

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, September 27, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Deacon Bill Allen of Mountain Vista Baptist Church.
3. Pledge of Allegiance:
4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.
5. *Approval of Minutes for the Regular Meeting of the City Council held September 13, 2016. -----8
6. *Approval to Declare worn-out, unusable or obsolete vehicles (General Services) surplus to the needs of the City and not essential for municipal purposes, and to authorize the City Manager or his designee to dispose of such surplus property pursuant to State Statutes. -----1
7. *Approval to Declare worn-out, unusable or obsolete distribution transformers, a substation transformer and a substation control building (Electric) surplus to the needs of the City and not essential for municipal purposes, and to authorize the City Manager or his designee to dispose of such surplus property pursuant to State Statutes. -----2
8. *Approval of Re-Bid for the Penny Lane low head dam modifications (Public Works) being awarded to Kimo Constructors, Inc. as the lowest and best bidder meeting specifications after application of the five percent in-state and Veterans preferences (\$1,123,152.30). Bids opened September 20, 2016 with three bidders participating. -----3
9. *Approval of Waiver to the 300-Foot Separation Requirement from a Church for a new Restaurant Liquor License (beer and wine) for Zebadiah's Restaurant, 2210 East 20th Street, Farmington, New Mexico. -----4
10. *Approval of Warrants up to and including September 24, 2016.
11. Proclamation declaring September, 2016 as "Suicide Prevention Month."

12. Recommendations from the Planning and Zoning Commission:-----5

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-66 from Heather Stotz requesting a Special Use Permit to keep 30 chickens and one rooster on 5.00 acres of property located at 6116 Jackrabbit Junction in the RE-2, Residential Estates, District. (Steven Saavedra)

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on September 15, 2016.-----6

- (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PPJ 16-01 from the Town of Kirtland, represented by Mayor Mark Duncan, requesting a Memorandum of Understanding with the City regarding the extent of the Town of Kirtland's planning and platting jurisdiction to be located within San Juan County, New Mexico. (Mary Holton)

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on September 15, 2016.-----7

13. New Business:

- (a) Mayor
 - (1) Appointment and reappointments to the Parks, Recreation and Cultural Affairs Commission.
- (b) Councilors
- (c) City Manager
 - (1) Recognition of Councilor Nate Duckett for receiving the Elected Official of the Year designation from the New Mexico Parks and Recreation Association. (Cory Styron, presenter)
- (d) City Attorney
- (e) City Clerk

14. Business from the Floor:

- (1) Items removed from Consent Agenda for discussion.
- (2) Any other Business from the Floor.

15. Adjournment.

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Kristi Benson, CPPO, CPPB
Chief Procurement Officer

DATE: 9/19/2016

SUBJECT: Declaration of Worn-Out, Unusable or Obsolete Property

USING DEPARTMENT: General Services/Vehicle Maintenance
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The Central Purchasing Division of the Administrative Services Department concurs with the recommendation from the Central Warehouse and Vehicle Maintenance to declare the following Vehicles as worn-out, unusable or obsolete.

If it is determined the best disposal method for this property is through the City's internet-based Public Surplus auction system, authorization is requested to grant the Warehouse Superintendent authority to issue an immediate e-mail award notification to the highest cash bid received meeting the bidding requirements set forth.

Kristi Benson (Presenter)
Consent Agenda, City Council Meeting - September 27, 2016

xc: Brooke Quintana, Accounting, Controller
Sarah Talley, Accounting, Staff Accountant – Grants Administrator
Debi Dalton, Accounting, Staff Accountant – Fixed Assets
Jerry Parson – Vehicle Maintenance Superintendent
Bob Schrag, Warehouse Superintendent

Surplus Vehicles

| UNIT # | VIN / SERIAL # | YEAR | MAKE | MODEL / DESCRIPTION |
|--------|-------------------|------|--------------|--------------------------|
| 848 | T5R3D155868T | 1972 | John Deere | TRACTOR w/ #43 LOADER |
| 10053 | 1FTYR15E98PA81487 | 2008 | FORD | RANGER 4X4 SPRCB SHRTBED |
| 10347 | 1FG999994HM450513 | 1993 | Freightliner | TRACTOR/EXCAVATOR W/BCKT |

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Kristi Benson
Chief Procurement Officer

DATE: September 19, 2016

SUBJECT: Declaration of Worn-Out, Unusable or Obsolete Property

USING DEPARTMENT: Administrative Services, Central Warehouse
Electric, Transmission and Distribution
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The Central Purchasing Division of the Administrative Services Department concurs with the recommendation from both the Central Warehouse and Electric T&D to declare the following equipment as worn-out, unusable or obsolete.

189 Surplus Excess and Scrap Distribution Transformers
1 Surplus Substation Transformer
Surplus Substation Control Building

If it is determined the best disposal method for this property is through the City's internet-based Public Surplus auction system, authorization is requested to grant the Warehouse Superintendent authority to issue an immediate e-mail award notification to the highest cash bid received meeting the bidding requirements set forth.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting September 27, 2016

xc: Brook Quintana – Accounting, Controller
Sarah Talley – Accounting, Staff Accountant – Grant Administrator
Debi Dalton - Accounting, Staff Accountant – Fixed Assets
Rodney Romero - Electric Utility Director
Luke Lugenbeel, T&D Manager
Chuck Johnson, T&D Construction Superintendent
Ward Allies, T&D Maintenance Superintendent
Bob Schrag - Warehouse Superintendent

113 SCRAP TRANSFORMERS

LM 7.5 KVA CSP, Serial # 1525252, 7620v Primary, 120/240v Secondary, COF ID # 556
AC 5 KVA CSP, Serial # 3248766, 7620v Primary, 120/240v Secondary, COF ID # 2764
AC 15 KVA CSP, Serial # 68785, 7620v Primary, 120/240v Secondary, COF ID # 3045
AC 37.5 KVA , Serial # 133879, 7620v Primary, 120/240v Secondary, COF ID # 3136
AC 37.5 KVA , Serial # 133908, 7620v Primary, 120/240v Secondary, COF ID # 3137
AC 37.5 KVA CSP, Serial # 136575, 7620v Primary, 120/240v Secondary, COF ID # 3154
Delta St 25 KVA Conv, Serial # 167963, 7620/13200v Primary, 120/240v Secondary, COF ID # 3302
AC 5 KVA CSP, Serial # 3358461, 13200/7620v Primary, 120/240v Secondary, COF ID # 3373
RTE 15 KVA Conv, Serial # 2305097, 7620/13200v Primary, 120/240v Secondary, COF ID # 3414
RTE 25 KVA CSP, Serial # 2305108, 13200/7620v Primary, 120/240v Secondary, COF ID # 3435
RTE 15 KVA CSP, Serial # 2306102, 13200/7620v Primary, 120/240v Secondary, COF ID # 3440
GE 5 KVA CSP, Serial # E93029362P, 13200/7620v Primary, 120/240v Secondary, COF ID # 3566
RTE 5 KVA CSP, Serial # 4300852, 13200/7620v Primary, 120/240v Secondary, COF ID # 3795
RTE 5 KVA CSP, Serial # 4300857, 13200/7620v Primary, 120/240v Secondary, COF ID # 3796
RTE 50 KVA CSP, Serial # 5309945, 13200/7620v Primary, 120/240v Secondary, COF ID # 4105
RTE 5 KVA CSP, Serial # 6303387, 13200/7620v Primary, 120/240v Secondary, COF ID # 4229
Kuhlman 3 KVA CSP, Serial # A77477, 13200/7620v Primary, 120/240v Secondary, COF ID # 4262
Kuhlman 3 KVA CSP, Serial # A60677, 13200/7620v Primary, 120/240v Secondary, COF ID # 4283
RTE 15 KVA Conv, Serial # 7301220, 7620/13200v Primary, 240/480v Secondary, COF ID # 4476
RTE 5 KVA CSP, Serial # 7315308, 13200/7620v Primary, 120/240v Secondary, COF ID # 4480
RTE 25 KVA Conv, Serial # 7315123, 7620/13200v Primary, 240/480v Secondary, COF ID # 4481
RTE 15 KVA Conv, Serial # 7318382, 7620/13200v Primary, 240/480v Secondary, COF ID # 4546
AC 5 KVA CSP, Serial # 4624762, 13200/7620v Primary, 120/240v Secondary, COF ID # 4685
RTE 5 KVA CSP, Serial # 683009132, 13200/7620v Primary, 120/240v Secondary, COF ID # 4755
GE 15 KVA CSP, Serial # J755828K70A, 13200/7620v Primary, 120/240v Secondary, COF ID # 5078
Westinghouse 10 KVA CSP, Serial # 71AE12183, 13200/7620v Primary, 120/240v Secondary, COF ID # 5340
Westinghouse 37.5 KVA CSP, Serial # 71AF9143, 13200/7620v Primary, 120/240v Secondary, COF ID # 5360
AC 50 KVA Conv, Serial # 72445940427, 7620/13200v Primary, 120/240v Secondary, COF ID # 5775
Westinghouse 10 KVA CSP, Serial # 73AD20444, 13200/7620v Primary, 120/240v Secondary, COF ID # 6055
Westinghouse 10 KVA CSP, Serial # 73AD20465, 13200/7620v Primary, 120/240v Secondary, COF ID # 6067
Westinghouse 10 KVA CSP, Serial # 73AH9729, 13200/7620v Primary, 120/240v Secondary, COF ID # 6202
Westinghouse 15 KVA CSP, Serial # 73AH22006, 13200/7620v Primary, 120/240v Secondary, COF ID # 6239
Westinghouse 50 KVA CSP, Serial # 74AB17202, 13200/7620v Primary, 120/240v Secondary, COF ID # 6589
Westinghouse 25 KVA CSP, Serial # 74AJ03774, 13200/7620v Primary, 120/240v Secondary, COF ID # 6733
RTE 15 KVA CSP, Serial # 742023088, 13200/7620v Primary, 120/240v Secondary, COF ID # 6991
McGraw 15 KVA CSP, Serial # 76NG010004, 13200/7620v Primary, 120/240v Secondary, COF ID # 7294
McGraw 15 KVA CSP, Serial # 76NG010025, 13200/7620v Primary, 120/240v Secondary, COF ID # 7301
McGraw 15 KVA CSP, Serial # 76NG010040, 13200/7620v Primary, 120/240v Secondary, COF ID # 7324
Westinghouse 10 KVA CSP, Serial # 77A204326, 13200/7620v Primary, 120/240v Secondary, COF ID # 7917
Westinghouse 25 KVA CSP, Serial # 77A211532, 13200/7620v Primary, 120/240v Secondary, COF ID # 8120
Westinghouse 25 KVA CSP, Serial # 78A311744, 13200/7620v Primary, 120/240v Secondary, COF ID # 8804
Westinghouse 25 KVA CSP, Serial # 78A310805, 13200/7620v Primary, 120/240v Secondary, COF ID # 8836
Westinghouse 300 KVA 3ph Radial, Serial # 78H785331, 13200/7620v Primary, 480/277v Secondary, COF ID # 8873R
Westinghouse 10 KVA CSP, Serial # 78A314051, 13200/7620v Primary, 120/240v Secondary, COF ID # 8908
Westinghouse 10 KVA CSP, Serial # 78A331050, 13200/7620v Primary, 120/240v Secondary, COF ID # 9014
Westinghouse 25 KVA CSP, Serial # 80A220498, 13800/7970v Primary, 120/240v Secondary, COF ID # 9790
Westinghouse 25 KVA CSP, Serial # 80A291288, 13800/7970v Primary, 120/240v Secondary, COF ID # 9994
GE 10 KVA CSP, Serial # N368019YJTA, 13800/7970v Primary, 120/240v Secondary, COF ID # 10675
McGraw 50 KVA 1ph Loop, Serial # 81LJ47A036, 13800/7970v Primary, 120/240v Secondary, COF ID # 10806L
McGraw 25 KVA 1ph Loop, Serial # 81LJ46A006, 13800/7970v Primary, 120/240v Secondary, COF ID # 10863L
Westinghouse 15 KVA CSP, Serial # 82A041501, 13800/7970v Primary, 120/240v Secondary, COF ID # 11066

SCRAP TRANSFORMERS (Continued)

RTE 15 KVA Conv, Serial # 821008848, 7970/13800v Primary, 240/480v Secondary, COF ID # 11369
Moloney 10 KVA CSP, Serial # 2822266-1, 13800/7970v Primary, 120/240v Secondary, COF ID # 11504
Moloney 10 KVA Conv, Serial # 2822250-8, 7970/13800v Primary, 120/240v Secondary, COF ID # 11793
Westinghouse 15 KVA CSP, Serial # 82A471377, 13800/7970v Primary, 120/240v Secondary, COF ID # 12067
Westinghouse 25 KVA CSP, Serial # 82A481293, 13800/7970v Primary, 120/240v Secondary, COF ID # 12100
Howard 5 KVA CSP, Serial # 32382-2083, 13800/7970v Primary, 120/240v Secondary, COF ID # 12249
Moloney 10 KVA CSP, Serial # 2832630-13, 13800/7970v Primary, 120/240v Secondary, COF ID # 12418
Moloney 25 KVA CSP, Serial # 2832631-67, 13800/7970v Primary, 120/240v Secondary, COF ID # 12622
Moloney 50 KVA CSP, Serial # 1832425-25, 13800/7970v Primary, 120/240v Secondary, COF ID # 12655
McGraw 5 KVA SP, Serial # 84NF022-078, 13800/7970v Primary, 120/240v Secondary, COF ID # 13152
McGraw 5 KVA SP, Serial # 84NF022-103, 13800/7970v Primary, 120/240v Secondary, COF ID # 13177
McGraw 5 KVA SP, Serial # 84NF022-127, 13800/7970v Primary, 120/240v Secondary, COF ID # 13201
McGraw 5 KVA SP, Serial # 84NF022-131, 13800/7970v Primary, 120/240v Secondary, COF ID # 13205
RTE 10 KVA CSP, Serial # 851050237, 13800/7970v Primary, 120/240v Secondary, COF ID # 13542
RTE 15 KVA CSP, Serial # 851043818, 13800/7970v Primary, 120/240v Secondary, COF ID # 13663
RTE 15 KVA CSP, Serial # 851043825, 13800/7970v Primary, 120/240v Secondary, COF ID # 13670
RTE 25 KVA CSP, Serial # 851044405, 13800/7970v Primary, 120/240v Secondary, COF ID # 13693
Moloney 15 KVA Conv, Serial # 2862833-05, 7970/13800v Primary, 120/240v Secondary, COF ID # 14047
Howard 25 KVA 1ph Loop, Serial # 38211-1986, 13800/7970v Primary, 120/240v Secondary, COF ID # 14154L
Westinghouse 50 KVA Conv, Serial # 86A503371, 13800/7970v Primary, 120/240v Secondary, COF ID # 14478
Peterson 15 KVA CSP, Serial # 881022859, 13800/7970v Primary, 120/240v Secondary, COF ID # 14748
Howard 5 KVA CSP, Serial # 91225-3988, 13800/7970v Primary, 120/240v Secondary, COF ID # 14820
Howard 5 KVA CSP, Serial # 91232-3988, 13800/7970v Primary, 120/240v Secondary, COF ID # 14827
Howard 5 KVA CSP, Serial # 91252-3988, 13800/7970v Primary, 120/240v Secondary, COF ID # 14847
Howard 5 KVA SP, Serial # 52840-1689, 13800/7970v Primary, 120/240v Secondary, COF ID # 14950
Westinghouse 5 KVA SP, Serial # 90A302905, 13800/7970v Primary, 120/240v Secondary, COF ID # 15693
GE 10 KVA CSP, Serial # P951775-YUF, 13800/7970v Primary, 120/240v Secondary, COF ID # 15997
GE 50 KVA CSP, Serial # P955565-YUF, 13800/7970v Primary, 120/240v Secondary, COF ID # 16120
GE 10 KVA CSP, Serial # Q012173-YZF, 13800/7970v Primary, 120/240v Secondary, COF ID # 16177
Howard 10 KVA CSP, Serial # 173608-2292, 13800/7970v Primary, 120/240v Secondary, COF ID # 16431
ABB 25 KVA CSP, Serial # 92A420313, 13800/7970v Primary, 120/240v Secondary, COF ID # 16971
GE 15 KVA CSP, Serial # Q205923-YPH, 13800/7970v Primary, 120/240v Secondary, COF ID # 17276
GE 25 KVA Conv, Serial # Q281875-YVH, 7970/13800v Primary, 120/240v Secondary, COF ID # 17372
GE 25 KVA Conv, Serial # Q281876-YVH, 7970/13800v Primary, 120/240v Secondary, COF ID # 17373
GE 25 KVA CSP, Serial # Q302138-YXH, 13800/7970v Primary, 120/240v Secondary, COF ID # 17507
Howard 5 KVA CSP, Serial # 1483120897, 13800/7970v Primary, 120/240v Secondary, COF ID # 19195
Williamson 5 KVA CSP, Serial # 97ND624093, 13800/7970v Primary, 120/240v Secondary, COF ID # 19302
Williamson 5 KVA CSP, Serial # 97ND624071, 13800/7970v Primary, 120/240v Secondary, COF ID # 19305
Williamson 5 KVA CSP, Serial # 97ND624096, 13800/7970v Primary, 120/240v Secondary, COF ID # 19325
Williamson 5 KVA CSP, Serial # 97ND624166, 13800/7970v Primary, 120/240v Secondary, COF ID # 19399
Williamson 25 KVA CSP, Serial # 97NE873059, 13800/7970v Primary, 120/240v Secondary, COF ID # 19488
Cooper 25 KVA Conv, Serial # 97NH482023, 7970/13800v Primary, 120/240v Secondary, COF ID # 19874
Cooper 25 KVA Conv, Serial # 97NH482030, 7970/13800v Primary, 120/240v Secondary, COF ID # 19883
Cooper 25 KVA Conv, Serial # 97NH482022, 7970/13800v Primary, 120/240v Secondary, COF ID # 19892
Peterson 10 KVA 1ph Loop, Serial # 971049335, 13800/7970v Primary, 240/120v Secondary, COF ID # 20134L
ABB 15 KVA Conv, Serial # 00A463192, 7970/13800v Primary, 120/240v Secondary, COF ID # 21382
ABB 10 KVA CSP, Serial # 01A201726, 13800/7970v Primary, 120/240v Secondary, COF ID # 21583
ABB 10 KVA CSP, Serial # 01A172634, 13800/7970v Primary, 120/240v Secondary, COF ID # 21587
ABB 25 KVA Conv, Serial # 01A250971, 13800/7970v Primary, 120/240v Secondary, COF ID # 21589
ABB 10 KVA CSP, Serial # 01A492594, 13800/7970v Primary, 120/240v Secondary, COF ID # 21829
ABB 5 KVA CSP, Serial # 02A072984, 13800/7970v Primary, 120/240v Secondary, COF ID # 22092

