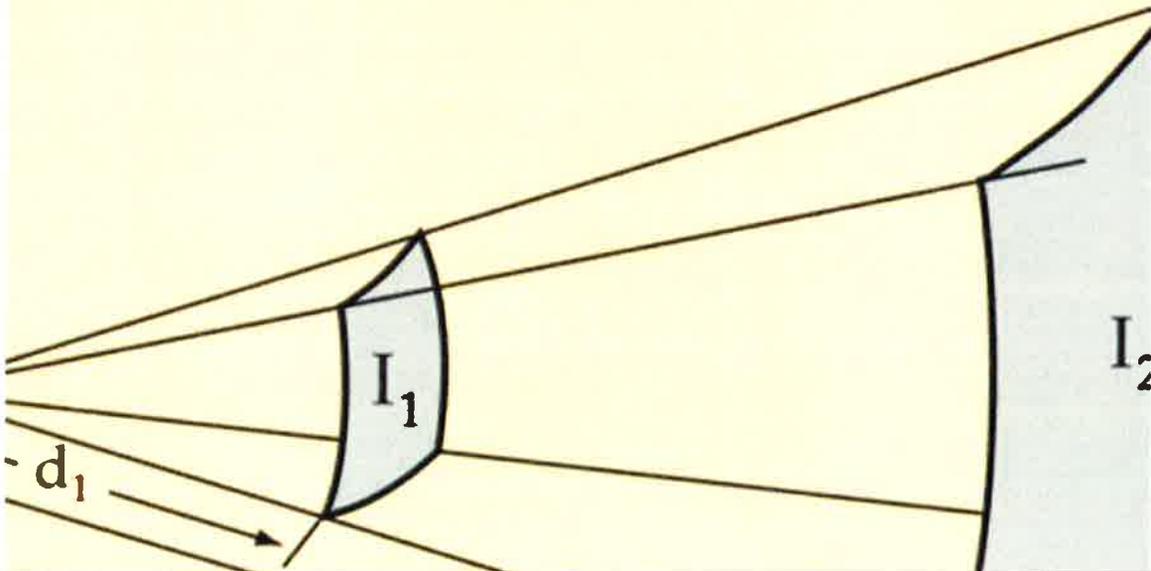
$$\left[ \frac{d_1}{d_2} \right]^2$$

then at distance

$$d_2 = 100 \text{ m} = 328.084 \text{ ft}$$

the inverse square law predicts a sound level

$$I_2 = 28.9794 \text{ dB}$$



<b>Commercial</b>	<b>Industrial</b>	<b>Residential</b>	<b>dB Level</b>
<b>Threshold For Hearing</b>			0
Good Recording Studio		Breathing	10
		Rustling Leaves	15
		Whisper, Mosquito	20
Library		Living / Dining Room	30
Refrigerator Hum		Kitchen / Bathroom	40
Quiet Office	Power Lawn Mower	Home Office	50
		Birds at 10'	55
<b>Conversational Speech</b>			60
Piano Practice		Electric Shaver	60
Business Office		Piano Practice	65
Noisy Restaurant	Implant Office	Street Traffic	70
Chamber Music		Barking Dog	75
Classroom		Alarm Clock	75
		Television / Dishwasher	75
Airplane at 1 mile	Manual Machines	Vacuum Cleaner	80
Reception / Lobby Area	Handsaw	Garbage Disposal	85
Motor Bus		Telephone Dial Tone	85
Applause in Auditorium		Lawn Mower	85
<b>OSHA Required Hearing Protection in Factory</b>			85
Teleconference Room		Train at 100'	90
Subway	Farm Tractor	Teenage Stereo	90
<b>Sustained Exposure May Cause Hearing Loss</b>			90
Music Practice Room	Electric Drill	Walkman at 5/10	94
French Horn	Average Factory Noise	Blender	100
Orchestra	Diesel Truck	Motorcycle	105
Computer Room	Printing Press	Train	105
Bass Drum	Heavy Truck	Power Saw	110
Dog Kennel	Power Mower	Baby Crying	110
Symphony Orchestra	Punch Press	Squeaky Toy to Ear	110
<b>Pain Begins</b>			120
Disco	Sandblasting	Shot Gun	120
Cymbal Crash	Pneumatic Clipper	Air Raid Siren	130
Draggear Racing	Military Jet	Shotgun	140
Rock Concert	Aircraft Carrier Deck	Jet Takeoff	140
<b>Chest Wall Begins to Vibrate</b>			150
<b>Ear Drum Breaks Instantly</b>			160
<b>Death of Hearing Tissue</b>			180
<b>Loudest Possible Sound</b>			194

City of Farmington

Lopez, Cynthia &lt;clopez@fmtn.org&gt;

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**6116 Jackrabbit Junction**

2 messages

**SuzAnne Gil** <sjg2947@gmail.com>

Tue, Jul 26, 2016 at 9:09 AM

To: clopez@fmtn.org

Cc: juan.gil1957@gmail.com

Hello Cynthia,

Fernando & SuzAnne Gil, here. We are following up on Fernando's visit with you on the 29th of June. Since he spoke with you and your assistant came out and took pictures we have received the certified letter detailing the upcoming special use permit hearing on 8/11/16.

In the meantime we have been doing some research as it relates to the city's zoning and ordinance codes. Everything we have found to date indicates a special use permit must be obtained prior to a change of use within a specific zone. (Attached are the documents we found on line) This is not the case with the property at 6116 Jackrabbit Junction. They currently have chickens and roosters on the property.

As you are aware there is no primary residence on this property, just a corrugated metal barn, which it appears they are living in.

As Fernando stated when he visited with you earlier the noise from the fowl has made a significant impact to the ambiance of the neighborhood. I understand we are not the only ones to have voiced a concern at this point.

In addition, the odor coming from the coop has continued to grow worse. Depending on wind direction there are days we cannot go outside and enjoy our back or side yard. We have had family and friends over who have commented on the stench. There are concerns about where the waste from these animals is being dumped/washed away to. We are downhill from the property and certainly do not wish to have it running on to our property.

We do not know the exact date the barn was erected and the fowl brought onto the property but it has been close to 3 months now and there is no sign of construction on a primary residence. We are very concerned about the impact to our property value with this current situation.

We strongly believe the birds should be removed from the property immediately as they do not possess the special use permit at this time. If we are correct in this assumption can you please direct us to the proper person or department that can take care of this for us?

If we are missing interpreting or misreading anything in the attachments please let us know. Your assistance in directing us to the proper channels is greatly appreciated.

Sincerely,

Fernando & SuzAnne J. Gil  
6110 Jackrabbit Junction  
Farmington, NM 87402

505-947-7008 - SuzAnne's cell

505-486-0988 - Fernando's cell

---

 **Property Use Question.pdf**  
343K

Lopez, Cynthia &lt;clopez@fmtn.org&gt;

Tue, Jul 26, 2016 at 9:14 AM

To: Keith Neil <kneil@fmtn.org>

[Quoted text hidden]

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 **Property Use Question.pdf**  
343K

# New Mexico Statutes 3-21-6. Zoning; mode of determining regulations, restrictions and boundaries of district; public hearing required; notice

Current as of: 2015 | [Check for updates](#) | [Other versions](#)

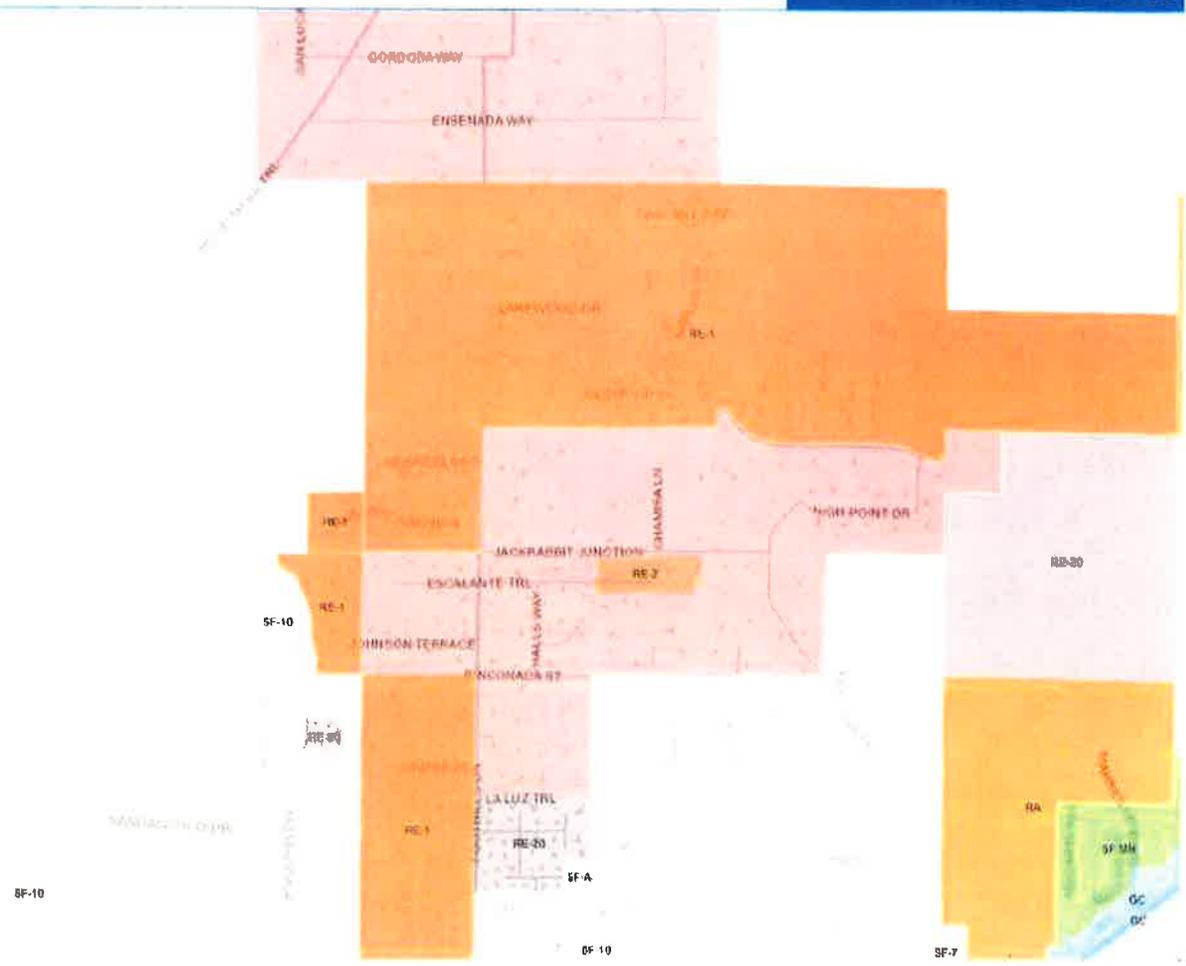
A. The zoning authority within its jurisdiction shall provide by ordinance for the manner in which zoning regulations, restrictions and the boundaries of districts are:

- (1) determined, established and enforced; and
- (2) amended, supplemented or repealed.

B. No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing shall be published, at least fifteen days prior to the date of the hearing, within its respective jurisdiction. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

C. If the owners of twenty percent or more of the area of the lots and [of] land included in the area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the governing body of the municipality or by a two-thirds vote of all the members of the board of county commissioners.

**History:** 1953 Comp., § 14-20-4, enacted by Laws 1965, ch. 300; 1979, ch. 319, § 1; 1981, ch. 91, § 1.



### Sec. 3.3 - Residential estate-2 (RE-2).



*3.3.1 Purpose.* The residential estate-2 (RE-2) district is intended to accommodate very low-density, very large-lot residential development and to provide permanent protection for areas that develop in such a manner. The district is intended to accommodate only a very small amount of the city's future housing needs, generally serving the housing needs of those who desire to live in very rural, very low-density estate areas. The RE-2 district along with the RE-1 district intended to implement and correspond to the comprehensive plan's "Residential Single-Family Low Density greater than 1 acre" land use designation.

*3.3.2 Allowed uses.* Uses are allowed in the RE-2 district in accordance with the use table of [section 2.3](#).

*3.3.3 Density and dimensional standards.* All development in the RE-2 district shall be subject to the density and dimensional standards of [section 2.8](#).

*3.3.4 District standards.* District standards applicable in the RE-2 district include the following:

- A. [RESERVED]

### Sec. 3.4 - Residential estate-1 (RE-1).



*3.4.1 Purpose.* The residential estate-1 (RE-1) district is intended to accommodate low-density, large-lot residential development and to ensure the protection of areas that develop in such a manner. It is a higher density version of the very-low density RE-2 district. Like the RE-2 district, the RE-1 district is expected to accommodate only a very small amount of the city's overall housing needs. It primarily serves those households who desire to live in rural, low-density estate areas.

The RE-1 district, along with the RE-2 district, is intended to implement and correspond to the comprehensive plan's "Residential Single-Family Low Density greater than 1 acre" land use designation.

*3.4.2 Allowed uses.* Uses are allowed in the RE-1 district in accordance with the use table of [section 2.3](#).

*3.4.3 Density and dimensional standards.* All development in the RE-1 district shall be subject to the density and dimensional standards of [section 2.8](#).

2.4.7 *Animals or fowl*. (Other use categories, agriculture use).

Keeping or raising animals or fowl shall comply with the standards of this section.

- A. The number of animal units allowed per acre shall be determined by using the recommended animal unit capacity provided in the definition of animal unit in Article 11, definitions.
  - (1) Within the residential agricultural (RA) district, the keeping of animals or fowl in accordance with the recommended animal unit capacity per acre is permitted by right.
  - (2) Within all other districts, the keeping of animals or fowl defined under the recommended animal unit capacity shall require a special use permit.
- B. Minimum lot area per animal unit shall be determined by special use permit. In making this decision, the city shall consider the animal capacity recommended by the definition of animal unit, as defined in Article 11, definitions.
- C. Animal unit capacity shall be calculated exclusively of otherwise applicable minimum lot area requirements.
- D. Adequate fencing, screening or separation from adjoining premises shall be provided based upon the type, number and size of animals or fowl for protection of the animals or fowl; protection of the public; and for control of dust, noise, odors or similar nuisance factors.
- E. The use shall be maintained in compliance with Chapter 6 of the Farmington City Code.
- F. The provisions of this section shall not apply to the keeping or raising up to four domestic dogs and four domestic cats, and other small animals and birds commonly kept as house pets indoors.

**PERMITTED USE TABLE**

**RESIDENTIAL BASE  
ZONING DISTRICTS**

RA | RE-2 | RE-1 | RE-20 | SF-10 | SF-7

KEY: P = Permitted Use S = Special Use Blank = Not Permitted

	RA	RE-2	RE-1	RE-20	SF-10	SF-7
Animals or Fowl	P	S	S	S	S	S
Nurseries, Non-retail	P					
Stables and Riding Academies, Public	P	S	S	S		
Veterinary Clinics, Large Animal	S	S				

Sec. 2.5 - Accessory uses and structures.

2.5.1 Authorization. Any accessory use normally and customarily associated with a primary use, permitted by right consistent with applicable provisions of this UDC, may be permitted. However, any accessory use customarily associated with a primary use permitted only by special use permit, must meet all special use requirements. The establishment of such accessory uses shall be consistent with applicable design and performance standards set forth in this UDC.