SCRAP TRANSFORMERS (Continued)

ABB 10 KVA Conv, Serial # 05A432992, 7970/13800v Primary, 277v Secondary, COF ID # 23820
ABB 10 KVA Conv, Serial # 05A432994, 7970/13800v Primary, 277v Secondary, COF ID # 23822
Howard 50 KVA 1ph Loop, Serial # 3833412806, 13800/7970v Primary, 240/120v Secondary, COF ID # 24629L
Howard 25 KVA CSP, Serial # 1705960707, 13800/7970v Primary, 120/240v Secondary, COF ID # 25407
Howard 25 KVA CSP, Serial # 4822654107, 13800/7970v Primary, 120/240v Secondary, COF ID # 25802
Howard 37.5 KVA CSP, Serial # 2143902309, 13800/7970v Primary, 120/240v Secondary, COF ID # 26615
Howard 37.5 KVA CSP, Serial # 2706393309, 13800/7970v Primary, 120/240v Secondary, COF ID # 26705
Ermco 10 KVA CSP, Serial # 71009066457, 13800/7970v Primary, 120/240v Secondary, COF ID # 26757
Ermco 10 KVA CSP, Serial # 61209421569, 13800/7970v Primary, 120/240v Secondary, COF ID # 27582
PPI 37.5 KVA Conv, Serial # 13A340459, 7970/13800v Primary, 120/240v Secondary, COF ID # 28064
PPI 37.5 KVA Conv, Serial # 13A340462, 7970/13800v Primary, 120/240v Secondary, COF ID # 28067

76 EXCESS TRANSFORMERS

RTE 15 KVA Conv, Serial # 871104965, 7200/12470Yv Primary, 120/240v Secondary, COF ID # WM01
Ermco 15 KVA Conv, Serial # 51V3316607, 7200/12470Yv Primary, 120/240v Secondary, COF ID # WM02
Standard 10 KVA CSP, Serial # 158308, 7620v Primary, 120/240v Secondary, COF ID # 2671
AC 5 KVA CSP, Serial # 3277975, 7620v Primary, 120/240v Secondary, COF ID # 2772
AC 5 KVA CSP, Serial # 3278755, 7620v Primary, 120/240v Secondary, COF ID # 2783
AC 5 KVA CSP, Serial # 3278777, 7620v Primary, 120/240v Secondary, COF ID # 2786
AC 5 KVA CSP, Serial # 3256348, 7620v Primary, 120/240v Secondary, COF ID # 2824
LM 5 KVA CSP, Serial # 1923496, 7620v Primary, 120/240v Secondary, COF ID # 2958
AC 25 KVA CSP, Serial # 3302785, 7620v Primary, 120/240v Secondary, COF ID # 3024
AC 15 KVA , Serial # 108572, 7620v Primary, 120/240v Secondary, COF ID # 3124
Delta St 5 KVA CSP, Serial # 167949, 13200/7620v Primary, 120/240v Secondary, COF ID # 3310
RTE 5 KVA CSP, Serial # 2305120, 13200/7620v Primary, 120/240v Secondary, COF ID # 3409
GE 5 KVA CSP, Serial # E93139662P, 13200/7620v Primary, 120/240v Secondary, COF ID # 3519
GE 5 KVA CSP, Serial # E92909162P, 13200/7620v Primary, 120/240v Secondary, COF ID # 3626
RTE 5 KVA CSP, Serial # 3305032, 13200/7620v Primary, 120/240v Secondary, COF ID # 3720
RTE 5 KVA CSP, Serial # 7309900, 13200/7620v Primary, 120/240v Secondary, COF ID # 4453
RTE 15 KVA CSP, Serial # 7309635, 13200/7620v Primary, 120/240v Secondary, COF ID # 4457
RTE 5 KVA CSP, Serial # 7313534, 13200/7620v Primary, 120/240v Secondary, COF ID # 4469
RTE 5 KVA CSP, Serial # 7182296, 13200/7620v Primary, 120/240v Secondary, COF ID # 4592
RTE 25 KVA CSP, Serial # 693002636, 13200/7620v Primary, 120/240v Secondary, COF ID # 4808
RTE 5 KVA CSP, Serial # 693006048, 13200/7620v Primary, 120/240v Secondary, COF ID # 4858
RTE 5 KVA CSP, Serial # 693022495, 13200/7620v Primary, 120/240v Secondary, COF ID # 4965
GE 5 KVA CSP, Serial # J474487Y70, 13200/7620v Primary, 120/240v Secondary, COF ID # 4992
LM 5 KVA CSP, Serial # C6111067, 13200/7620v Primary, 120/240v Secondary, COF ID # 5032
Westinghouse 15 KVA Conv, Serial # 70AE9170, 7620/13200v Primary, 120/240v Secondary, COF ID # 5047
GE 5 KVA CSP, Serial # J488864Y70, 13200/7620v Primary, 120/240v Secondary, COF ID # 5060
Westinghouse 37.5 KVA CSP, Serial # 71AF9144, 13200/7620v Primary, 120/240v Secondary, COF ID # 5392
McGraw 10 KVA CSP, Serial # 72VB501004, 13200/7620v Primary, 120/240v Secondary, COF ID # 5539
AC 25 KVA CSP, Serial # 72445941455, 13200/7620v Primary, 120/240v Secondary, COF ID # 5757
AC 10 KVA Conv, Serial # 72455945408, 7620/13200v Primary, 120/240v Secondary, COF ID # 5786
AC 25 KVA CSP, Serial # 73055986362, 13200/7620v Primary, 120/240v Secondary, COF ID # 5876
Westinghouse 25 KVA CSP, Serial # 72AC10884, 13200/7620v Primary, 120/240v Secondary, COF ID # 5954
Westinghouse 10 KVA CSP, Serial # 73AD20481, 13200/7620v Primary, 120/240v Secondary, COF ID # 6068
Westinghouse 10 KVA Conv, Serial # 73AB14273, 7620/13200v Primary, 120/240v Secondary, COF ID # 6110
Westinghouse 75 KVA CSP, Serial # 73AH18753, 13200/7620v Primary, 120/240v Secondary, COF ID # 6243
Westinghouse 15 KVA CSP, Serial # 74AH24362, 13200/7620v Primary, 120/240v Secondary, COF ID # 6655
Westinghouse 10 KVA CSP, Serial # 74AH23176, 13200/7620v Primary, 120/240v Secondary, COF ID # 6706
Westinghouse 25 KVA CSP, Serial # 74AJ03757, 13200/7620v Primary, 120/240v Secondary, COF ID # 6734

EXCESS TRANSFORMERS (Continued)

RTE 10 KVA CSP, Serial # 742023040, 13200/7620v Primary, 120/240v Secondary, COF ID # 6975
RTE 15 KVA CSP, Serial # 742030052, 13200/7620v Primary, 120/240v Secondary, COF ID # 7035
Westinghouse 25 KVA CSP, Serial # 75AB10018, 13200/7620v Primary, 120/240v Secondary, COF ID # 7257
Westinghouse 25 KVA CSP, Serial # 75AK03103, 13200/7620v Primary, 120/240v Secondary, COF ID # 7271
GE 25 KVA CSP, Serial # L985787YHMA, 13200/7620v Primary, 120/240v Secondary, COF ID # 7432
Westinghouse 10 KVA CSP, Serial # 77A204369, 13200/7620v Primary, 120/240v Secondary, COF ID # 7905
Westinghouse 25 KVA CSP, Serial # 77A194368, 13200/7620v Primary, 120/240v Secondary, COF ID # 7948
Westinghouse 50 KVA CSP, Serial # 77A261129, 13200/7620v Primary, 120/240v Secondary, COF ID # 8258
Westinghouse 15 KVA CSP, Serial # 77A221681, 13200/7620v Primary, 120/240v Secondary, COF ID # 8272
Westinghouse 10 KVA CSP, Serial # 78A312174, 13200/7620v Primary, 120/240v Secondary, COF ID # 8592
Westinghouse 10 KVA CSP, Serial # 78A314012, 13200/7620v Primary, 120/240v Secondary, COF ID # 8738
Westinghouse 10 KVA CSP, Serial # 78A321151, 13200/7620v Primary, 120/240v Secondary, COF ID # 8993
Westinghouse 10 KVA CSP, Serial # 78A322060, 13200/7620v Primary, 120/240v Secondary, COF ID # 9005
RTE 10 KVA CSP, Serial # 791071879, 13800/7970v Primary, 120/240v Secondary, COF ID # 9150
RTE 50 KVA CSP, Serial # 791071889, 13800/7970v Primary, 120/240v Secondary, COF ID # 9190
GE 50 KVA CSP, Serial # M975875YLRA, 13800/7970v Primary, 120/240v Secondary, COF ID # 9449
Moloney 25 KVA 1ph Loop, Serial # 1794487-1, 7970/13800v Primary, 120/240v Secondary, COF ID # 9493L
GE 50 KVA Conv, Serial # M975865YLRA, 7970/13800v Primary, 120/240v Secondary, COF ID # 9513
Westinghouse 15 KVA CSP, Serial # 80A242932, 13800/7970v Primary, 120/240v Secondary, COF ID # 10061
Westinghouse 15 KVA CSP, Serial # 80A240853, 13800/7970v Primary, 120/240v Secondary, COF ID # 10064
Moloney 10 KVA CSP, Serial # 2803610-26, 13800/7970v Primary, 120/240v Secondary, COF ID # 10134
Moloney 10 KVA CSP, Serial # 2803610-7, 13800/7970v Primary, 120/240v Secondary, COF ID # 10170
GE 10 KVA CSP, Serial # N287800YETA, 13800/7970v Primary, 120/240v Secondary, COF ID # 10383
GE 10 KVA CSP, Serial # N287761YETA, 13800/7970v Primary, 120/240v Secondary, COF ID # 10470
GE 10 KVA CSP, Serial # N287751YETA, 13800/7970v Primary, 120/240v Secondary, COF ID # 10508
GE 15 KVA CSP, Serial # N368280YJTA, 13800/7970v Primary, 120/240v Secondary, COF ID # 10777
Westinghouse 10 KVA CSP, Serial # 81A500953, 13800/7970v Primary, 120/240v Secondary, COF ID # 10985
Moloney 10 KVA CSP, Serial # 2822254-8, 13800/7970v Primary, 120/240v Secondary, COF ID # 11428
Moloney 10 KVA CSP, Serial # 2822266-5, 13800/7970v Primary, 120/240v Secondary, COF ID # 11508
Moloney 10 KVA CSP, Serial # 2832628-10, 13800/7970v Primary, 120/240v Secondary, COF ID # 12365
Moloney 50 KVA CSP, Serial # 1832425-8, 13800/7970v Primary, 120/240v Secondary, COF ID # 12638
Moloney 15 KVA CSP, Serial # 2842272-20, 13800/7970v Primary, 120/240v Secondary, COF ID # 13044
Howard 5 KVA SP, Serial # 68233-3284, 13800/7970v Primary, 120/240v Secondary, COF ID # 13247
Westinghouse 10 KVA CSP, Serial # 90A063401, 13800/7970v Primary, 120/240v Secondary, COF ID # 15565
ABB 25 KVA CSP, Serial # 92A420477, 13800/7970v Primary, 120/240v Secondary, COF ID # 17010
Peterson 10 KVA 1ph Loop, Serial # 971051167, 13800/7970v Primary, 240/120v Secondary, COF ID # 20171L
ABB 10 KVA 1ph Loop, Serial # 99J869291, 13800/7970v Primary, 120/240v Secondary, COF ID # 20878L
ABB 10 KVA 1ph Loop, Serial # 02J475131, 7970/13800v Primary, 120/240v Secondary, COF ID # 21850L

SURPLUS SUBSTATION TRANSFORMER

GE 7500 kVA, Serial # M161362A, 115kV Primary, 13800Y/7970v Secondary, COF ID # X241

SURPLUS SUBSTATION CONTROL BUILDING

16' L x 12' W x 10' H – Welded Steel Frame Steel Panel Control Building, removed from service at San Juan Substation.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council
FROM: Kristi Benson, CPPO, CPPB *KB*
Chief Procurement Officer

DATE: September 22, 2016

SUBJECT: Re-Bid for Penny Lane Low Head Dam Modifications, Bid #16-113235R

USING DEPARTMENT: Public Works
=====

A bid opening was held on September 20, 2016 for Penny Lane Low Head Dam Modifications. Three (3) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to award the bid to Kimo Constructors, Inc. from Bosque Farms, NM as the lowest bidder meeting specifications for a total awarded amount of \$1,123,152.30 plus estimated applicable taxes of \$85,640.36. The in-state/veterans preference was given to qualified bidders.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting (9/27/2016)

xc: H. Andrew Mason, Administrative Services Director
David Sypher, Public Works Director
Jeff Smaka, Water/Wastewater Administrator
File – 16-113235R

CITY OF FARMINGTON - ABSTRACT SCHEDULE
Re-Bid for Penny Lane Low Head Dam Modifications

Project No. 15-04; Bid No. 16-113235R

Opening Date: September 20, 2016 @ 2:00 P.M.

| | | | |
|--|--|--|--|
| Public Works ENGINEER'S ESTIMATE \$800,000 | Kimo Constructors 3681 Hwy 47 Bosque Farms, NM 87068 Lucas Lucero 505-869-9311 | AJAC Enterprises, Inc. 8359 Corona Loop NE Albuquerque, NM 87113 Clint Autrey 505-897-0120 | Crossfire, LLC 820 Airport Rd. Durango, CO 81303 Tom Leffew 970-828-2835 |
| DESCRIPTION | | | |
| LUMP SUM BASE BID: | ✓ \$1,123,152.30 | \$1,299,635.00 | \$1,453,788.00 |
| LUMP SUM BASE BID WITH IN-STATE PREFERENCE: | \$1,010,837.07 | \$1,234,653.25 | N/A |
| ESTIMATED APPLICABLE TAXES: | \$85,640.36 | \$99,097.17 | \$110,851.33 |
| BIDDER'S ESTIMATE OF TAXES FORM INITIALED: | Yes | Yes | Yes |
| BID SIGNED: | Yes | Yes | Yes |
| NM CONTRACTOR'S LICENSE NO.: | 60316 | 55758 | 361857 |
| NM DEPT OF WORKFORCE SOLUTIONS - PUBLIC WORKS NO.: | 0026320060701 | 0127920060324 | 2886020130507 |
| IN-STATE/VETERANS PREFERENCE: | Veterans L0797697584 | In-State L0435944912 | No |
| ADDENDA ACKNOWLEDGED: | Yes | Yes | Yes |
| LIST OF SUBCONTRACTORS: | Yes | Yes | Yes |
| BID BOND ENCLOSED: | Yes | Yes | Yes |
| BIDDER'S QUALIFICATIONS: | Yes | Yes | Yes |
| DRUG-FREE WORKPLACE CERTIFICATION: | Yes | Yes | Yes |
| CONTRACTOR'S SAFETY CERTIFICATION: | Yes | Yes | Yes |

*Price Extension Error. Total cost corrected. The corrected total cost did not affect the bid outcome as read at the bid opening.