2.5.2 General standards. All accessory structures and uses shall comply with the following standards:

*as this  
is done*

- A. No accessory structure or use shall be constructed or established on any lot prior to the issuance of a building permit for the principal structure or an occupancy permit for a principal use to which it is accessory. This provision shall not prohibit the issuance of a permit for a detached garage at the time of issuance of a building permit for a principal dwelling unit on the subject parcel.
- B. Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent, and purpose. The total gross floor area of all accessory structures that are built in the required rear and side yard on a lot shall not exceed 1,000 square feet or 50 percent of the total gross floor area of the principal structure on the lot, whichever is greater. Any accessory structure that is constructed within the allowed building footprint shall not exceed 2,000 square feet or 50 percent of the total gross floor area of the principal structure, whichever is greater; or exceed 20 feet in height. The provisions of this paragraph shall not apply to agricultural uses.
- C. Unless otherwise expressly stated herein, accessory structures and uses shall comply with all applicable regulations of this UDC, including the maximum height and setback regulations. No accessory use or structure shall cause any of these standards to be exceeded for the underlying zoning district.
- D. A normal and customary accessory structure may be attached or detached from the principal building.
- E. Shipping crates, railroad cars, truck or bus bodies, semi-trailers and other similar containers shall not be used as accessory buildings or used outside the IND district. However, shipping crates may be used in the GC district if they are placed in the rear yard and screened from the view of any street and/or residence, in accordance with section 5.5.7, screening standards; and shipping crates may be used in residential districts if they are used only in the rear yard and can meet the requirements for accessory structures.
- F. No more than three accessory buildings shall be located on a single parcel in a residential district. The provisions of this paragraph shall not apply to agricultural uses.
- G. Where liquor sales are accessory to another principal use, such as a convenience store, liquor sales and display shall be limited to a maximum of 25 percent of the available display space.

RECEIVED

AUG 03 2016

COMM DEV DEPT

Aug. 1, 2016

To Whom It May Concern,  
I am writing this in reference to SUP 16-68, a request from Heather and Bill Stoty to allow chickens at 6116 Jackrabbit Junction. We own property at 6120 Jackrabbit Jct. I have no problem with a limited number of hens but I do object to roosters. There have been at least 3 of them present for about 2 months. They have destroyed the peace and quiet of the entire area. I have been told by code compliance that roosters are not permitted.

Sincerely,  
Elaine Whitehorn



**NOTICE OF PUBLIC HEARING  
SPECIAL USE PERMIT  
PETITION NO. SUP 16-66**

July 20, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Heather and Bill Stotz for a Special Use Permit to allow chickens on five acres in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

That part of the S/2NW/4NE/4SE/4 of Section Nineteen, in Township Thirty, North of Range Twelve West, San Juan County, New Mexico.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, August 11, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, August 23, 2016 at 6:00 p.m.** in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Keith Neil at 505-599-1333 or [kneil@fmtn.org](mailto:kneil@fmtn.org).

Sincerely,

Karen Walker  
Administrative Assistant

**P&Z PLANNING & ZONING COMMISSION  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

**Petition No. SUP 16-66** - a request from Heather and Bill Stotz for a Special Use Permit to allow chickens on five acres located in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

That part of the S/2NW/4NE/4SE/4 of Section Nineteen, in Township Thirty, North of Range Twelve West, San Juan County, New Mexico.

Otherwise known as 6116 Jackrabbit Junction

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, August 11, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, August 23, 2016 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petitions.

Karen Walker  
Administrative Assistant

Legal No. 72946 published in The Daily Times on July 24, 2016.

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet  
(excluding roadways and easements) of the Following Described Property  
Referenced as TRACT 1:**

The South One-Half of the Northwest Quarter of the of the Northeast Quarter of the Southeast Quarter (S/2NW/4NE/4SE/4) of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

**TRACT 1**

William A. Stotz and DeeAnn Schreiner-Stotz  
6116 Jack Rabbit Junction  
Farmington, NM 87402

That part of the S/2NW/4NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1594, page 891

**TRACT 2 & TRACT 3**

DeWees Family Trust  
2513 Ridgecrest Drive  
Farmington, NM 87401

Lot Six (6) aka NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1142, page 921

AND

Lot Five (5) aka NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1142, page 922

**TRACT 4**

Darrell B. Otten and Cathy J. Otten  
P.O. Box 2011  
Farmington, NM 87499

Lot Twelve (12) aka NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1237, page 737

**TRACT 5**

Gene A. Whitehorn and Elaine Whitehorn  
5551 Rinconda Street  
Farmington, NM 87402

Lot One (1), of the FOURR SUBDIVISION, San Juan County, New Mexico, filed for record April 28, 2006;

Book 1432, page 952

**TRACT 6**

Gil Revocable Trust  
6110 Jack Rabbit Junction  
Farmington, NM 87402

Part of Lot Fourteen (14) aka NE/4SE/4 being described as N/2SW/4NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1575, page 454

**TRACT 7**

Jay Seyfarth, II and Ashley Seyfarth  
6106 Jack Rabbit Junction  
Farmington, NM 87402

Part of Lot Fourteen (14) aka NE/4SE/4 being described as N/2SW/4NE/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1579, page 984

**TRACT 8**

John and Carrie Thompson Revocable Trust  
5708 Jack Rabbit Junction  
Farmington, NM 87402

Lot Fifteen (15) aka NW/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1585, page 822

**TRACT 9**

Dwayne and Lori Gibbs Trust  
4004 Crestridge Drive  
Farmington, NM 87401

Lot Ten (10) aka NW/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1596, page 57

**TRACT 10**

Lila L. Hare Revocable Trust  
307 McDonald Road  
Farmington, NM 87401

The N/2 of Lot Ten (10) aka NW/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book ~~409~~ page ~~63~~

**TRACT 11**

Glen A. Fuller and Rebecca Fuller  
6990 Foothills Drive  
Farmington, NM 87402

Lots Seven (7) and Eight (8) aka NW/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

Book 1589, page 578

TO: June 23, 2016, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

A handwritten signature in black ink, appearing to read "REsmiol". The signature is written in a cursive style with a large, looped initial "R".

By: Rebekah Esmiol, Abstracter

## COMMUNITY DEVELOPMENT PETITION REPORT

Preliminary Plan and Final Plat for  
Kendrick Subdivision  
Petition No. PFP 16-67

### A. STAFF REPORT, August 11, 2016

#### PROJECT INFORMATION

<b>Applicant</b>	Kenneth Kendrick and City of Farmington
<b>Representative</b>	Souder Miller & Associates
<b>Date of Application</b>	July 18, 2016
<b>Requested Action</b>	Preliminary Plan and Final Plat approval
<b>Location</b>	South of Murray Drive, east of Farmington's Sewer/water Treatment Plant and west of Curtis Place
<b>Existing Land Use</b>	Tier 2 of Farmington's Planning and Platting Jurisdiction
<b>Existing Zoning</b>	NA
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> Unincorporated San Juan County & MU Mixed Use <b>South:</b> Unincorporated San Juan County <b>East:</b> Unincorporated San Juan County <b>West:</b> IND Industrial
<b>Subdivision Class</b>	Class 2
<b>Notice</b>	Public notice is not required for Preliminary Plans or for Final Plats
<b>Staff Planner</b>	Cynthia Lopez, Senior Planner

#### SUBDIVISION INFORMATION

<b>Number of Lots</b>	8 lots
<b>Acres of Land</b>	34.13 ± acres
<b>Minimum Lot Size</b>	0.669 acres
<b>Utilities</b>	<b>Water:</b> Per City standards. <b>Sewer:</b> Per City standards <b>Electric:</b> Per Electrical Engineering
<b>Access &amp; Circulation</b>	20 foot access easement from Murray Drive
<b>Street Lights</b>	Per City standards
<b>Street Signs</b>	Per City standards
<b>Fire Hydrants</b>	Per City standards
<b>Drainage</b>	Per City standards
<b>Recreation</b>	Per City standards

## **GENERAL INFORMATION**

The petitioners are requesting a Preliminary Plan and Final Plat to subdivide four (4) lots into eight (8) lots for property located south of Murray Drive west of Curtis Place and east of Farmington's Sewer/water Treatment Plant. The Animas River runs through the property on the east and south. Kenny and Candy Kendrick Trust and Ken Investment, LLC owns three lots outside the City limit. One lot in the middle of the Ken Investment, LLC properties is owned by the City of Farmington. Kenneth Kendrick lives on one parcel (1451 Shannon Lane) that has several structures and two ponds. Shannon Lane takes access to Murray Drive through a separate parcel to the north. One of the other lots has two structures and takes access to Murray from S. Lorena Avenue.

The City of Farmington is purchasing Lots B, D and F for the extension of the trail system. The lot owned by the City is being incorporated into Lot H. Lots H and G will be donated to the City for ditch maintenance and storm water. The Kendrick's will keep Lots A, C and E. Lots A, B, C, and D are shown to have all or a portion of their land mass in the AE Floodway determined from the National Flood Insurance Program Flood Insurance Rate Map (FIRM) for San Juan County, NM. The City of Farmington is purchasing some of the lots. The Kendrick's are dedicating a lot and keeping several of the lots. The lot owned by the City is being incorporated into Lot H.

## **ISSUES**

### **Technical and Corrective Changes: Toni Sitta – 599-1399**

- Please check the legal description of Lot F on sheet 2 and sheet 3 for correctness.
- Please include the name and widths of adjoining streets and alleys.
- Please verify and include, if applicable, the location and any associated easements for the Wright-Leggett Ditch.
- Please include a benchmark elevation referenced from the City of Farmington GPS monument, including Northing and Easting on one corner of the surveyed lot.
- Please label the Floodplain and Floodway boundaries. They are very light and hard to distinguish on the map.
- Also there are wetland areas associated with these properties. Please either show or add a note to the plat.

### **Electrical Engineering: Luwil Aligarbes – 599-8321**

- Please note on the plat the 10' wide utility easement for existing FEUS overhead power line.

### **Senior Planner: Cynthia Lopez – 599-1448**

- Overhead electric easements and sewer pump/water meter easements should be added to the plat in favor of Lot E.
- A New Mexico Department of Transportation access permit may be required for access to Murray Drive. Verify that the driveways meet NMDOT standards.

- Lots are currently label Lot A, B, C, D, E, F, G and H. They should be labeled as numbers (Lot 1, 2, 3, etc.).

**STAFF CONCLUSION**

Staff concludes that approval of Petition PFP 16-67 for Kendrick Subdivision is appropriate. The plat meets the requirements of the Unified Development Code with the modifications as noted in the ISSUES segment of this report.

**STAFF RECOMMENDATION**

The Community Development Department recommends approval of Petition PFP 16-67, a request from the Kenneth Kendrick and the City of Farmington, represented by Souder Miller & Associates, for the Preliminary Plan and Final Plat for the Kendrick Summary Subdivision an eight (8) lot subdivision of 34.13 acres located South of Murray Drive, east of Farmington's Sewer/water Treatment Plan and west of Curtis Place.



Kendrick Subdivision Aerial

# PLANNING MEMO COMMENTS SUMMARY

**PP 16-67 PP 16-67 KENDRICK SUMMARY SD**

**Deadline: 7/26/16**

## City of Farmington Departments

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	Please note on the plat the 10' wide utility easement for existing FEUS overhead power line. Please see attached map.
ELEC	T & D	
FIRE	Fire Marshall	All lots require sufficient fire department access, suppression water must be adequate to support the extra lots.
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Legal has no comment, and follows all recommendations from Planning and Zoning.
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	The PRCA supports this petition. It meets the boundary agreement with Mr. Kendrick.
PW	City Engineer	
PW	Engineering	<p>1) Please check the legal description of Lot F on sheet 2 and sheet 3 for correctness.</p> <p>2) Please include the name and widths of adjoining streets and alleys.</p> <p>3) Please verify and include, if applicable, the location and any associated easements for the Wright-Leggett Ditch. (See attached COF GIS Map)</p> <p>4) Please include a benchmark elevation referenced from the City of Farmington GPS monument, including Northing and Easting on one corner of the surveyed lot.</p> <p>5) Please label the Floodplain and Floodway boundaries. They are very light and hard to distinguish on the map.</p>

		6) There are also wetland areas associated with these properties. Please either show or add a note to the plat.
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	Recommend showing existing utility easements through lots to mitigate future conflicts from adjacent lots.

**Other Entities**

New Mexico Gas Company	
CenturyLink	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

# PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

RECEIVED

JUL 18 2013

**Planning Division**  
**Community Development Department**  
 City of Farmington  
 800 Municipal Drive  
 Farmington, NM 87401  
 (505) 599-1317  
 (505) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**

COMM DEV DEPT

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation and / or Zoning<br><input checked="" type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat<br><input type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District<br><input type="checkbox"/> Temporary Use Permit<br>Proposed Length of Use: _____<br><input type="checkbox"/> Well site equipment modification |
|--|---|---|

**INFORMATION**

Applicant's Name: <u>KENNETH KENDRICK</u>	Project Location: <u>N/2 Sec. 21, T 29N, R 13W</u>
Address: <u>1451 SHANNON LANE</u>	Existing Use: <u>RESIDENTIAL</u>
E-Mail:	Proposed Use: <u>RESIDENTIAL / PARKS</u>
Telephone: <u>505-860-2105</u>	Current Zoning: <u>NONE</u>
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2-076-170-145-466</u>

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No   
 If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: <u>JOHN VUKANICH</u>	E-Mail: <u>john.vukanich@esoudemiller.com</u>
Phone: <u>325-7535</u>	Address: <u>401 W. BROADWAY, FARM-NM, 97401</u>

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: <u>Kenneth Kendrick</u> Phone: _____	Name: _____ Phone: _____
Address: <u>1451 Shannon Ln</u>	Address: _____

**OWNER CERTIFICATION**

\* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: <u>Kenneth Kendrick</u>	Address: <u>1451 SHANNON LN FARM NM</u>
Owner's Signature: <u>[Signature]</u>	Phone / Email: <u>505 860 2105</u>

**\*\*\* STAFF USE ONLY \*\*\***

Received By \_\_\_\_\_  
 Date 7/18/16 Fee Received 100  
 Project File No. PP 16-67 Kendrick Summit St  
 Date of Hearing/Meeting: PEZ - 8/11/16

- Blueline Copies of Plans \_\_\_\_\_
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use

# SUMMARY PLAT APPLICATION



**Incomplete applications will not be accepted.**

**Return completed application to:**

Planning Division  
Community Development Dept.  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317

**Summary Plat Type**  Boundary Line Adjustment    Lot Consolidation    Lot Split

**Name of Subdivision:**

<b>Location</b>	Within City Limits?		Yes	<input checked="" type="radio"/> No
	Within the 5-mile Planning & Platting Jurisdiction?		<input checked="" type="radio"/> Yes	No
<b>Size of Property</b>	34-34	Assessor Parcel ID or Tax ID	2-076-170-145-466	
<b>Current Use of Property</b>	RESIDENTIAL			
<b>Proposed Use</b>	RESIDENTIAL / PARKS			
Is the property subject to deed restrictions, covenants, and/or HOA agreements? <b>Yes</b> <b>No</b> , if yes please provide a copy.				

**Contact Information**

<b>Applicant</b>	
Name <i>KENNETH KENDRICK</i>	Address <i>1451 SHANNON</i>
Phone <i>505-860-2105</i>	City, State, Zip <i>FARMINGTON, NM, 87401</i>
Signature <i>[Signature]</i>	email
<b>Representative</b>	
Name <i>JOHN VUKOVICH / SMA</i>	Address <i>401 W. BROADWAY</i>
Phone <i>325-7535</i>	City, State, Zip <i>FARMINGTON, NM, 87401</i>
Signature <i>[Signature]</i>	email <i>john.vukovich@southernmiller.com</i>

<b>Owner Certification</b>	
I certify that I am an owner, and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.	
Name <i>Kenneth Kendrick</i>	Address <i>1451 Shannon Ln</i>
Phone <i>505 860 2105</i>	City, State, Zip <i>FARM NM</i>
Signature <i>[Signature]</i>	email

Development Services Acceptance (Staff Use Only)			
Date		8 full-size copies & 1 reduction	Current Zoning District
Time		Checklist signed	
Fee		Legal Description	
Initials		File No.	

## Summary Plat Checklist

The following checklist identifies required information to appear on a summary plat. The person preparing the Summary Plat shall review the checklist to ensure the required information is accurate and correct.