Zebadiah's Restaurant

1 message

Saavedra, Steven <ssaavedra@fmtn.org>
To: Andrea Jones <ajones@fmtn.org>

Wed, Sep 21, 2016 at 8:19 AM

Dear Andrea,

The subject property located at 2210 E. 20th Street is located in the LNC (Local Neighborhood Commercial) District. A restaurant serving liquor is an allowed use in the district. However, the applicants needs a waiver from City Council, since the property is less than 300 feet from a church (St. Mary's Church).

Best,

Steven M. Saavedra, MRP
Associate City Planner
City of Farmington
[505.599.1282](tel:505.599.1282)



ST. MARY'S CHURCH

2100 E. 20TH ST.
FARMINGTON, NM 87401
505-325-0287



September 12, 2016

To Whom It May Concern:

I, Father Frank Chacon, Pastor of St. Mary's Catholic Church give permission to the Zebadiahs and/or Porters restaurant to sell liquor at their premises. If you have any questions or concerns call me at 505-325-0287.

Yours in Christ,



Father Frank Chacon

A handwritten signature in cursive script, which appears to read "Father Frank Chacon".

Adoption of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of SUP 16-66, a request from Heather Stotz for a Special Use Permit to allow 30 chickens and 1 rooster on five acres in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction. (Steven Saavedra)

Recommendation of approval by the Planning and Zoning Commission on September 15, 2016 which passed by a vote of 6-0.

Adoption of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of PPJ 16-01, a request from Mark Duncan, Mayor, Town of Kirtland, for a Memorandum of Understanding with the City of Farmington, regarding the extent of the Town of Kirtland's Planning and Platting Jurisdiction to be located within San Juan County, New Mexico. (Mary Holton)

Recommendation of approval by the Planning and Zoning Commission on September 15, 2016 which passed by a vote of 6-0.

**COMMUNITY DEVELOPMENT
ACTION SUMMARY**
Petition SUP 16-66 – Keeping of Chickens
6116 Jackrabbit Junction

A. Staff Report, August 11, 2016

PROJECT INFORMATION

| | |
|--|---|
| Applicant | Heather Stotz |
| Representative | Heather Stotz |
| Date of Application | July 12, 2016 |
| Requested Action | Special Use Permit for the Keeping of Chickens |
| Location | 6116 Jackrabbit Junction |
| Existing Land Use | Residence |
| Existing Zoning | RE-2 Residential Estates |
| Surrounding Zoning & Land Use | North: RE-2 Residential Estates/Vacant South: RE-2 Residential Estates/ Residential East: RE-2 Residential Estates/Residential West: RE-2 Residential Estates/Vacant |
| Notice | Publication of Notice for the original 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. Publication of Notice for a public hearing of the City Council appeared in the Daily Times on Sunday for the August 28, 2016 and a sign was posted on Friday September 2, 2016. |
| Staff Planner | 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 should 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.

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION

On August 11, 2016 and September 15, 2016, the Planning and Zoning commission held a public hearing for SUP 16-66 and made the following findings:

1. The petitioner are Heather and Bill Stotz, who are the property owners of a residence at 6116 Jackrabbit Junction in the RE-2 Residential Estate District.
2. The petitioners are requesting a Special Use Permit for the keeping of thirty (30) chickens and one (1) rooster on a 5.0-acre parcel of land.
3. According to Table 2.3 of the UDC, keeping animals or fowl in the RE-2 District requires a special use permit and is subject to the standards of Section 2.4.7 of the UDC.
4. According to Section 2.4.7 of the UDC, the minimum lot area per animal unit is determined by the SUP. However, Section 11.1 of the UDC recommends the minimum lot area per chicken is 0.02 acres. Property located at 6116 Jackrabbit Jct is five (5) acres, which would allow up to 250 chickens Pursuant to UDC 11.1.

5. The Planning & Zoning Commission originally heard petition SUP 16-66 on August 11, 2016, but it was tabled until September 15, 2016, so that the Commissioners could make a site visit. On September 9, 2016, the Planning & Zoning Commission met at the subject property for a site visit.
6. The petitioner currently has a sixty-four (64) square foot chicken coop and a thirty-two (32) square foot chicken run, all of which satisfy the dimensional standards of Section 2.8.3 (C) of the UDC regarding accessory structures in rear and side yards.
7. 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.
8. The Commissioners stated at the September 15, 2016 meeting that they did not notice any smell(s) or noise from the chickens and rooster when they visited the site on September 9, 2016.
9. The Commissioners were concerned that a reduction of the size of the property would need a review to determine the number of chickens that would not affect future property owners.
10. The petitioner was present at the hearing and spoke in favor of the special use permit. Two effected parties were present and spoke against the petition on August 11, 2016. One interested party spoke against the petition on August 11. No effected or interested parties spoke against the petition on September 15, 2016.

Planning & Zoning Commission Discussion of Petition SUP 16-66 on August 11, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-66, 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.

The request is for thirty chickens and a rooster on a 5.0-acre parcel of land in the RE-2 Residential Estates District. According to Table 2.3 of the City of Farmington Unified Development Code (UDC), keeping chickens is allowed in the RE-2 district with an approved special use permit. 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.

Mr. Saavedra stated the petitioner has a 64 square foot chicken coop and a 32 square foot chicken run on the southeast side of the property. The regular cleaning and disposal of waste is required so that it does not become detrimental to the health, safety, and welfare of the surrounding neighborhood. Also, adequate fencing and screening are required. Community Development has traditionally recommended against roosters due to noise, aggression, and the breeding of other chickens and roosters.

The petitioner is attempting to mitigate the noise from the rooster with a restriction collar. Animal Control and Community Developments Zoning Compliance Officer, Leona Simms, went to the site and took readings at various times on the noise level. Animal Control and Ms. Simms both said they did not hear anything. Mr. Saavedra played a

video of the rooster attempting to crow with the collar on. The noise was minimal due to the collar.

The Community Development Department recommends approval 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 run off onto neighboring properties.
4. The keeping of chickens on site cannot be used for commercial purposes.

Commissioner Davis asked why none of the conditions addressed the rooster. Mr. Saavedra replied that Community Development typically does not recommend the keeping of a rooster even though the City does not have a code that prohibits roosters.

Heather Stotz of 6116 Jackrabbit Junction stated that her chickens are rare Swedish breeds. She has found homes for the four larger roosters. She is trying to keep one rooster that is a Bantam rooster and is listed on the endangered species list. There are fewer than 100 of these chickens left in the world and she has six of them. Ms. Stotz stated that she is trying to preserve the breed. The roosters Ms. Stotz found homes for were given to people interested in preservation. Ms. Stotz noted that she had to drive to neighboring states to find these people.

Ms. Stotz stated that she is aware of the decibel level with several roosters. The one rooster she is attempting to keep has a collar that prevents it from opening its vocal chords and she feels this has reduced the decibel levels considerably. The decibel readings Ms. Stotz said she took were at 55 decibels when she was standing approximately two feet from the rooster. Normal speaking is over 50 decibels, she said. Ms. Stotz estimated her nearest neighbor to be about 300 feet away. Ms. Stotz showed the Commissioners photos and literature about her chickens. If she cannot keep the rooster, Ms. Stotz said, she would need time to find a home for the rooster with someone knowledgeable in the breed.

Ms. Stotz commented that she became interested in this breed because of a boyfriend who was from Sweden who gave her Swedish chickens. The boyfriend has since passed away. Most of the breeds that Ms. Stotz has are rare and number 200 or less in the world.

Commissioner Davis asked how long Ms. Stotz has had just one rooster and has been trying to mitigate the noise. Ms. Stotz stated that she received a notice in June and actively began trying to mitigate the noise. She tried the collars on all the roosters, but it did not work on the larger roosters. She was only able to get the decibels down to 75. About 2 weeks ago, Ms. Stotz stated, she had just one rooster with a collar. She mentioned that the collar needs adjusting at times because it is a Velcro collar.

Commissioner Waldroup asked if the rooster she kept is full grown. Ms. Stotz said it was full grown. It is smaller due to the breed. Mr. Waldroup asked about the temperament of the rooster. Ms. Stotz said it has a nice temperament.

Commissioner Langenfeld asked if the chickens were confined in cages all the time. Ms. Stotz said that there is a hot wire around the coop. Ms. Langenfeld asked what will happen when the population increases. Ms. Stotz responded that she exchanges eggs with people who have the breed. She said this particular breed is difficult to hatch and quite often only one in every twelve actually hatches. Ms. Stotz said she does not intend to hatch eggs commercially. She is trying to keep the integrity of the breed and keep her flock stable.

Commissioner Langenfeld asked how many chickens Ms. Stotz had in total. Ms. Stotz said she had 20 at this time and did not intend to go over 30 chickens. Ms. Langenfeld asked what Ms. Stotz would do if one of the eggs she exchanged was a rooster. Ms. Stotz said she is working to become a member of the NPIP, National Poultry Improvement Plan. As a member, she will be able to ship live birds. State inspections are a part of this membership. Ms. Stotz said she will not replace the other breeds as they die. She intends to focus on the breed with the rooster that she would like to continue to keep.

Commissioner Langenfeld asked if Ms. Stotz intended to always keep a rooster for the breeding program. Ms. Stotz said she would like to keep at least one rooster if she can maintain the noise limit. If she happens to get a louder rooster, she would exchange it for a quieter rooster. This will be possible if she is able to ship live birds because New Mexico does not have many people interested in rare breeds. It is easier to find homes for chickens outside of New Mexico for the rare breeds.

Commissioner Waldroup asked Ms. Stotz if she is compensated with these transactions. Ms. Stotz said she is only compensated for the shipping costs. She is not selling the eggs and this is not a business.

Fernando Gil of 6110 Jackrabbit Junction stated Heather Stotz has been there for 3-4 months and does not have the permit required to have chickens. The noise has calmed down tremendously, said Mr. Gil. He played a recording from his phone of the noise from the chickens as of a few weeks ago. Mr. Gil said he is concerned the chickens will bring down the value of his property. He said he has spoken with several realtors who say the chickens will lower his property value. Mr. Gil asked who will be responsible for monitoring the cleanliness and number of chickens Ms. Stotz has. Chair Cardon stated that Code Compliance and Animal Control usually monitor those issues.

Mr. Gil commented that all of the complaint reports are not in the Planning & Zoning Agenda Book. He said he spoke to a clerk who told him she was there and there was not a barn on the property. Mr. Gil stated that Ms. Lopez sent Leona Simms, Community Development Code Compliance Officer, to the property. Mr. Gil claimed that Ms. Simms said the structure was a house. Mr. Gil claimed that Ms. Simms said she could hear the roosters and noticed the smell. Mr. Gil asked why Ms. Simms report and pictures that she took were not in the Agenda Book. Mr. Gil brought pictures of the barn/house on the Stotz property. The pictures showed the drainage issue around Mr. Gil's house. Mr. Gil said there was an electric fence on the Stotz property that is not allowed in this area. He stated there was drainage that contains chicken waste coming

onto his property when it rains. Mr. Gil stated that he had to build a retaining wall due to the drainage issue coming from the Stotz property. He said it flooded his garage a few years ago. Mr. Gil stated his biggest concern is the drainage that comes onto his property from the Stotz property. The water from the Stotz driveway carries chicken waste and runs onto his property like a river.

Commissioner Langenfeld asked how far the chicken coop was from Mr. Gil's lot line. Mr. Gil stated the coop is approximately 300 feet away. He said the noise has quieted down, but 30 chickens will smell and leave a mess. The rooster with the collar, said Mr. Gil, sounds sick. There are no containments on the ground for the chicken waste. Mr. Gil claimed that Ms. Simms said she noticed the smell and said she would put it in her report. Mr. Gil was upset that Ms. Simms report was not in the Agenda Book.

Commissioner Landenfeld asked Mr. Gil what would make him comfortable. Mr. Gil said the noise, smell, containment and drainage were a problem. He would like to see no chickens due to the property value decline.

Commissioner Ragsdale asked if there was a residence on the Stotz property. Mr. Gil said there was a barn that they are living in. He said it was not a house. Ms. Ragsdale asked if it would matter if the coop was moved to a different location on the property. Mr. Gil said the drainage issue would still be a problem and he was concerned with the electric fence because of the wildlife in the area, including fox. He said he could not enjoy the outside with the smell of the chickens.

Chair Cardon asked how many times Mr. Gil had reported the smell to Ms. Simms. Mr. Gil said he reported it once and then found out about this hearing for the chickens. He said the Stotz property has an incline. He said on the west side Dr. Whitehorn has horses on his property. The horses are grandfathered in but he cannot obtain more horses on the property. When the current animals die, they cannot be replaced, stated Mr. Gil.

Ms. Stotz asked if she could look at the pictures submitted by Mr. Gil. She noted the smaller chicken coops are now empty because of the chickens she has found homes for. Those coops have been cleaned out. The chicken coop that is raised is the one she currently uses. Ms. Stotz said there is an arroyo that goes off to one side of the property. She pointed out the washout near the driveway is coming down from the oil easement. Ms. Stotz also noted the barn blocks any runoff near the chicken coop. The roof over the chicken coop prevents water from washing under the coop. Ms. Stotz said she lived in Aztec and a flood killed some of her chickens, so she planned the area for the coop to be away from possible flooding. Ms. Stotz said she sprays the chicken coop after she has cleaned it out with a disinfectant and odor neutralizer. She also uses pine shavings inside the coop. Outside the coop is sand that she rakes to clean up the chicken waste. Ms. Stotz said the electric fence is not very strong. She was not aware she was not allowed to have an electric fence.

Ms. Stotz stated that she could show the web site for the chicken collar. The chickens are not harmed by the collar. She stated that she does not believe the chickens will bring down property value. The chickens are rare and therefore are very expensive.

Chair Cardon asked Ms. Stotz if she plans to build a home on the property. Ms. Stotz said she has blue prints and the loan approval to build the home. The home will be built

on the other side of the driveway on the higher ground. Chair Cardon asked if she planned to move the chicken coop. Ms. Stotz said she did not plan to move it unless it was necessary.

Jay Seyfarth of 6106 Jackrabbit Junction said he is opposed to the chickens due to the drop in property value. He does not think the value of the chickens makes any difference. He is also concerned about the electric fence and the noise of the rooster. Chair Cardon asked if the noise level was better lately. Mr. Seyfarth said the noise is significantly better. Ms. Cardon asked if he was aware that chickens were allowed with a Special Use Permit. Mr. Seyfarth said he was aware.

Victor Gil of 5205 Largo Street, son of Sue and Fernando Gil, said he lived in his parent's home for 10 years and never had an issue with smell. The house is in a valley and the wind comes from the northern property. Chamisa Road is on a hill and water runs south from the Stotz property to Fernando Gil's property. Mr. Gil does not believe the barn on the Stotz property will prevent water from washing chicken waste onto Fernando Gil's property. Mr. Gil stated that he has worked around chickens before and the smell is horrendous with a high ammonia and sulfuric smell. Chair Cardon asked if he was aware that chickens were allowed. Mr. Gil said he was not aware.

Commissioner Langenfeld asked if there was more information that was not included in the staff report. Mr. Saavedra said he was not aware of the electric fence or the smell. Neither was mentioned by Ms. Simms. Animal Control did not mention smell. Mr. Saavedra said he did not notice the electric fence or the smell when he visited the property. Mr. Saavedra said the electric fence is not allowed and he has no knowledge of a permit for the fence.

Mr. Saavedra stated that he is investigating the public's desire for chickens. He said there are various communities that allow chickens such as Durango, Rio Rancho, and Santa Fe. The primary reason people want chickens, said Mr. Saavedra, are for pets. Drainage, fencing, and cleanliness always need to be mitigated with chickens. Las Cruces has found chickens beneficial as they kill insects and the manure is good fertilizer. Commissioner Langenfeld asked if chickens would then be allowed by right. Mr. Saavedra said they would be allowed by right based on the zoning for the area such as Single Family zoning areas.

Commissioner Langenfeld asked Ms. Stotz what she did with the chicken waste when it was cleaned from the coop. Ms. Stotz said she bags it and puts it in the trash. She said she generally cleans the coop once a week unless it appears to be needed more often.

Mary Holton told the Commissioners the structure on the property is a primary residence with the idea of converting it to a guest house once the new home is built.

Derrick Childers, City of Farmington Chief Building Inspector, stated Ms. Stotz wanted to build a barn first, but intended to build a house. The UDC does not allow an accessory structure without a primary residence, but Ms. Stotz made the barn meet the minimum requirements for a primary dwelling. It is a primary home as far as the Building Department is concerned. This has been done on properties before.

Commissioner Langenfeld stated that she thought this should be tabled until more questions were answered on the runoff issue and on the issue of chicken waste. She

said she would like to talk with Code Compliance. Ms. Langenfeld was concerned that more information was needed to make a fair decision. Commissioner Ragsdale said she would like to visit the property and observe the situation. She said, as a realtor, she understood the possibility of a loss in property value. Commissioner Davis and Waldroup agreed that a site visit would be beneficial. Ms. Holton said an observation visit will be arranged by staff.

Planning & Zoning Commission Action of Petition SUP 16-66 on August 11, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **table** Petition SUP 16-66, 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, pending an observation site visit.

AYE: Chair Cardon, Commissioners Davis, Langenfeld, Ragsdale, and Waldroup.

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Thompson, Washburn, and Yazzie.

Motion passed 5-0

Planning & Zoning Commission Discussion of Petition SUP 16-66 on September 15, 2016

SUP 16-66 is 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.

Senior Planner Cindy Lopez stated that this petition was tabled from the August 11, 2016 Planning & Zoning Meeting due to a request from the Commissioners for a site visit to the property. This visit was completed on September 9, 2016 at 12:30 p.m.

Chair Cardon was not able to attend the site visit, therefore, the other Commissioners described what they saw, smelled, and heard.

Commissioner Waldroup stated there was no noise or smell. He said he did not feel there was an issue with the setup of the chicken coop. Mr. Waldroup said he had questions about the drainage.

Commissioner Brown stated there was no noise or odor. He commented that the chickens might be noisier at different times of the day.

Commissioner Freeman stated the rooster did not crow and Ms. Stotz was unable to make it crow. He mentioned that the neighbor had stated at the last meeting that the noise had quieted down since Ms. Stotz got rid of three of the roosters.

Commissioner Ragsdale asked if there were any other animals in the cages that were next to the barn. She asked if the property owner was responsible for putting up a retaining wall since Ms. Stotz property is higher than the neighbor's property.

Commissioner Langenfeld stated that the chickens were very quiet, small, clean, and there was no odor. She felt the chicken coop and the chickens were in very good condition.

Commissioner Freeman asked staff about the drainage. Ms. Lopez reminded the Commissioners that this petition pertained to the chickens and not necessarily the drainage on the property. Mr. Freeman said he wanted to know if there was a possibility of chicken feces washing onto the neighbor's property.

Toni Sitta, Public Works Engineer, stated retaining walls are only applicable when property is developed. The berm on the southern edge of the property was there before Ms. Stotz developed her property according to aerials. The property owner is not responsible for that drainage. As for the drainage from the home, the chicken run is a flat area with railroad ties around it. There was a drainage feature that went around the chicken run. Ms. Sitta said she did not see any significant drainage issue around the chicken coop. The coop was roofed and had railroad ties around it. Ms. Sitta stated there is some natural drainage on the property that flows to the south, but Ms. Stotz is not responsible for mitigating undeveloped areas of the property. Those drainage issues were there prior to Ms. Stotz purchasing the property.

Chair Cardon reiterated to Ms. Sitta that the chicken feces, in Ms. Sitta's opinion, could not have come from the chicken coop area due to the railroad ties. Ms. Sitta said Ms. Stotz had some best management practices, BMP, in place, but could add additional BMPs around the chicken coop to mitigate waste runoff if needed.

Commissioner Freeman asked Ms. Sitta if any chicken feces would happen to travel toward the neighboring property to the south, would the berm between the properties prevent the feces from washing onto the other property. Mr. Freeman said the berm appeared to push any water drainage to the west where there is an arroyo. Ms. Sitta said she could not be sure some natural drainage would not flow onto the neighboring property without doing calculations.

Heather Stotz of 6116 Jackrabbit Junction stated that there is a small wash that goes on either side of the barn. If any rain water were to go through the chicken coop, the water would have to go over the railroad ties to get into the run and then go over railroad ties again to get out of the run. The water would have to make an unnatural turn from the wash to go through the chicken run or coop.

Commissioner Ragsdale asked if all of the chickens were there during the site visit. Ms. Stotz said she currently has 16 chickens and they were hiding under the coop for shade during most of the site visit. All of the chickens were there during that visit. Ms. Stotz stated the cages near the barn are for her 2 dogs. She said she has 5 hens and 1 rooster that is an endangered breed. She also has 10 hens of another breed.

Commissioner Langenfeld asked Ms. Stotz if she intended to have more than 16 chickens in the future. Ms. Stotz said the original petition was for 30 chickens. She downsized in regards to the hens when she re-homed the other 3 roosters and several

hens. She re-homed the roosters because of the noise, but would like to keep one rooster for the endangered breed of hens. With that breed, said Ms. Stotz, there are fewer than 100 left in the world. Ms. Stotz has 5 hens and 1 rooster of that breed. When the hens have fertilized eggs, she will be shipping some to other breeders and keeping some for herself for preservation purposes. Ms. Stotz said she will not be replacing the breed of hens that she no longer has a rooster for. She also stated that she will not be getting more roosters.

Commissioner Brown asked Ms. Stotz if she would consider a noise barrier between her and the neighbor to the south. Ms. Stotz said she would consider a noise barrier if it was necessary. Ms. Lopez stated the abundance of trees on the property act as a natural visual barrier and noise barrier. Ms. Lopez said she saw the rooster try to crow, but was unable to due to a restrictive collar.

Mr. Saavedra mentioned that the UDC, Unified Development Code, does not prohibit roosters.

There was no one else at the meeting to speak in favor or against petition SUP 16-66.

Commissioner Langenfeld said she would like to see a condition on the Special Use Permit if the property were ever subdivided.

Commissioner Freeman said he felt 30 chickens was a good neighbor. Mr. Freeman stated that during the site visit he went to the neighbor's property and could not hear the 16 chickens at all, therefore, he did not think 30 chickens would make much noise. He also liked the idea of limiting the rooster to one because he feels the roosters are the ones that make the most noise.

Planning & Zoning Commission Action of Petition SUP 16-66 on September 15, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Brown to **approve** Petition SUP 16-66, a request from Heather and Bill Stotz for a Special Use Permit to allow 30 chickens and 1 rooster on five acres in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction with 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 run off onto neighboring properties.
4. The keeping of chickens on site cannot be used for commercial purposes.
5. The Special Use Permit will be reconsidered should this property of 5-acres is subdivided.

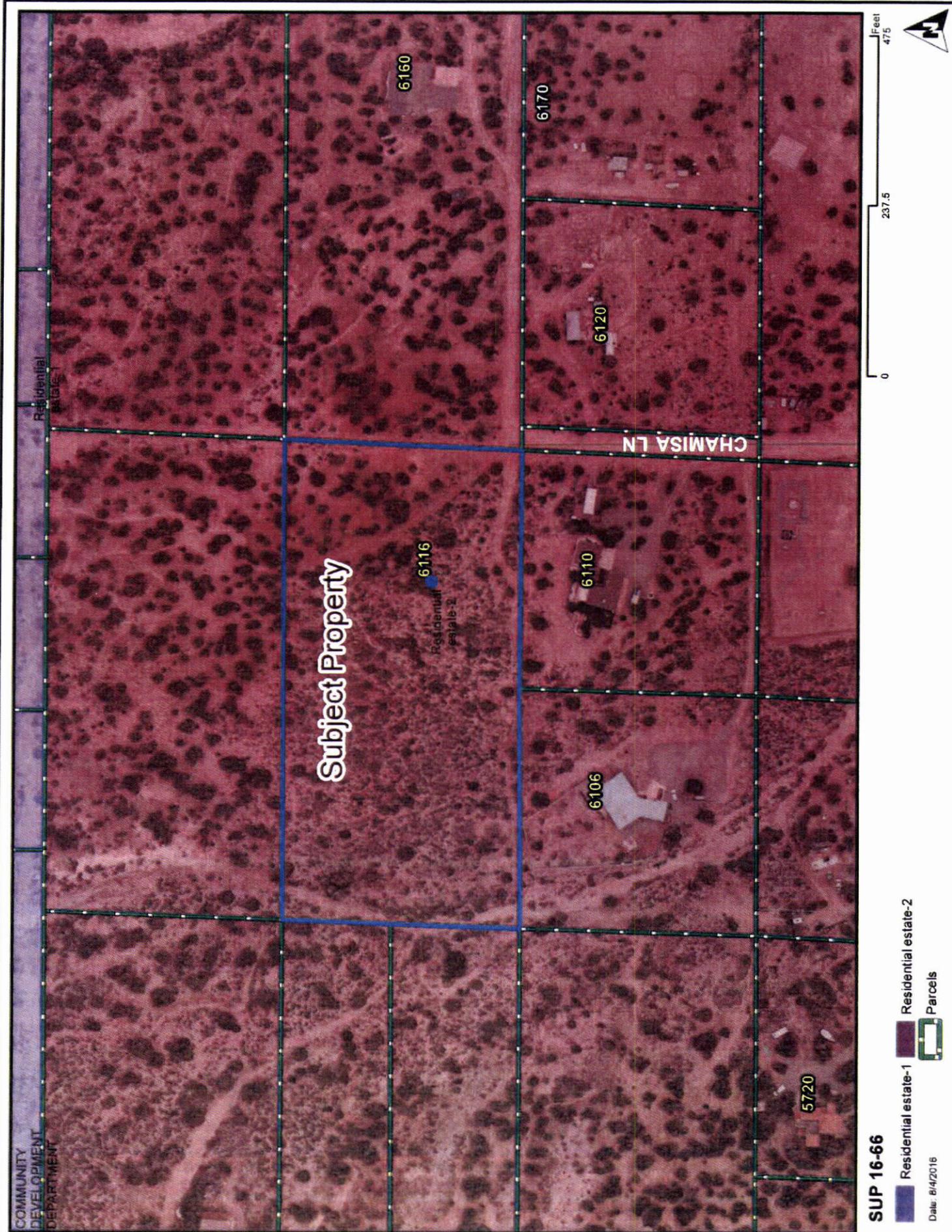
AYE: Chair Cardon, Commissioners Brown, Freeman, Langenfeld, Ragsdale, and Waldroup.

NAY: None

Abstained: None

Absent: Commissioners Davis, Thompson, Washburn, and Yazzie.

Motion passed 6-0



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 | |

6116 Jackrabbit Lane, rooster crowing

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.

07:13 Slow Low 12.3dba 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

@ 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

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

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>too2girl@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 T30N 12R 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

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>William 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

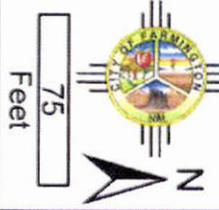


Site Plan

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 a given distance than the inverse square law predicts. If there are barriers between the source and the measurement, 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 given distance in a reasonably open area.

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

at distance

$d_1 = 0.5$ m = 1.64041 ft

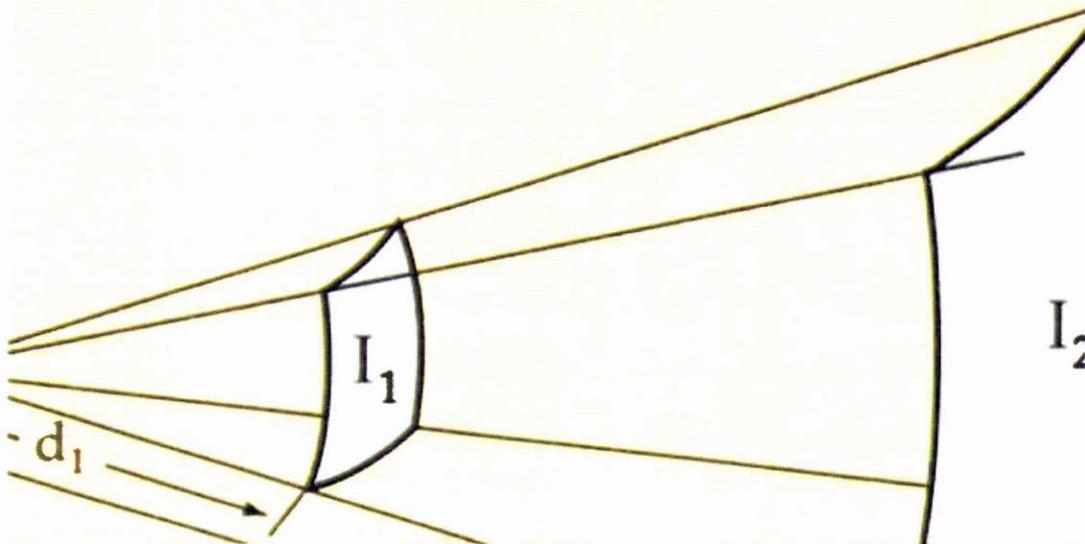
$\left[\frac{d_1}{d_2} \right]^2$

then at distance

$d_2 = 100$ m = 328.084 ft

the inverse square law predicts a sound level

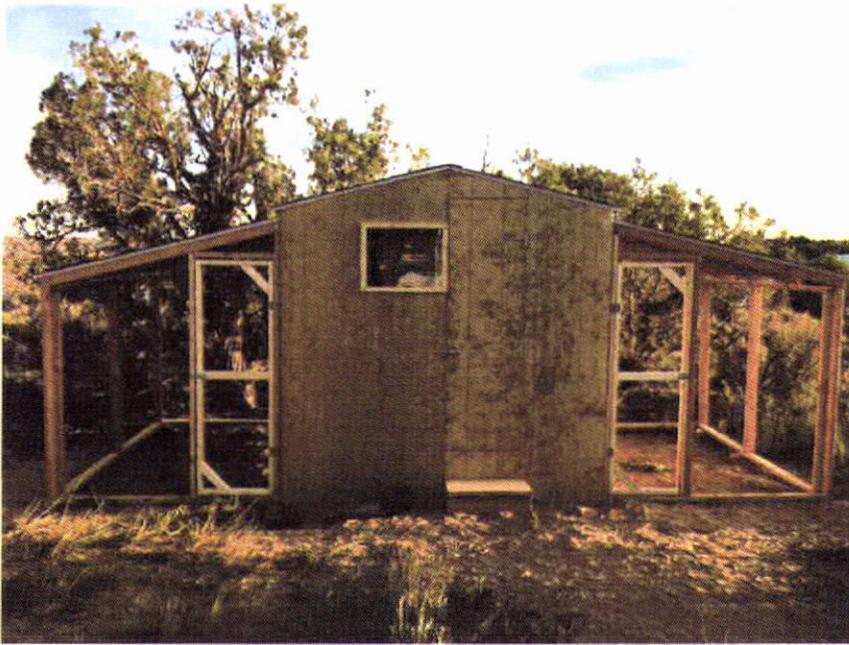
$I_2 = 28.9794$ dB



| Commercial | Industrial | Residential | dB Level |
|---|-----------------------|-------------------------|----------|
| Threshold For Hearing | | | 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 |
| Conversational Speech | | | 60 |
| Piano Practice | | Electric Shaver | 60 |
| Business Office | | Piano Practice | 65 |
| Noisy Restaurant | Inplant 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 |
| OSHA Required Hearing Protection in Factory | | | 85 |
| Teleconference Room | | Train at 100' | 90 |
| Subway | Farm Tractor | Teenage Stereo | 90 |
| Sustained Exposure May Cause Hearing Loss | | | 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 |
| Pain Begins | | | 120 |
| Disco | Sandblasting | Shot Gun | 120 |
| Cymbal Crash | Pneumatic Clipper | Air Raid Siren | 130 |
| Dragear Racing | Military Jet | Shotgun | 140 |
| Rock Concert | Aircraft Carrier Deck | Jet Takeoff | 140 |
| Chest Wall Begins to Vibrate | | | 150 |
| Ear Drum Breaks Instantly | | | 160 |
| Death of Hearing Tissue | | | 180 |
| Loudest Possible Sound | | | 194 |

RECEIVED
AUG 11 2016
COMM DEV DEPT





Öländsk dvärghöna

Från Wikipedia

Öländsk dvärghöna härstammar troligen från de dvärghöns som förr kallades trädgårdshöns av engelsk härkomst. De engelska hönsen var förmodligen upphovet till standardrasen Mille Fleur . Den infördes säkert även i Sverige. De första dvärghönsen omnämns inte före 1800-talet och då allt som oftast och felaktigt som pärlhöns . Öländsk dvärghöna är idag en lantras som härstammar från byarna Petgårde och Asklunda. ^[1].