- Boundary lines with accurate distances and bearing
- Lot sizes in square feet or acres
- Correct legal description
- All proposed streets and alleys within the Summary Plat including width and names
- Accurate outline of any portions of the property intended to be dedicated or granted for public use
- Line of departure of one street from another
- Names and widths of adjacent streets and alleys
- All lots designated by numbers or letters and streets, avenues and other grounds designated by names, letters or numbers
- Location of all easements provided for public use, services or utilities
- All existing utilities are shown on the plat
- All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- Radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners
- Location of all survey monuments and their descriptions
- Name of the subdivision and the scale of the plat, north point, the name of owner or owners of [or] subdivider and date
- Inset location map
- A benchmark elevation referenced from City of Farmington G.P.S. monument, including Northing & Easting on one corner of surveyed lot.
- Certificate of registered land surveyor, attesting the accuracy of the survey and the correct location of all monuments shown
- Acknowledgment of the plat by the owner or owners and spouses, if any, or a duly authorized attorney
- A separate drawing showing existing site conditions, including driveways, building footprints, locations of septic systems (including leach fields), etc.

## Items to include with Application

- Completed and signed Application Form.
- Completed and signed Summary Plat Checklist.
- Eight (8) full-size prints of the plat, no larger than 24" x 36".
- One copy reduced to an 8.5" x 11" sheet size.
- \$28.50 Application Fee.

I certify that the information and plat for KENDRICK SUMMARY (Name of Subdivision)  
contains the required information as indicated above. Subdivision

JOHN A. KUKONICH  
Name of Person Preparing Plat

7-15-2016  
Date







# **City of Farmington Planning and Zoning Commission Rules of Procedure**

## **Article 1 Organization**

These rules are supplementary to the provisions of the Farmington Municipal Code, Sec. 2-4-181 through Sec. 2-4-189 for the City of Farmington Planning and Zoning Commission and the Unified Development Code (UDC). The Planning and Zoning Commission (Commission) shall consist of nine (9) members and one alternate who shall be residents of the City of Farmington, appointed by the Mayor and confirmed by the City Council.

## **Article 2 Officers and Duties**

### **Section 1. Powers and Duties**

The Commission shall primarily act as a legislative advisory review commission to the City Council. It shall be the duty of the Commission to advise and submit its recommendations to the City Council on matters submitted to it. More specifically, the Commission shall have the following powers and duties, unless otherwise directed by the City Council. The City Attorney shall be consulted in cases where the powers of the Commission are not clearly defined.

### **Section 2. Officers**

The officers of the Commission shall be a Chairperson and a Vice-Chairperson elected for one year terms at the first meeting of the Commission in each calendar year.

### **Section 3. Chairperson**

The Chairperson shall be a voting member of the Commission and shall:

- A. Call meetings of the Commission;
- B. Act as spokesperson for the Commission;
- C. Preside at all meetings;
- D. Sign documents for the Commission;
- E. Perform other duties approved by the Commission.

### **Section 4. Vice-Chairperson**

The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, an Acting Chairperson shall be elected by majority vote of the members present.

**Section 5. Alternates**

Alternates may be appointed as deemed necessary by the Mayor and confirmed by the City Council. Alternates will be bound by the same requirements as other Commission members. They shall vote as a Commission member when fewer than nine (9) Commissioners are present at a meeting. Alternates shall not vote when all nine (9) Commissioners are present, but may take part in discussion.

**Section 6. Staff**

Per Section 7.5.1 of the Unified Development Code, "The person designated by the City Manager as the Community Development Director of the City shall be the Director." Staff shall be defined as employees of the City of Farmington including the Director and subordinates of the Director. The Director shall provide Staff, as needed, to the Commission.

**Section 7. Membership Terms**

- A. The Mayor may appoint Commissioners from a variety of professional, occupational, and other groups within the city at his or her discretion for the purpose of creating a representative cross-section of the community.
- B. Members of the Commission shall serve staggered terms of two (2) years each. Following the expiration of such term, appointments to the Commission shall be automatically extended until the vacancy is filled by appointment of the Mayor, and confirmed by the City Council.
- C. A vacancy occurring in the membership of the Commission shall be filled as soon as is reasonably possible as appointed by the Mayor and confirmed by the City Council for the remainder of the unexpired term of such member.
- D. Members may be removed by the Mayor for cause, subject to the approval of the City Council in the manner specified in NMSA 1978, §3-19-2.

**Article 3  
Meetings**

**Section 1. Definition**

Meeting shall be defined as an "open public forum" held by an advisory board, as opposed to a decision making body which holds "hearings".

**Section 2. Time and Place**

- A. Regular meetings shall be held on each Thursday following each second and fourth Tuesday of each month at 3:00 p.m. in the City Council Chambers, unless such day is a City-designated holiday.
- B. Regular meetings may be canceled by the Chairperson when there are no cases pending. Notification must be given to members not less than forty-eight (48) hours prior to the set date and time for such meeting. Public notice must also be given of a cancelled meeting.
- C. Special meetings may be called by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that 48 hours notice is given to each member.
- D. All meetings shall be open to the public.

### **Section 3. Agenda**

A written agenda shall be furnished by Staff to each member of the Commission, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda by majority vote at a meeting.

### **Section 4. Notices for Meetings**

An annual schedule of regular meetings shall be adopted, published and posted at the office of the Community Development Department in December of each year. Special meetings may be called by the Chairperson upon twenty-four (24) hours notice, posted and delivered to all members and local news media. Meetings shall be held at the location stated in the notice, and shall be open to the public.

## **Article 4 Procedures**

### **Section 1. Legislative Meetings versus Quasi-judicial Meetings**

All Meetings of the Commission shall be assumed to be Legislative Meetings unless otherwise stated on the agenda or during the meeting to be Quasi-judicial Meetings as defined in Article 7, Section 1. A specific portion of a meeting may be specified to be Quasi-judicial while the rest of the meeting is legislative, in which case the item to be heard as Quasi-judicial should be the last item on the agenda, prior to business from the floor.

### **Section 2. Order of Business**

In matters brought before the Commission which were initiated by an applicant, the normal order of the meeting, subject to modification by the Chairperson, shall be as follows:

- A. Statement of matter to be heard (Chairperson)
- B. Presentation by Staff
- C. Presentation by Applicant and/or Representative
- D. Presentation by Opponents
- E. Rebuttal by Applicant and/or Representative
- F. Other public comment when appropriate
- G. The Commission may question participants at any point in the meeting
- H. Matters in which additional time is needed may be moved to the end of the agenda

### **Section 3. Applicant**

Applicant shall be defined as a person, firm, or corporation submitting an application for development, a permit, or other required approval under the Farmington Municipal Code. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner. The Applicant, or person acting on the applicant's behalf (Representative) for consideration of items before the Commission, shall appear at the scheduled public meeting. Failure to appear on planning and zoning-related applications submitted by the Applicant shall not bar the Commission from acting on the item. The Commission may, at its discretion, conduct the public meeting as scheduled, taking public comment from those in attendance.

#### **Section 4. Requests for Tabling**

Any applicant may request that the Commission table their application by submitting such request in writing to Staff. The Commission may, upon good cause shown, table such item upon its own motion. Items should be tabled to a specific meeting date whenever possible, but may also be tabled indefinitely.

#### **Section 5. Withdrawal**

If an applicant desires to have an application removed from the table, the applicant shall notify the Staff in writing. If tabled to a date-specific meeting, the applicant does not have to request removal for that date.

## **Article 5 Conduct**

#### **Section 1. Ex Parte Communications**

Ex Parte Communications are defined as talking, either in person or by phone, to a commission member when the other side is not present; or presenting information to the member that the other side does not receive.

A. The Planning and Zoning Commission recognizes that the prevention of ex parte communications may be impossible. In order to do our best to ensure a fair and open meeting and decision making process, the Commission will use the following protocol when involved in contacts with the public outside of the public meeting:

1. Keep such contacts to a minimum in those areas of concern, especially when the issue involves final action by the Commission
2. If there are ex parte contacts with the applicant or opponent that result in new information, such contacts and the information should be disclosed on the record to give the other side the opportunity to refute. After a public meeting is closed, such contacts should be kept to a minimum.
3. On items that are likely to generate a request to defer the vote for additional information or continued discussion, the Commission should continue the public meeting.
4. The Commissioners will request that comments or additional information be put in writing and sent to the Community Development Department for distribution to all Commissioners, as well as the applicant and his/her representative.
5. Commissioners may contact Staff to ask generalized questions. Staff shall endeavor to send written responses to all commission members.
6. Staff may not provide specific information about upcoming applications that is not already included in the agenda and backup materials.