Öländsk dvärghöna är i dag en godkänd Svensk lantras av Jordbruksverket som har givit Svenska Lanthönsklubben uppdraget att bedriva genbank .

Vikt: höna 0,5-0,8 kg; tupp 0,6-1 kg;

Källor

- [^] Svenska lanthönsklubben.se (http://www.kackel.se/lantras_hons.html)

Hämtad från "https://sv.wikipedia.org/w/index.php?title=Öländsk_dvärghöna&oldid=11621999"

Kategori: Svenska lanthönsraser

- Sidan ändrades senast den 2 maj 2010 kl. 20.16.
- Wikipedias text är tillgänglig under licensen Creative Commons Erkännande-dela-lika 3.0 Unported. För bilder, se respektive bildsida (klicka på bilden). Se vidare Wikipedia:Upphovsrätt och användarvillkor.



Tupp



Höns

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 Dwarfs—a beautiful little chicken from Sweden—remaining in the world. In 1989 there were 54 of these birds on the planet, and today their number can be measured in the hundreds.

These avian rarities hail from Olands, the second largest island in Sweden; a strip of land about 85 miles long and 10 miles wide anchored near the mainland along the southeast coast. Here, centuries ago birds simply known as British garden hens (a literal translation of the Swedish word for this precursor landrace) were brought to the island, and from these birds the Olandsk Dwarf emerged as a distinct breed. Olandsk Dwarfs are cold-hardy birds that lay smallish white eggs. Their feathers are a wild, splattered canvas drawing from a palette of red, black, white, and gray. Dwarfs are active foragers and socialize well in a flock.

https://greenfirefarms.com/olandsk_dwarf.html

ÖLÄNSK DVÄRGHÖNA

Om de öländska dvärghönsen har sitt ursprung i de så kallade engelska tädgårdshöns som kom från Java via det engelska ostindiska kompaniet på 1600-talet och spreds i norra Europa eller om de har ett äldre ursprung i de inhemska lantrashönsen är inte helt klarlagt. Sådana dvärghöns var ofta vitprickiga/blommiga med fjös/fjädrar på benen. De omtalas tidigt på 1800-talet i svensk zoologisk litteratur. Den ras som idag går under namnet öländsk dvärghöna kommer från byarna Petgårde och Asklanda. De kallas ibland "spitehöns".

Kännetecken

Kroppen är kort och kraftig med reslig hållning. Fjäderfärgen är trefärgad i olika nyanser av brunt/vildfärg, svart och vitt. Benen är oftast glatta men en svag benbefjädring kan förekomma. Kammen är för det mesta enkel men roskam kan också förekomma. Öronskivorna är röda och oftast med en vit/blå inblandning, alltså alla tre färgerna tillsammans. Tupparna väger mellan 0,6 - 1,0 kg och honorna 0,5 - 0,8 kg.

http://www.kackel.se/lantras_hons.html



Deutsche Legegans goose on pasture in Germany

Part 2 summarizes the information that is available in the Global Databank for Farm Animal Genetic Resources for breeds at risk of extinction. Inventories of breeds recorded in each risk status category are given. Breeds are listed according to FAO's regional structure: Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, Near East and North America. This regional categorization is based on climatic, agro-ecological and cultural considerations. A short introduction to each region is given, followed by a statistical overview of the breeds recorded in each risk status category. The regional introductions are followed by lists of breed descriptions.

The risk status has been calculated for all breeds recorded in the Global Databank for Farm Animal Genetic Resources for which information on their population size and structure has been recorded. The risk status categorization of breeds refers only to the status of the breed population in that country and should not be interpreted as reflecting the global picture, for the breed may also be represented in one or more other countries. Breed populations are categorized as endangered, endangered-maintained, critical or critical-maintained. The categorization is based on the overall population size, the number of breeding females, the number of breeding males, the percentage of females bred to males of the same breed and the trend in population size. Further consideration is given to whether active conservation programmes are in place for critical or endangered populations. When relevant information on conservation management of breeds at risk is not available a conservative approach is taken and the breed is categorised in the higher risk category of critical or endangered.

A breed is categorized as CRITICAL if: the total number of breeding females is less than or equal to 100 or the total number of breeding males is less than or equal to five; or if the overall population size is less than or equal to 120 and decreasing and the percentage of females being bred to males of the same breed is below 80 percent.

A breed is categorized as ENDANGERED if: the total number of breeding females is greater than 100 and less than or equal to 1 000 or the total number of breeding males is less than or equal to 20 and greater than five; or if the overall population size is greater than 80 and less than 100 and increasing and the percentage of females being bred to males of the same breed is above 80 percent; or if the overall population size is greater than 1 000 and less than or equal to 1 200 and decreasing and the percentage of females being bred to males of the same breed is below 80 percent.

Breeds may be further categorized as CRITICAL-MAINTAINED or ENDANGERED-MAINTAINED. These categories identify critical or endangered populations for which active conservation programmes are in place or those that are maintained by commercial companies or research institutes.

Sections 2.1.1-2.1.4 provide lists of all breeds that fall within the critical, critical-maintained, endangered and endangered-maintained categories, respectively. Following the most common name of each breed is a page number referring the reader to section 2.2 where more detailed information may be found for the breed.

2.1.1

CRITICAL BREEDS LIST

The Critical Breeds List is an inventory of all breeds for which there is data to suggest that the total number of breeding females is less than or equal to 100 or the total number of breeding males is less than or equal to five; or if the overall population size is less than or equal to 120 and decreasing and the percentage of females being bred to males of the same breed is below 80 percent.

The breeds are listed alphabetically by most common name within each species (mammalian species followed

by avian species). For each breed, the page number indicates where a detailed description may be found.

Please note that the risk status categorization of breeds refers only to the status of the breed population in that country and should not be interpreted as reflecting the global picture. Furthermore, breeds may be found listed more than once if the breed is critical in more than one country. Breeds may also be found listed in more than one risk status category if the risk status differs between breed populations found in different countries.

MAMMALIAN SPECIES

| | | | |
|---|-------------------------------|---|---|
|  | 305 Asino dell'Asinara | 488 Franqueiro | 249 White Park |
| | 305 Asino Sardo | 83 Galloway | 463 Yugoslav podolian |
| | 394 Asno De Las Encartaciones | 299 Galloway | 378 Yurinskaya |
| | 211 Poitevin | 187 Gasconne | 95 Zanzibar Zebu |
| | 305 Romagnolo | 187 Hrbinecky |  |
|  | 121 Indian Bactrian | 179 Iskursko Govedo | 74 Botswana Camel |
|  | 497 Buffalypso | 95 Jiddu |  |
| | 95 Egyptian | 290 Katerini | 414 Allmogetter |
| | 79 Mediterranean | 463 Kolubarska | 159 Alpine |
|  | 245 Ansbach-Triesdorfer | 131 Kouprey | 134 Auckland Island |
| | 212 Aurochs de Heck | 144 Kouprey | 253 Braune Harzer Ziege |
| | 132 Bali Cattle | 187 Kravarsky | 254 Bündner Strahlenziege |
| | 143 Banteng | 125 Kuchinoshima | 310 Di Benevento |
| | 331 Baqra Maltija | 247 Lincoln Red | 254 Erzgebirgsziege |
| | 187 Belgian Blue | 247 Longhorn | 123 Gembrong |
| | 245 Belted Galloway | 395 Mallorquina | 254 Holländer Schecke |
| | 212 Betizu | 213 Marine Landaise | 310 Istriana |
| | 395 Betizu | 126 Mishima | 254 Kaschmirziege |
| | 440 Blue Albion | 113 Moi | 547 Kinder |
| | 83 Boran | 331 Moldovian Estonian Red | 344 Koza Karpacka |
| | 212 Bordelaise | 80 Muturu | 533 Nigerian Dwarf |
| | 245 Brahman | 440 Normande | 533 Oberhasli |
| | 246 Brangus | 395 Pallaresa | 255 Owamboziege |
| | 181 Buša | 378 Pechorskii tip kholmogorskogo skota | 83 Pafuri |
| | 462 Buša | 121 Punganur | 255 Poitevine |
| | 246 Chianina | 247 Pustertaler Schecken | 310 Pomellata |
| | 306 Chianino-Maremmiana | 168 Ramo Grande | 533 San Clemente |
| | 390 Cikasto govedo | 532 Randall Blue Lineback | 547 San Clemente |
| | 212 Coopelso 93 | 545 Randall Blue Lineback | 310 Sarda di Tavolara |
| | 74 Damara | 179 Rodopska | 311 Serezziata |
| | 332 Deep Red | 84 Romagnola | 311 Sempione |
| | 246 Dexter | 84 Rothunte Schleswig Holsteiner | 534 Tennessee Fainting |
| | 113 Dulong | 247 Rotvieh alter Angler Zuchtichtung | 126 Tokara |
| | 133 Enderby Island | 84 Salers | 311 Vallesana |
| | 246 Fjaell-Rind | 188 Salers | 255 Zwergziege |
| | | 498 Salers |  |
| | | 396 Serrana negra | 257 Achal-Tekkiner |
| | | 463 Siva rasa | 257 Aegidienberger |
| | | 188 Skotsky náhorni skot | 257 Alt-Württemberger |
| | | 248 South Devon | 548 American Cream Draft |
| | | 290 Sykia | 257 Andalusier |
| | | 159 Tarine | 160 Arab |
| | | 248 Ungarisches Steppenrind | 190 Arab |
| | | 306 Varzese Ottonese | |
| | | 248 Weißblaue Belgier | |
| | | 248 White Galloway | |



278 Godländisches Wildschaf

552 Gulf Coast Native

278 Hampshire

161 Havasi

552 Hog Island

135 Hokonui

161 Il d'Frans

320 Istriana

278 Jakobschaf

171 Lakens Kuddeschaap

193 Merino Longwool

384 Mikhnovskaya

536 Montadale

552 Montadale

329 Native Coarsewooled

536 Newfoundland

80 Nungua Blackhead

135 Pitt Island

278 Quessant-Schaf

82 Romanov

193 Romanovska Ovce

279 Romney Marsh

321 Rosset

279 Rouge de Roussillon

537 Santa Cruz

552 Santa Cruz

321 Savoirda

279 Soay Schaf

92 Southdown

92 Steekhaar

418 Steigar

245 Steppe Voloshian

537 Targhee

279 Ungarisches Zackelschaf

385 Valakhskaya

92 Vador

468 Vitoroga Zackel

171 Vlaams Schaap

280 Walachenschaf

194 Zošl'achtenà Valaška

280 Zwartbles-Schaf

AVIAN SPECIES



173 Cassowary



283 Altsteirer White

355 Bantam alb

355 Barboasa de anvers

355 Barnevelder dublu locat-pitică

284 Barthühner Barred

284 Barthühner Blue

284 Barthühner Partridge Colour

284 Barthühner Silver-Black Mottled

285 Barthühner White

285 Bergische Schlotterkämme Black

285 Bergische

Schlotterkämme black/white

356 Brahma herminat deschis

356 Cochin negru pitic

485 Cochins

356 Combatant indian

356 Combatant malaez alb

357 Combatant malaez galben

357 Combatant malaez rosu inchis

232 Coucou des flandres

232 Courtes-Pattes

357 Drezda

406 Empordanesa Blanca

407 Empordanesa Rossa

173 Fauve de Hesbaye

357 Faverolles alb

358 Gaina de portelan-pitica

358 Git golas de transilvania alb

358 Git golas de transilvania barat

358 Git golas de transilvania negru

359 Git golas de transilvania negru pitica

359 Git golas de transilvania rosu

457 Gold Legbar

173 Herve Hoen

359 Houdan pitic

359 Italiana pötarnichie pitica

457 Isworth

232 Janzé

360 Japoneză de mătase albă

360 Japoneză de mătase galbena

360 Japoneză de mătase neagra pitica

285 Krüper Black

286 Krüper Black and White

286 Krüper Black and Yellow

360 La Flèche

233 Landaise grise

361 Langsham

233 Le Mans

361 Legwels Alba

161 Local Tirana

162 Local Tropoja Pac

233 Lyonnaise

233 Lyonnaise naine

457 Marsh Daisy

470 Naked Neck

361 Negru pitic cu creasta batuta

420 Öländsk Dvärghöna

486 Old English Game Bantam

361 Orloff

196 P-Line

362 Paduana aurie

234 Pavilly

407 Penedesenca Aperdizada

407 Penedesenca Barrada

407 Penedesenca Trigueña

362 Plymouth Rock Alb

234 Poule des haies

483 Rhode Island Red

234 Sans-Queue

128 Shiba-Tori

387 Slovgal 03a

388 Slovgal 05a

286 Sulmtaler

362 Sussex pestrit pitic

470 Svrlijig Black

117 Theen-Yee

174 Vlaanderse Koekoek

486 Waydolles

362 Welssummer Maron

539 White Leghorn-Monrog Strain

363 White Sultan

540 White Wyandotte

486 White-Dark Brown Leghorn

363 Wiandotte alb pitic

363 Wyandotte alb

363 Wyandotte argintiu lacat

364 Wyandotte argintiu locat pitic

364 Wyandotte auria lacat

364 Wyandotte lacat

174 Zingems Vleeshoen

174 Zottegems hoen



410 Annera Mallorquina

240 Blanc De L'allier

241 D'estaires

241 De Bourbonnais

176 Dendermondse eend

241 Duclair

176 Merchteuse eend

289 Orpington

205 Sort hvidbrystet dansk and



177 Emu



242 Blanche De Bourbonnais

290 Diepholzer

290 Lippegans

76 Local Goose of Karal and Massakory

76 Local Goose of Mandelia

541 Pilgrim

330 Vishtines

177 Vlaamse gans



81 Local Ghanean White

Breasted Guineafowl



119 Black Muscovy 1303



177 Nandu



78 Chadean Ostrich

81 Ghanean Ostrich

**CITY OF FARMINGTON**

800 Municipal Drive
Farmington, NM 87401-2663
Fax: (505) 599-1299
www.fmntn.org

**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.

Sincerely,

Karen Walker
Administrative Assistant

COMMUNITY DEVELOPMENT

**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

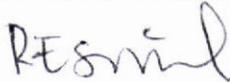
Lots Seven (7) and Eight (8) aka NW/4SE/4 of Section Nineteen (19), in Township Thirty (30) North of Range Twelve (12) West, San Juan County, New Mexico;

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, somewhat stylized font.

By: Rebekah Esmiol, Abstracter

City of Farmington

Lopez, Cynthia <clopez@fmtn.org>

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 <clopez@fmtn.org>

Tue, Jul 26, 2016 at 9:14 AM

7/26/2016

fmtn.org Mail - 6116 Jackrabbit Junction

To: Keith Neil <kneil@fmtn.org>

[Quoted text hidden]

 **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](#)

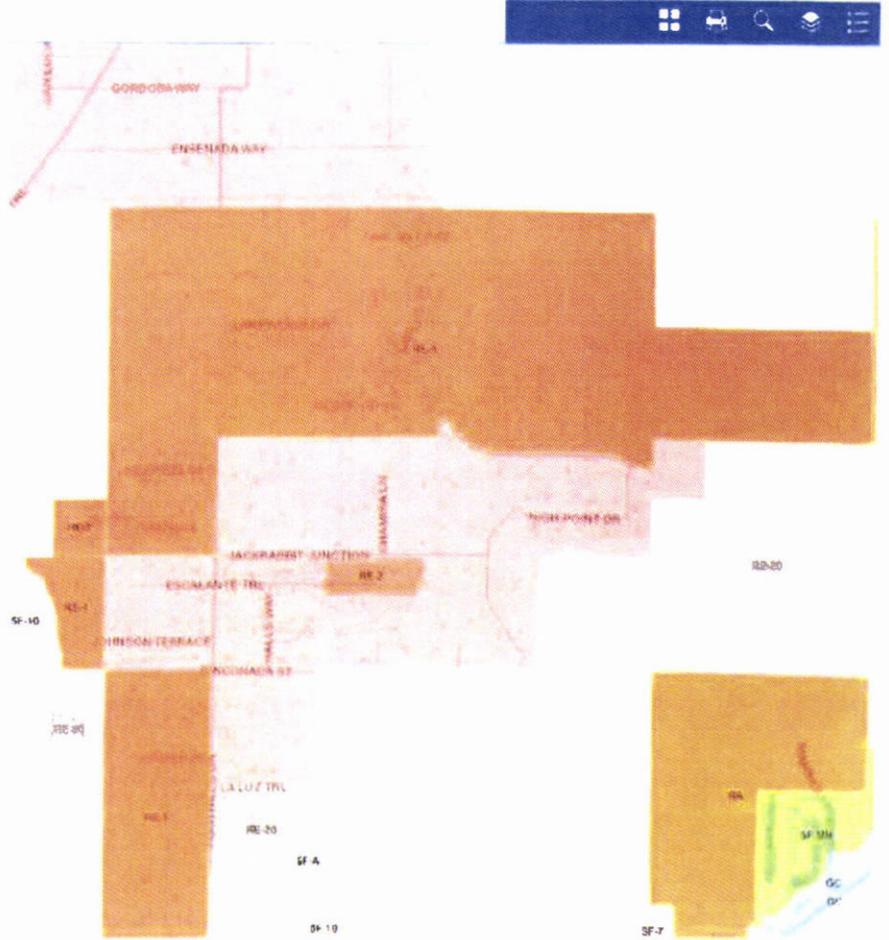
A. The zoning authority within its jurisdiction shall provide by ordinance for the manner in which zoning regulations, restrictions and the boundaries of districts are:

- (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 |
| 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 | | | | |

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

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

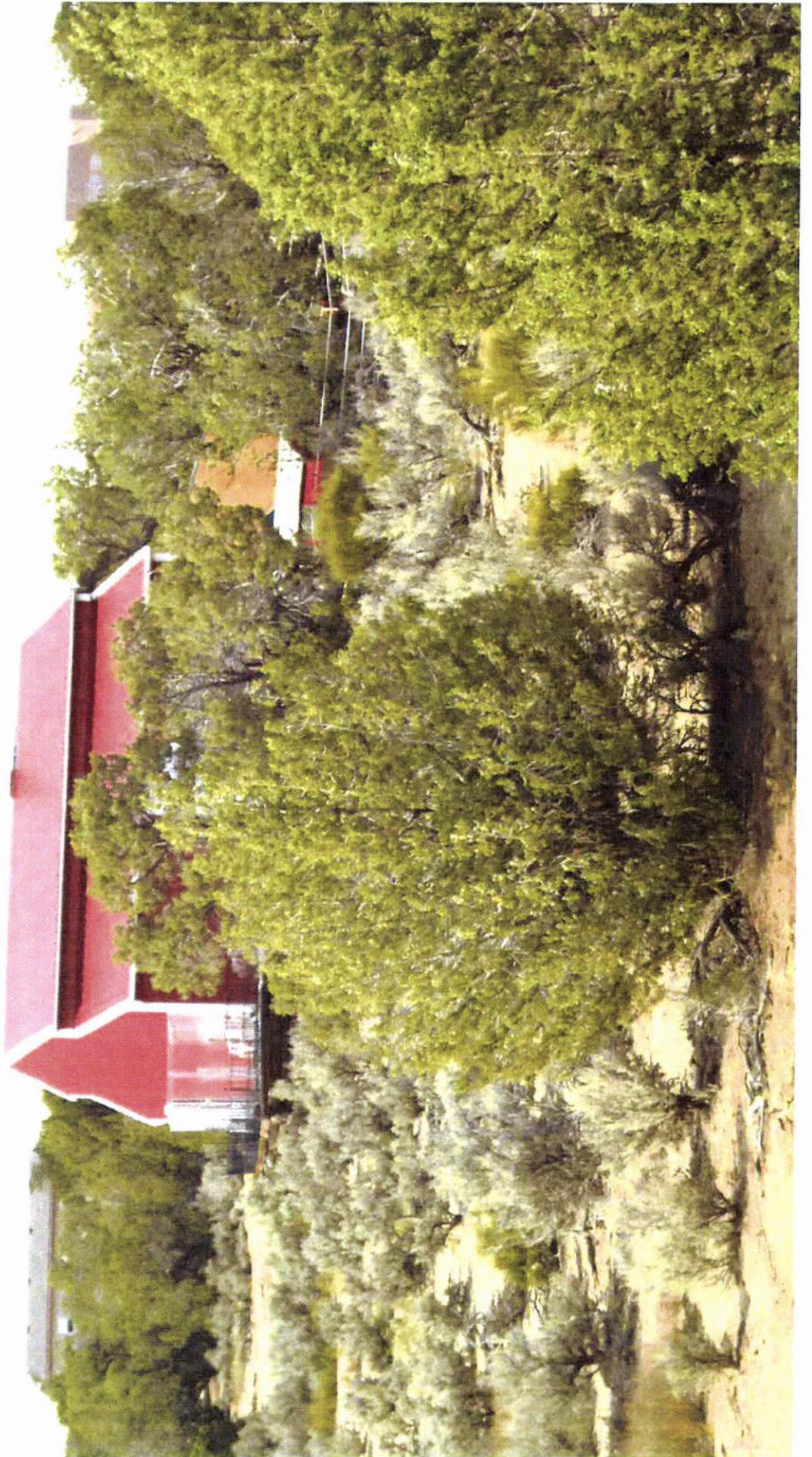
To Whom It May Concern,

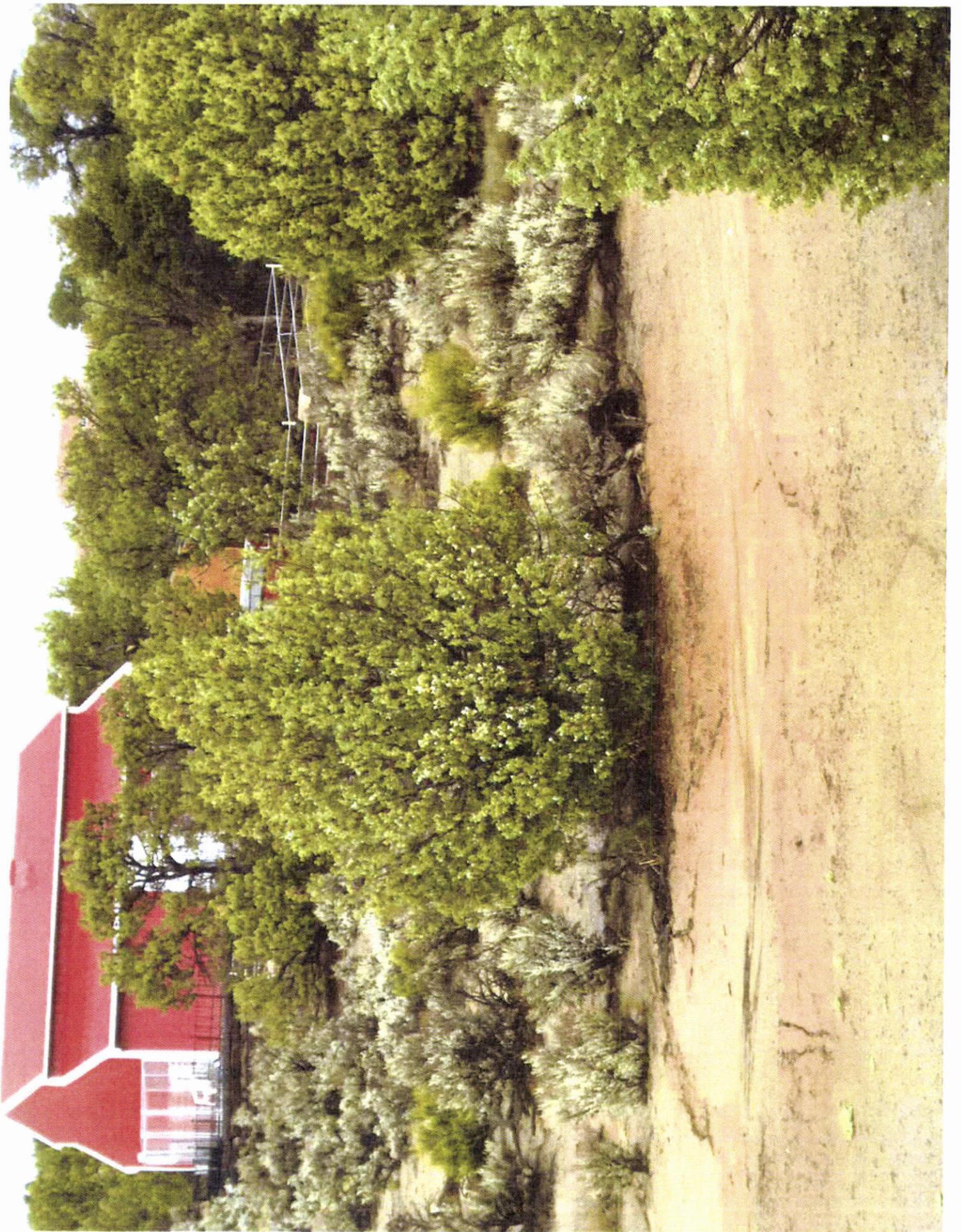
I am writing this in reference to SUP 16-68, a request from Heather and Bill Stoty to allow chickens at 6116 Jackrabbit Junction. We own property at 6120 Jackrabbit Jct. I have no problem with a limited number of hens but I do object to roosters. There have been at least 3 of them present for about 2 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