#### **Section 2. Conflicts of Interest**

A Conflict of Interest is a contradiction between an individual's personal interest and his or her public duty. It can include a financial interest, meaning an interest held by a person, that person's spouse or minor children, which is any ownership interest in a business, any employment, or any prospective employment for which negotiations have already begun. A conflict of interest can exist whether or not there is a financial interest involved. If a Commissioner feels they have a possible or perceived conflict of interest, they must disclose the circumstances to the Chairperson during the scheduled meeting for that specific item. Conflicts of interest should be disclosed prior to the presentation of the applicable item, or immediately after a Commissioner becomes aware of the conflict of interest, whichever

occurs first. After disclosing the conflict of interest to the Chairperson, the Commissioner shall then choose from the following options:

- A. If the Commissioner feels they are unable to remain neutral or if they feel that the appearance of impropriety would prevent them from participating, they may voluntarily withdraw from further discussion or action by requesting Recusal from the Chairperson. If the Recusal is granted, the Commissioner should leave the room only for the item in question.
- B. If the Commissioner feels they are able to remain neutral and participate with regard to the item, the Commission may discuss the conflict of interest, ask questions, and vote for Disqualification. If the Commission votes for Disqualification, the Commissioner should not participate in the discussion or vote on the item. If the Commission votes against Disqualification, the Commissioner may fully participate in discussion and vote on the item.

### **Section 3. Meeting Conduct**

- A. The Commission shall deal with only one matter at a time.
- B. All people attending the meeting have equal rights, privileges, and obligations.
- C. Every matter presented for decision should be discussed fully.
- D. A member always has the right to request information on any question or motion presented that he or she does not thoroughly understand.

### **Section 4. Individuals Addressing the Commission**

- A. Persons addressing the Commission should direct their comments to the Chairperson unless addressing a specific Commission member's question or statement. Unless stated to be a quasi-judicial meeting, at no time shall speakers address any one but the Commission.
- B. While addressing the Commission, all persons will be courteous and shall not make any personal, impertinent, or slanderous remarks. No person shall act in a disorderly manner.
- C. The Chairperson may prohibit any person, who violates these rules, or fails to comply with directions given by the Chairperson, from continuing to speak and may also have him or her removed from the meeting.
- D. Requests to speak shall be addressed to the Chairperson and the person shall not speak until recognized by the Chairperson.
- E. All speakers must state their name and address for the record at the beginning of their remarks. No one who refuses to identify themselves shall be recognized.
- F. Only one person may speak at a time.
- G. No one may interrupt a person who is speaking except: A member of the Commission to ask a question, after which the speaker may continue speaking unless he or she has been ruled out of order; or the Chairperson in order to enforce these rules.
- H. No person speaking at a public meeting shall be subject to cross-examination unless it has been stated to be a quasi-judicial meeting. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.
- I. A public meeting or meeting is understood to be a forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue. It is not a forum for opponents and proponents to debate their differences, and neither is it a forum for debate or argument between members of the Commission and opponents or proponents, or each other.

### **Section 5. Attendance and Punctuality**

All Commission members are expected to attend meetings regularly and punctually. There may be times when Commission members will be unable to attend meetings or to report on time, due to illness, accident, or emergency situations. Such occurrences should be kept to a minimum. Commission members shall provide notice to Staff at least forty-eight (48) hours prior to any scheduled meeting that they will be unable to attend or report to on time. Staff shall include in the minutes both those Commissioners who are present and those who are absent or arrive after the meeting has already been called to order. The Mayor may request an attendance report be compiled by Staff for the current membership term of any or all current members of the Commission. Such attendance reports may be used by the Mayor as a factor in determining a Commissioner's suitability for reappointment to the Commission.

## **Article 6 Decisions**

### **Section 1. Motions**

Motions should be made in the affirmative (for example, "I move that we recommend approval/denial...") after the Chairperson has stated "we will entertain a motion." A commission member must second the motion. Motions that are not seconded have failed. The Chairperson will restate the motion and entertain discussion. The member making the motion is allowed to speak first. All discussion on the motion should be directed to the Chairperson.

### **Section 2. Discussion**

The Chairperson shall ask if there is any further discussion after a motion has been made and seconded. At this time, any Commissioner may speak, ask questions, or request time to think. This discussion shall be limited to all members of the Commission; however, it must still take place in an open meeting.

### **Section 3. Voting**

A member must be present to vote. Each member shall vote on every question unless abstaining, disqualified, or absent due to recusal. Voting shall take place by voice vote when the vote is called by the Chairperson, unless the Chairperson chooses to poll each Commissioner in order. Poll voting may take place at the Chairperson's discretion when a controversial item has been presented, or the Chairperson otherwise feels it would benefit the Commission, Staff, and/or public. If the Chairperson chooses to poll votes, he or she shall request the staff member taking minutes to poll the Commissioners. Staff shall then poll each member beginning on one side of the podium and polling in turn, including the Chairperson, until all members have voted. Voting must take place in the order polled by Staff. Each Commissioner should provide a brief justification for his or her vote when polled.

### **Section 4. Abstentions**

A non-vote is an abstention. A Commissioner who wishes to abstain due to lack of sufficient information shall request permission from the Chairperson to abstain immediately after a motion has been made and seconded. At this time, the Chairperson may request that further discussion take place in an effort to provide further information sufficient for each Commissioner to vote.

### **Section 5. Quorum**

Pursuant to the City of Farmington Municipal Code Sec. 2-4-185: "The Planning and Zoning Commission may conduct an official meeting with a quorum of as few as five members present. A majority vote of such quorum shall suffice for transaction of business. The Chairperson or Acting Chairperson shall vote unless disqualified due to a conflict of interest."

### **Section 6. Recommendations**

- A. The Commission shall review and make recommendations to the City Council on matters that are primarily of a legislative nature, subject to the terms and conditions set forth for such uses in the UDC for the following:
  - 1. Special Use Permits
  - 2. Zoning Map Amendments (Rezoning);
  - 3. Planned Developments;
  - 4. Planned Unit Developments;
  - 5. Text Amendments;
  - 6. Preliminary Plans; and
  - 7. Comprehensive Plan (including Plan Amendments)
  - 8. Other applicable plans, such as the Access Management Plan, Major Thoroughfare Plan, or similar.
- B. Recommendations to the City Council may include the following content:
  - 1. A summary of the application, matter or action, the substance of the recommendation and Specific Findings
  - 2. Specific findings upon the following:
    - a. Consistency with the Comprehensive Plan;
    - b. Compliance with the applicable standards of this UDC;
    - c. Specific Conditions; and
    - d. Compliance with other applicable plans
  - 3. Conditions of operation, location, arrangement, and construction of any use for which approval is recommended by the Commission. In authorizing the location of any use, the Commission may impose such development standards and safeguards as the conditions and location indicate to be important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions.
- C. The Commission shall make every effort to send a recommendation to City Council. The Chairperson may choose to send no recommendation to City Council only after two (2) or more motions have been made, seconded, and failed.

### **Section 7. Final Action**

The Commission shall hear and take final action on Final Plats.

## **Article 7**

### **Quasi-Judicial Meetings**

#### **Section 1. Definition**

Quasi-Judicial Meetings are defined as matters which meet one or more of the following requirements:

- A. Have a direct affect on the applicant's legal rights in regard to a specific issue and location
- B. Require a formal record of evidence and facts presented, and justification for votes of Commissioners
- C. Involve a strict application of an existing law or ordinance in a specific instance and location
- D. Require the Commission to narrow its focus to a single, well-defined question that must be answered using only presented facts
- E. Include the interests of specific parties who are easily identifiable

#### **Section 2. Specific Rules for Quasi-judicial Meetings**

The policies and procedures listed elsewhere in this document shall apply to Quasi-judicial meetings, as well as the rules specifically listed below. Where conflict occurs between the rules below and those listed elsewhere in this document, the rules below shall be used.