Submitted by
Fernando Gil

RECEIVED
AUG 11 2016
COMM DEV DEPT













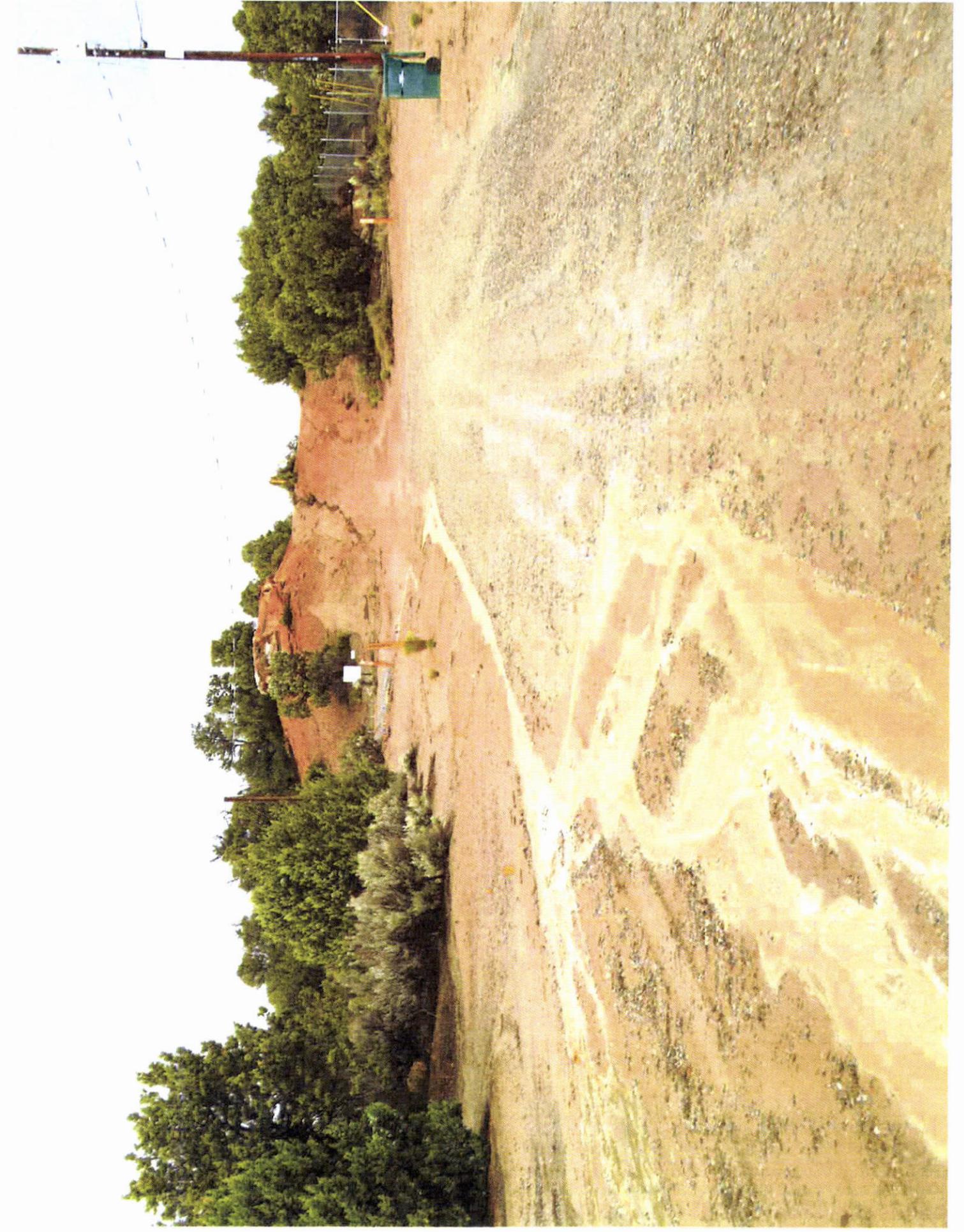










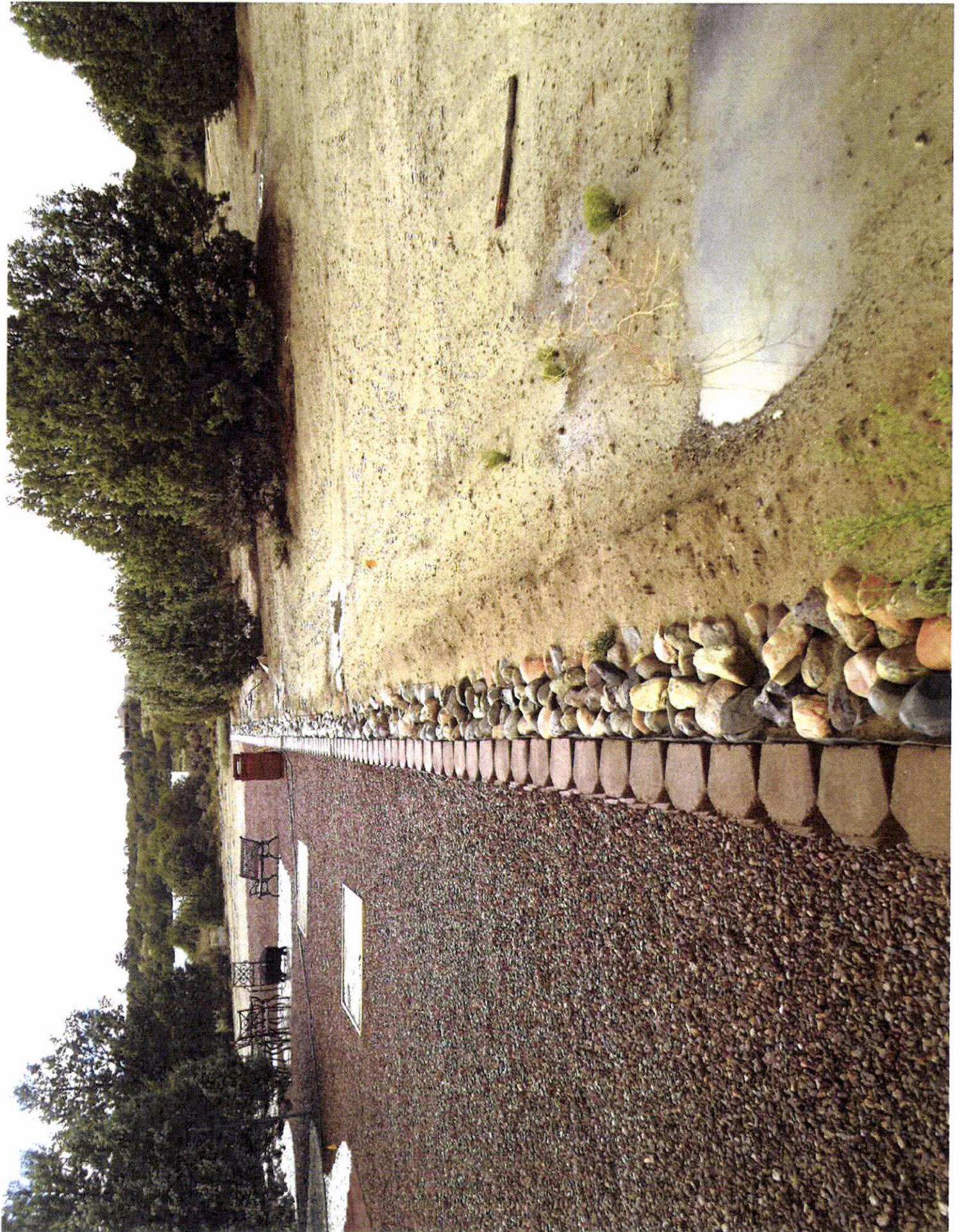








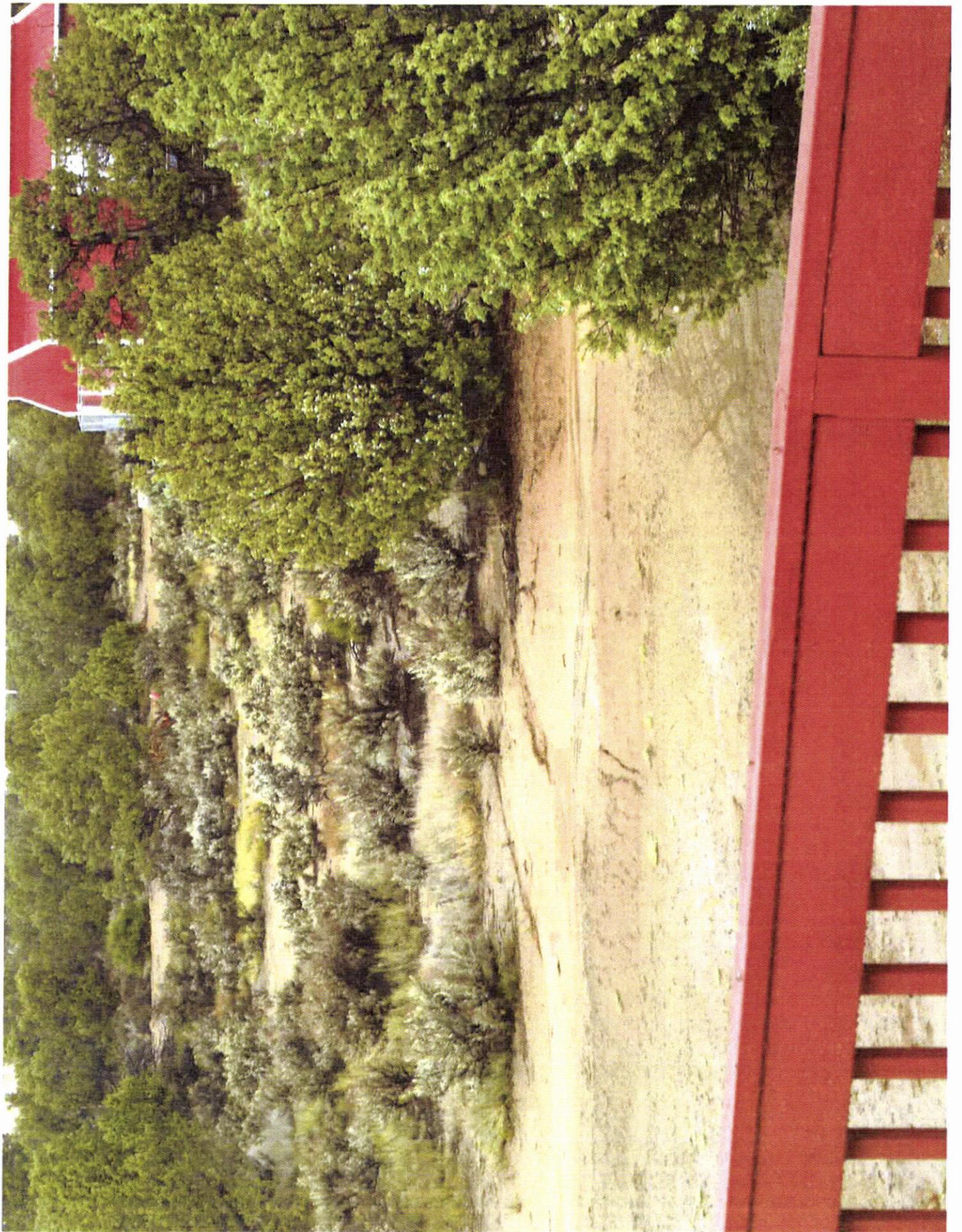
















SUP16-66

3 messages

Elaine <casaelena@msn.com>
To: kneil@fmtn.org

Fri, Aug 26, 2016 at 10:35 AM

I would like to inquire as to the status of SUP 16-66, allowing chickens at 6116 Jackrabbit Junction. Elaine Whitehorn 505 947 8527 Thank you

Saavedra, Steven <ssaavedra@fmtn.org>
To: Elaine <casaelena@msn.com>

Fri, Aug 26, 2016 at 1:41 PM

Dear Elaine,

The Special Use Permit 16-66 was postponed until Spertemeber 15, 2016 at 3:00pm. If you have any questions or concerns, feel free to contact me directly at 505-599-1282, thank you.

Kind regards,

Steven M. Saavedra, MRP
Associate City Planner
City of Farmington
505.599.1282



On Fri, Aug 26, 2016 at 10:35 AM, Elaine <casaelena@msn.com> wrote:

I would like to inquire as to the status of SUP 16-66, allowing chickens at 6116 Jackrabbit Junction. Elaine Whitehorn 505 947 8527 Thank you

Saavedra, Steven <ssaavedra@fmtn.org>
To: Karen Walker <kwalker@fmtn.org>

Mon, Sep 19, 2016 at 3:39 PM

Steven M. Saavedra, MRP
Associate City Planner
City of Farmington
505.599.1282



6116 Jackrabbit Junction

8 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
6116 Jackrabbit Junction
Farmington, NM 87402

[505-947-7008](tel:505-947-7008) - SuzAnne's cell[505-486-0988](tel:505-486-0988) - Fernando's cell

 **Property Use Question.pdf**
343K

Lopez, Cynthia <clopez@fmtn.org>

Tue, Jul 26, 2016 at 9:14 AM

To: Keith Neil <kneil@fmtn.org>

[Quoted text hidden]

 **Property Use Question.pdf**
343K

SuzAnne Gil <sjg2947@gmail.com>
To: kneil@fmtn.org, clopez@fmtn.org

Thu, Aug 25, 2016 at 12:55 PM

Hello Keith & Cynthia,

Can either one of you give us an update on the status of the visit to the property by the Planning and Zoning Commission in reference to the attached special use permit hearing? It was decided at the August 11th meeting that the group would come and look at the property before making a determination. They had indicated the visit would happen before August 25th but we have not heard from anyone concerning it. We were not sure who to follow up with. If we need to contact someone else please let us know.

Thank you,

Fernando & SuzAnne Gil

----- Forwarded message -----

From: **SuzAnne Gil** <sjg2947@gmail.com>
Date: Tue, Jul 26, 2016 at 9:09 AM
Subject: 6116 Jackrabbit Junction
To: clopez@fmtn.org
Cc: juan.gil1957@gmail.com

[Quoted text hidden]

 **Property Use Question.pdf**
343K

Lopez, Cynthia <clopez@fmtn.org>
To: SuzAnne Gil <sjg2947@gmail.com>

Thu, Aug 25, 2016 at 1:15 PM

Cc: Steven Saavedra <ssaavedra@fmtn.org>, Mary Holton <mholton@fmtn.org>, Karen Walker <kwalker@fmtn.org>

SuzAnne,

It has been a challenge to get all of the commissioners calendars together to make the visit. One of the commissioners is out of town and cannot make the site visit until after August 31 and before Sept. 15. It looks like we will be able to visit the property either Sept 2 or Sept 9 and have the petition finalized at the Sept 15 Planning and Zoning Commission. We will be asking the commission to postpone this petition until the Sept. 15 meeting.

Thanks

Cindy

[Quoted text hidden]

SuzAnne Gil <sjg2947@gmail.com>
To: "Lopez, Cynthia" <clopez@fmtn.org>

Mon, Sep 19, 2016 at 7:10 AM

Hello Cynthia,

I was going through my email the other day and realized this meeting has passed. Did this item make it on the agenda? Were we supposed to receive a notice if it did? Can you please give me an update?

Thank you,

Fernando & SuzAnne J Gil

[Quoted text hidden]

[Quoted text hidden]

Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.

Lopez, Cynthia <clopez@fmtn.org>
To: SuzAnne Gil <sjg2947@gmail.com>

Mon, Sep 19, 2016 at 8:15 AM

This item was one the September 15, 2016 agenda and was recommended for approval by the Planning and Zoning Commission. It will be on the City Council agenda for the final decision on September 27, 2016 at 6 pm in the City Council chambers.

Cindy

[Quoted text hidden]

SuzAnne Gil <sjg2947@gmail.com>
To: "Lopez, Cynthia" <clopez@fmtn.org>

Mon, Sep 19, 2016 at 9:07 AM

Can you tell me did they recommend approval for the rooster too?

[Quoted text hidden]

Lopez, Cynthia <clopez@fmtn.org>
To: SuzAnne Gil <sjg2947@gmail.com>

Mon, Sep 19, 2016 at 9:45 AM

Yes. They recommended for 30 chickens and a rooster.

cindy

[Quoted text hidden]

COMMUNITY DEVELOPMENT ACTION SUMMARY
PETITION PPJ 16-01
Planning & Platting Jurisdiction (PPJ) Adjustment Request
from the Town of Kirtland, NM

A. STAFF REPORT, September 15, 2016

1. PROJECT INFORMATION

| | |
|----------------------------|---|
| Petitioner | The Town of Kirtland |
| Representative | Mark Duncan, Mayor |
| Date of Application | August 16, 2016 |
| Requested Action | The City is being asked to agree to release PPJ on its west side that is located within the Central Consolidated School District so that the Town can establish a PPJ in that area. |
| Location | See the map proposed by the City and the Town. |

| | |
|--------------------------|--|
| Existing Land Use | The current land uses within the subject area include industrial, commercial, and residential. Many properties, however, remain undeveloped. |
| Existing Zoning | None - Unincorporated San Juan County |
| Public Notice | Publication of Notice for this public hearing appeared in the Farmington Daily Times on Sunday, August 28, 2016. |
| Project Planner | Mary L. Holton, AICP, Community Development Director |

2. BACKGROUND

Basis for Planning and Platting Jurisdictions

Several states grant municipalities the ability to regulate subdivisions in their extraterritorial jurisdictions (in New Mexico, called “planning and platting jurisdictions”) within a specified distance of the municipality’s boundaries. The idea is that the areas closest to the municipality typically reflect similar community values, and the municipality’s “sphere of influence,” including its patterns of development, and will likely become part of the municipality through annexation. Since the municipality would assume a long-term responsibility for the area after annexation, it makes sense for the municipality to want to regulate the design and construction of subdivision improvements before annexation to avoid inheriting substandard infrastructure. Additionally, being in a municipality’s PPJ also prevents another municipality from annexing the unincorporated area unless permission is granted.

It is noted that in September 2014, as it was located in the City of Farmington’s PPJ, the Town of Kirtland asked the Farmington City Council to approve the Town’s plans for incorporation before the Town could apply to the State of New Mexico. This is a state requirement. On September 2, 2014, the City Council voted 4-0 to approve the Town’s request to incorporate. Those meeting minutes are enclosed.

New Mexico Statutes Annotated 1978 (NMSA) Requirements

New Mexico State Statutes pertaining to Planning and Platting are contained in Article 19 of Chapter 3, Municipalities. A copy of these statutes is enclosed.

It is noted that the City of Farmington is entitled to a 5-mile Planning and Platting Jurisdiction (PPJ) and that the Town of Kirtland is entitled to a 3-mile Planning and Platting Jurisdiction (PPJ), except where Farmington’s PPJ exists. This is in accordance with Section 3-19-5, *Planning and platting jurisdiction*, NMSA 1978.

Farmington 2002 Comprehensive Plan

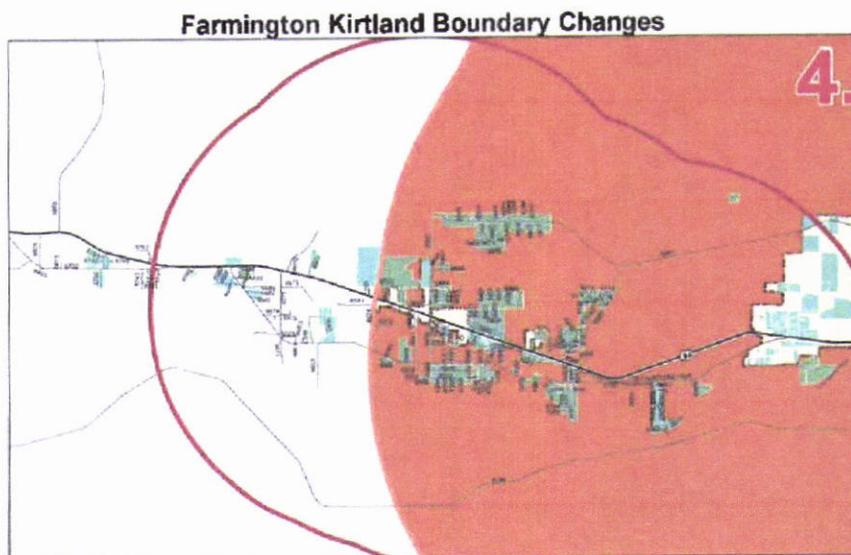
Chapter 4, Land Use and Development, and Chapter 5, Growth and Annexation, of the City of Farmington’s Comprehensive Plan (pages 4-1 through 4-13, and pages 5-1 through 5-7 of the Plan, enclosed) addresses the City’s Planning and Platting Jurisdiction (PPJ).