- A. Testimony – All parties and their witnesses offering testimony shall first be sworn to tell the truth by a Notary Public. All persons offering testimony shall be subject to cross-examination by all other parties, staff and members of the Governing Body. Objections against any testimony must be made at the time it is offered.
- B. Order – The order of presentation of evidence will be determined by the Chairperson, but will normally be (1) staff, (2) proponents, (3) opponents, (4) proponents rebuttal.
- C. Documents – Parties may submit relevant written documents at any time before the hearing is closed. All relevant written materials presented by parties other than staff will be marked and numbered prior to or at the time of submission. Submission shall be to the Staff. All proceedings, testimony or documents considered by any board, commission or other City body on the same matter prior to consideration by the Planning and Zoning Commission, will be considered part of the record before the Planning and Zoning Commission.
- D. Argument – Oral argument will only be allowed by the Chairperson. Written arguments may be submitted at any time prior to the closing of the hearing.
- E. Ex Parte Communication – Members of the Planning and Zoning Commission shall refuse to discuss the merits of any matter that is or will come before them in a quasi-judicial proceeding outside of the formal hearing before the entire Commission. Likewise, they should not read or consider any written materials not included as a part of the record of the hearing.
- F. Findings and Decision – At the conclusion of the hearing, the Chairperson will entertain a motion to vote. No motion will be accepted that does not provide sufficient findings to support the proposed decision. After the findings and decision are approved, the Chairperson shall cause such findings and decision (facts, findings and conclusions of law) to be put in proper written form, which shall then be signed by the Chairperson and attested to by the Staff. The executed findings and decision shall then be served on all parties as provided by law.

## **Article 8 Records**

The Commission shall keep a record of its resolutions, transactions, findings and determinations, which shall be a matter of public record. Permanent records of all proceedings of the Commission shall be kept and minutes thereof shall be submitted to the City Council within (ten) 10 days of the date of any Commission hearing.

## **Article 9 Amendment of Rules**

The rules may be amended by an affirmative majority vote of all members of the Commission. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

## **Article 10 Conflicts**

In the event that any of these rules are found to be inconsistent with one another, the more specific provision shall control. If any of these rules conflict with any existing statute, code, ordinance or regulation of the State of New Mexico or City of Farmington, said provisions shall prevail over any of these rules which are less restrictive.

Approved this 13<sup>th</sup> day of July 2011 and AMENDED February 16, 2012.

ATTEST:

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Dennis R. Ivie, Chairman

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Dee Dee Moore, Office Manager

**MINUTES**  
**PLANNING & ZONING COMMISSION**

**July 28, 2016**

The Planning and Zoning Commission met in a regular session on July 28, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Chair-Joyce Cardon  
Clint Freeman  
Shay Davis  
Kristin Langenfeld  
Cheryl Ragsdale  
Dacia Yazzie

P&Z Members Absent:

Ryan Brown  
Paul Thompson  
Cody Waldroup  
Del Washburn

Staff Present:

Julie Baird  
Teri Clashin  
Derrick Garcia  
Mary Holton  
Cindy Lopez  
Keith Neil  
Steven Saavedra  
Karen Walker

Others Who Addressed the Commission:

Sandy Foxwell  
Vera Matthews  
Faraz Sandhu  
Brandt Thrower

**Call to Order**

Chair Joyce Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

**Presentation of the Agenda**

There were no changes to the agenda.

### **Approval of the Minutes**

A motion was made by Commissioner Ragsdale and seconded by Commissioner Freeman to approve the minutes of the June 30, 2016 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

### **Swearing in of Witnesses**

All parties that wished to speak on behalf of any agenda items were sworn in by Karen Walker.

## **COMMUNITY DEVELOPMENT PETITION REPORT**

### **Petition No. SUP 16-57**

### **To Allow 3 Horses & a Barn**

### **7000 Hood Mesa Trail**

### **Planning & Zoning Commission Discussion of Petition SUP 16-57 on July 28, 2016**

Associate Planner Steven Saavedra presented the staff report for SUP 16-57, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail.

The petitioner is seeking a waiver to UDC 2.5.1 (A) to allow for a shade structure for the horses prior to the construction of a principal residential structure and a waiver to UDC 11.1 to allow 3 horses on 2.5 acres.

Mr. Saavedra said the property is located in the RE-1 Residential Estate District and is undeveloped. Surrounding the property is RE-1 on the east, west, and south. All surrounding properties are vacant and undeveloped. To the north is BLM, Bureau of Land Management, property and is outside the city limits.

Staff recommends approval with the following conditions:

- a. Petitioner adheres to all Municipal Codes as set forth in Farmington's City Code Chapter 6, animals.
- b. Reduction in the area of the lot shall require a review of the SUP.

Commissioner Freeman asked if a principle structure was built on the property, would three horses still be allowed. Cindy Lopez stated that a principle structure will not affect the SUP. The old code stated that horses need 10,000 square feet of grazing area. The new code states 1 acre per horse. There is plenty of room for a principle structure.

**Planning & Zoning Commission Action of Petition SUP 16-57 on July 28, 2016**

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition SUP 16-57, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail with the following conditions recommended by staff:

- a. Petitioner adheres to all Municipal Codes as set forth in Farmington's City Code Chapter 6, animals.
- b. Reduction in the area of the lot shall require a review of the SUP.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

**Motion passed 6-0**

**COMMUNITY DEVELOPMENT PETITION REPORT**

**Petition No. ZC 16-58**

**From SF-10 to SF-7**

**Chilton Court & 20<sup>th</sup> Street**

**Planning & Zoning Commission Discussion of Petition ZC 16-58 on July 28, 2016**

Associate Planner Steven Saavedra presented the staff report for ZC 16-58, a request from Brandt Thrower, represented by Cheney-Walters-Echols, for a Zone Change from the combined Single-family Residential SF-7 and SF-10 Districts to the SF-7, Single-family Residential District, on 0.3199 acres for property located at 1921 Chilton Court.

The property is part of the Puesta Del Sol Subdivision. According to UDC 2.2.3, multiple zoning on a single parcel should be avoided. The 2020 Future Land Use Map of the Comprehensive Plan recommends the property be Single Family Residential. The zone change will make the property compatible with the neighborhood. There are no adverse impacts and it is not a spot zone.

Staff concludes that approval of ZC 16-58 is appropriate.

Brandt Thrower of 1917 Chilton Court, stated that the house on the property was built in the 1960s. SF-7 and SF-10 have different setbacks, but that is academic in this case, said Mr. Thrower. In a survey that was done, the tennis court and a sidewalk were not on the correct lots. Mr. Thrower said he gave the neighbors the sidewalk and the tennis court needs to be with the house. Mr. Thrower stated that he would request that the Commissioners approve the petition so that he can go ahead and finish the subdivision so the neighbor can have their sidewalk and he can have the tennis court.

**Planning & Zoning Commission Action of Petition ZC 16-58 on July 28, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition ZC 16-58, a request from Brandt Thrower, represented by Cheney-Walters-Echols, for a Zone Change from the combined Single-family Residential SF-7 and SF-10 Districts to the SF-7 Single-family Residential District for property located at 1921 Chilton Court.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

**Motion passed 6-0**

**COMMUNITY DEVELOPMENT PETITION REPORT**

**Petition No. ZC 16-59**

**From IND to MU**

**115 E. Corcorran Drive**

**Planning & Zoning Commission Discussion of Petition ZC 16-59 on July 28, 2016**

Associate Planner Keith Neil presented the staff report for ZC 16-59, a request from Residential Rentals, LLC, represented by Gayle Goeden for a zone change from IND Industrial zoning district to MU Mixed Use zoning district for 0.25 acres, located at 115 E. Corcorran Drive.

The request is for the two adjoining properties, Lot 6 and Lot 7. Currently Lot 6 is the parking lot for the business located on Lot 7. The building located on Lot 7 is currently being rented by a private school and is legal non-conforming because it is not allowed in the IND district. A

zone change from IND to MU will bring the use as a private school into conformity with the UDC and would permit the private school use by right. If the private school ceases, the petitioner would have a wider variety of options of permitted uses with a MU zone.

Mr. Neil stated the surrounding properties to the north and west are vacant parcels. There is a playground for the school to the east, and Boyd Park is to the south. All properties in the immediate vicinity of these properties are zoned IND.

The 2020 Comprehensive Plan designates this area as MU, said Mr. Neil. The MRA, Metropolitan Redevelopment Agency's Catalyst Project 1 calls for this area to be MU. At the MRA meeting on July 21, 2016, the Commissioners discussed this petition and voted 5-0 for approval of MU. The overall goal of the MRA is to change this area to MU whenever possible. It would be a spot zone, but it would be the beginning of the goal of the MRA.

Staff recommends approval of Petition ZC 16-59.

Commissioner Freeman commented that he has an issue with voting on a petition when the petitioner is not present. Mr. Neil said Ms. Goeden, the petitioner has health issues and was concerned about attending the meeting. Ms. Goeden is agreeable with the recommendations.

**Planning & Zoning Commission Action of Petition ZC 16-59 on July 28, 2016**

A motion was made by Commissioner Davis and seconded by Commissioner Langenfeld to **approve** Petition ZC 16-59, a request from Residential Rentals, LLC, represented by Gayle Goeden for a Zone Change from IND Industrial zoning district to MU Mixed Use zoning district for Lots 6 and 7, located at 115 E. Corcoran Drive.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

**Motion passed 6-0**

## **COMMUNITY DEVELOPMENT PETITION REPORT**

**Petition No. SUP 16-61**

**To Allow a Stove for a Family Care Unit**

**4002 San Paula Avenue**

### **Planning & Zoning Commission Discussion of Petition SUP 16-61 on July 28, 2016**

Associate Planner Keith Neil presented the staff report for SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care Unit (Mother-in-Law Quarters) on 0.43 acres for property located at 4002 San Paula Avenue.

The petitioner has stated, said Mr. Neil, that due to health concerns and the age of his parents, more consistent and watchful care is needed, while still offering a feeling of independence. The proposed family care unit portion of the first floor of the residence is approximately 450 square feet of living space.

The attached family care unit will have no adverse impacts upon the surrounding neighborhood. As it is a part of the existing home, it is compatible with the surrounding area and has no external impacts on the neighborhood. The addition of the second stove will not create an increase of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact to the surrounding area. It is consistent with the UDC and Comprehensive Plan.

Staff recommends approval of Petition SUP 16- 61.

Faraz Sandhu of 4002 San Paulo Avenue had no further questions.

### **Planning & Zoning Commission Action of Petition SUP 16-61 on July 28, 2016**

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care Unit (Mother-in-Law Quarters) on 0.43 acres for property located at 4002 San Paula Avenue.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

**Motion passed 6-0**

## **COMMUNITY DEVELOPMENT PETITION REPORT**

**Petition No. SUP 16-62**

**To Allow a Structure to be Rebuilt if Destroyed by more than 50%**

**113 N. Wall Street**

### **Planning & Zoning Commission Discussion of Petition SUP 16-62 on July 28, 2016**

Associate Planner Steven Saavedra presented the staff report for SUP 16-62, a request from Sandy Foxwell for a Special Use Permit for a nonconforming residential use in the CB Central Business District to allow the structure to be rebuilt if destroyed by more than 50% for 0.17 acres located at 113 N. Wall Street.

The house is approximately 819 square feet and the owner stated that it was built in 1886. The property is approximately 205 feet north of East Main Street. Directly to the north and northeast are other legal, nonconforming residences located in the CB District.

The petitioner is asking for the SUP for insurance and lending purposes, said Mr. Saavedra. With the approval of this SUP, the residential structure will be allowed to be rebuilt to the same size and location. It will not be allowed to be expanded.

The property is located north of Main Street in the Central Business district of the Metropolitan Redevelopment Area, MRA. This petition was presented at the July 21, 2016 MRA meeting and was approved by a 5-0 vote.

Staff recommends approval of Petition SUP 16-62.

Commissioner Langenfeld asked if a SUP had been done on the property to the north of this property. Cindy Lopez commented that the property to the north has an SUP for the same reason, that the residence could be rebuilt if destroyed by more than 50%. Mr. Saavedra added that the building cannot be expanded upon and the SUP is tied to the property if it is sold.

Commissioner Langenfeld noted that she has read the MRA minutes that were emailed to her by Community Development staff. The motion by the MRA included a discussion that if the house was destroyed that it should be rebuilt in the historic style. Ms. Lopez stated that there

is concern about attaching a design standard to a property. She is not sure the UDC can support this type of condition.

Commissioner Langenfeld asked if a condition of a Residential Preservation Overlay, RPO, can be applied. Ms. Lopez stated an RPO affects the general look of the building in terms of scale and character. It also addresses putting parking in the rear if possible and locating low fencing in the front. The way that the legal nonconforming code is written, these concerns are already addressed. The structure cannot be expanded upon in terms of the footprint or height when it is rebuilt, which would restrict what it looks like. Commissioner Freeman commented that the house appears to have been updated and modified through the years. A stipulation that the house be rebuilt in a historic style might put an extra burden on the owner. Ms. Lopez commented that an RPO would still allow the owner to change the color, roof, or siding on the residence. Currently the structure can be brought demolished and rebuilt as a commercial building.

Sandy Foxwell of 1900 Cliffside Drive, said the building is less likely to burn since it is adobe. She mentioned that the roof has been replaced due to a fire in the past.

**Planning & Zoning Commission Action of Petition SUP 16-62 on July 28, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 16-62, a request from Sandy Foxwell for a Special Use Permit for a nonconforming residential use in the CB Central Business District to allow the structure to be rebuilt if destroyed by more than 50% for the property located at 113 N. Wall Street.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Langenfeld, Ragsdale, Waldroup, Washburn, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioner Thompson.

**Motion passed 6-0**

## **DISCUSSION AND ACTION ON CORRECTIONS TO THE PLANNING & ZONING COMMISSION RULES OF PROCEDURE**

Commissioner Freeman said he is reluctant to approve a petition when the petitioner is not present at the meeting. Discussion followed between the Commissioners. Cindy Lopez mentioned that if there are no objections or comments on a petition, it would be the discretion of the Commissioner whether to proceed or not. Quasi-judicial proceedings require that all parties have the right to be heard. If the Commissioners would like more information from the petitioner, the Commissioners can vote to postpone the petition. Commissioner Langenfeld stated that she would feel comfortable with something in writing, including e-mail, from the petitioner if the petitioner was not able to attend the meeting.

Chair Cardon asked the Commissioners if they wished to change the time of the Planning & Zoning meetings. The Commissioners discussed the pros and cons of occasionally having a meeting later in the evening to make it more convenient for petitioners. Ms. Lopez mentioned that people can submit their comments in writing if they are unable to come to the meetings. Ms. Lopez also mentioned that the City is revising the budget and no overtime will be allowed for employees. Therefore, the time of the meetings may need to be adjusted to accommodate the overtime situation.

Chair Cardon asked that the discussion and motion be tabled until more Commissioners are available to make comments. Ms. Cardon asked Karen Walker to email the Commissioners and ask their opinions.

**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** Chair Cardon mentioned that Keith Neil is taking a job with another business. This is Mr. Neil's last meeting with the Planning & Zoning Commissioners.

**Business from the Members:** There was no business from Members.

**Business from Staff:** Ms. Lopez commented that Petition ZC 16-41, a request from Tamrock Investments, LLC, represented by Rocky Bridges on 0.18 acres for property located at 5206 Lyle Avenue passed on consent at the July 12, 2016 City Council Meeting.

**Adjournment:** With no further business and a motion by Commissioner Langenfeld and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting July 28, 2016 was adjourned at 4:12 p.m.

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Joyce Cardon

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Karen Walker

Chair

Administrative Assistant