As recommended by the Comprehensive Plan, the City’s Planning and Platting Jurisdiction consists of three (3) Tiers. Tier 1 includes that portion of land that is located within the City’s incorporated area. Tier 2 includes the land area that is in close proximity and immediately adjacent to the City that is viewed as subject to annexation in the near term. Tier 3 is the balance of the area located within 5 miles of the City’s incorporated area. Area located in Tier 3 is viewed as that land area that could be annexed by the City in the longer term, perhaps within 20 years or more.

It is noted that the PPJ area that is proposed to be transferred to the Town is currently located within the City’s Tier 3.

As the Commission is aware, the subdivision regulations in the Unified Development Code are structured based on the three (3) tier system. This reflects the anticipation on the timing of annexations in those areas and based on the recommendations of the Comprehensive Plan.

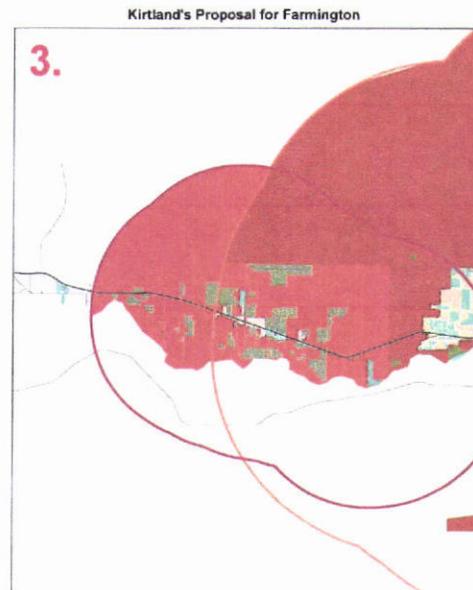
Currently, the City of Farmington’s PPJ (indicated in orange below) includes all of Kirtland’s east side to the intersection of US 64 and County Road 5575. The Town of Kirtland was incorporated in July 2015. It is noted that the PPJ map has not apparently been revised by the County since 2002. A request for an update by the County was recently made by the City. The revision has not yet been provided.



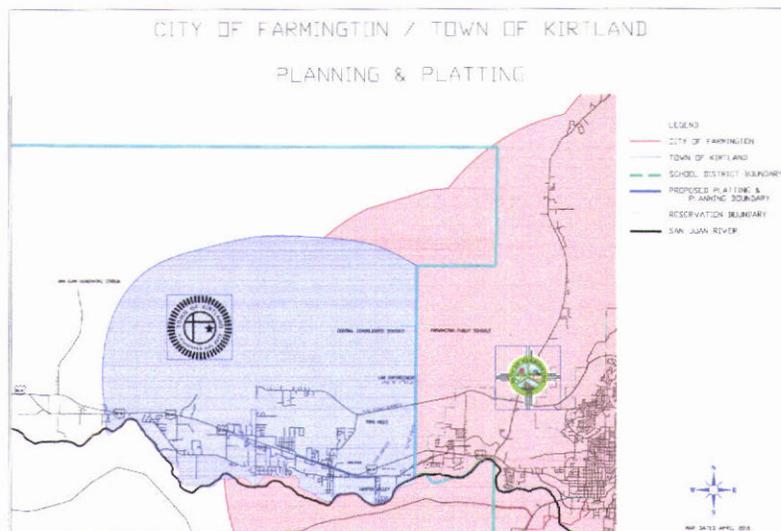
History of the Town of Kirtland's Request

In May and June 2015, San Juan County hosted a series of meetings between the four (4) municipalities (Aztec, Bloomfield, Farmington, and Kirtland) to discuss adjusting all of the PPJs between the entities.

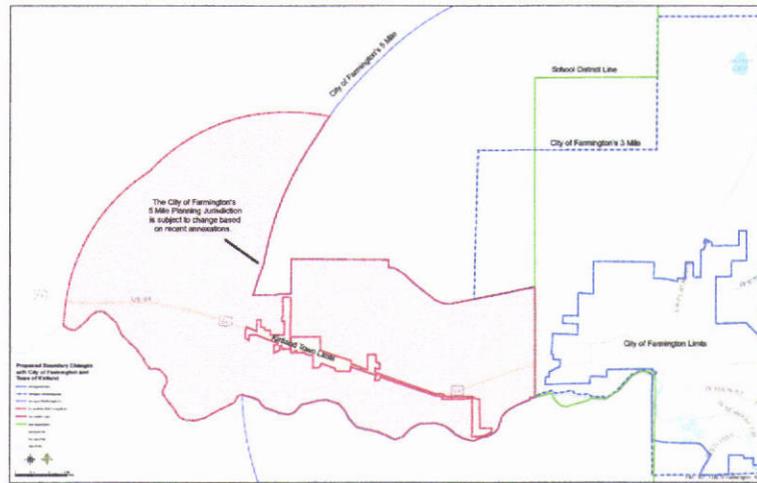
The initial proposal for the Kirtland PPJ (in the lighter orange) which was developed by the County's GIS Department consisted of the following:



In May 2016, the Town submitted a proposal (below) which requested that the City of Farmington release all of Tier 3 of the City's PPJ on its west side so that it could become a large portion of Kirtland's PPJ. The request proposed to utilize the Central Consolidated School District boundary with the Farmington Municipal School District boundary as the primary demarcation line between the PPJs. Currently, that line also divides the City's Tier 2 from Tier 3. The City's current corporate boundaries are approximately one-third of a mile east of this line.

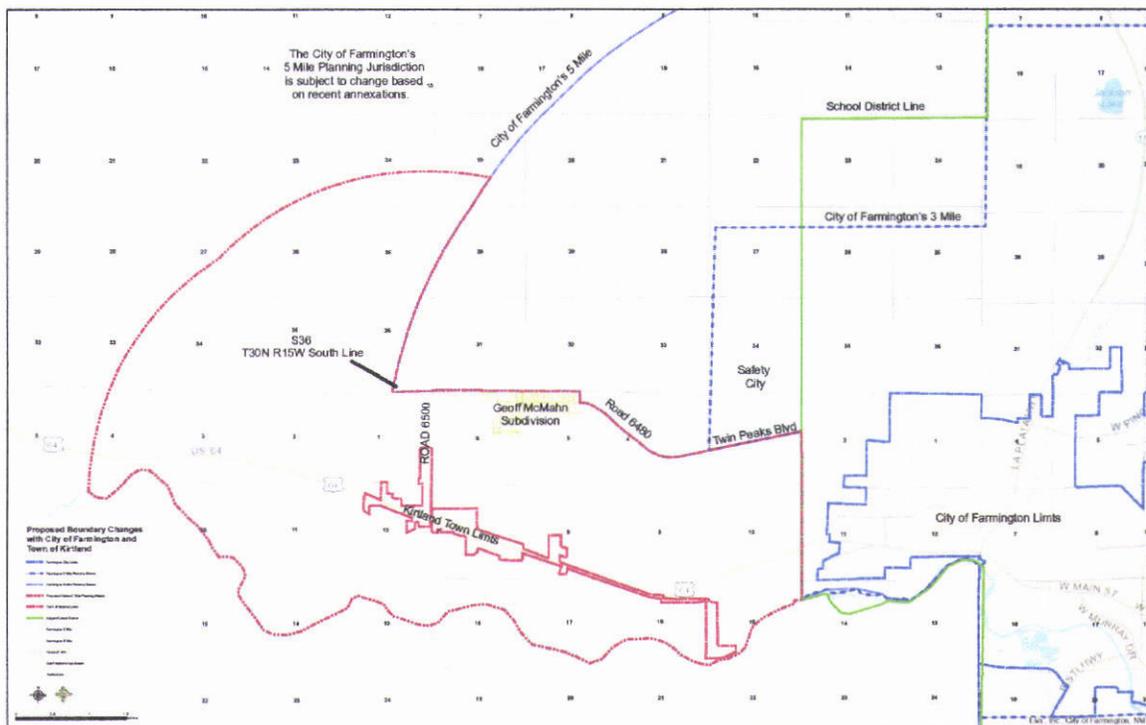


During staff analysis of the Town's proposal, staff provided the following proposed compromise:



The Town withdrew their request to the City on May 24, 2016.

Mayor Mark Duncan visited with City Staff on August 9, 2016 and the following proposed compromise (a larger version is also enclosed) was developed (See the enclosed correspondence):



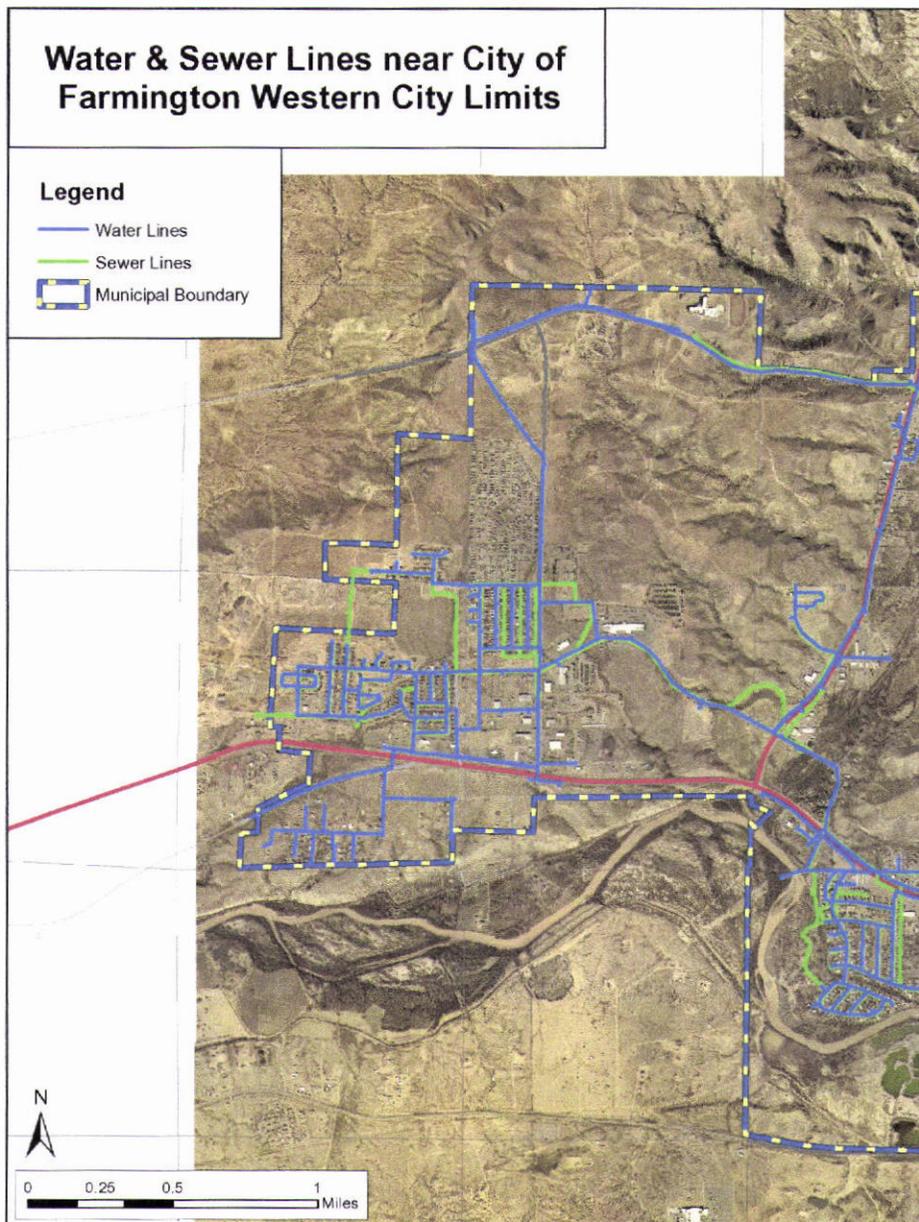
Staff Issues

Luwil Aligarbes/Electrical Engineering/FEUS/(505)599-8321/laligarbes@fmtn.org

FEUS has powerlines (overhead and underground) inside Town of Kirtland jurisdiction that serves the community of Kirtland.

Jeff Smaka/Water/Wastewater Administrator/(505)599-1283/jsmaka@fmtn.org

The water district west of the City is Lower Valley Water Users. To to my knowledge this area is not served by a sewer district. The sewer districts boundary is the Kirtland town boundary. Below is a map that shows the extent of the City's water/wastewater infrastructure:



Russel Frost/Legal/Deputy City Attorney/(505)599-1124/rfrost@fmtn.org

According to Section 3-19-5 NMSA 1978, the planning and platting jurisdiction of Farmington extends to the city limits of Kirtland because Kirtland has less than 2500 residents. Therefore, using the boundary for school districts is not appropriate.

The City of Farmington has utilities and infrastructure that extends beyond the city limits, therefore allowing Farmington a greater planning and platting jurisdiction will provide opportunity to protect those utility interests.

Community Development Director Mary Holton has asked for a legal opinion on whether or not the planning and platting jurisdiction (PPJ) boundary can be negotiated and whether or not there should be a formal MOU with the Town of Kirtland regarding the PPJ boundary.

Section 3-19-5, Planning and Platting Jurisdiction, NMSA 1978 clearly states that COF has a PPJ of 5 miles from its boundary and not within the boundary of another municipality. The Town of Kirtland has a PPJ of 3 miles from its boundary not within the boundary of another municipality. If these boundaries overlap, the boundary "shall terminate equidistant from the boundary of each municipality unless one municipality has a population of fewer than two thousand five hundred persons and another municipality has a population of more than two thousand five hundred persons according to the most recent census. Then the planning and platting jurisdiction of the municipality having the greatest population extends to such territory." [Emphasis added].

Because the Town of Kirtland was not incorporated at the time of the most recent census, there is no way of proving its population. Therefore, COF wins based on strict interpretation of the statute.

However, in reviewing the "Tri-City P&P Jurisdiction" file from Community Development, the situation we are currently facing was addressed by the City of Albuquerque and the Village of Los Ranchos de Albuquerque by a Joint Powers Agreement for Extra-Territorial Planning and Platting Jurisdiction which set out a detailed boundary.

In answer to Mary's questions:

- 1) Yes, the PPJ boundary can be negotiated; and
- 2) Yes, there should be an agreement between the parties – Albuquerque and Village of Los Ranchos de Albuquerque used a JPA.

**Larry Hathaway/San Juan County General Services/Community Development
Administrator/(505)334-4550/lhathaway@sjcounty.net**

No comment.

Mary L Holton, AICP/CD Director/(505)599-1285/mholton@fmtn.org

The proposal ensures that all COF property associated with Safety City and all land areas owned by Joe & Stan LLC (Little Creek) are located within the City's PPJ.

The Town of Kirtland has been informed that it needs to review all plats that are located within its current corporate boundaries and its existing PPJ. The City of Farmington was providing this courtesy service until recently. It is noted that this is problematic as the City's UDC does not apply in the Town or its PPJ.

If this request is recommended for approval by the Planning and Zoning Commission, the Town of Kirtland should be responsible for preparing the joint powers agreement (JPA) for the Farmington City Council to consider at its September 27, 2016, meeting at least 10 days prior to that meeting so that sufficient time is provided to the City Attorney to review it prior to

the meeting.

If this proposal is approved by the City Council, the Town will need to start reviewing/approving plats and addressing (subject to San Juan County Addressing Authority approval) in all of its established PPJ (in addition to its corporate boundaries) immediately upon execution of the JPA. The New Mexico Department of Finance and Administration is required to review and approve all JPAs. The Town of Kirtland should secure this approval if the City approves the request.

Staff Analysis

In reviewing Kirtland's initial proposal in May 2016, staff found it difficult to fathom the amount of land area that was being asked from the City of Farmington: All of Farmington's Tier 3 on its west side.

In developing the proposed compromise, staff considered the development patterns for both municipalities including their projected spheres of influence, the current extent of City water/wastewater infrastructure, the location of Safety City, the planned extent of Little Creek, and the City's Comprehensive Plan, especially Figure 4.3, Planning and Platting Jurisdiction with 2020 Future Land Use. The following is noted:

1. All of Little Creek and all of Safety City should remain within the City's PPJ.
2. The City has been judicious in developing water and wastewater infrastructure only in the City and in Tier 2.
3. The area along US 64 west of Tier 2 is mostly rural in nature, and has many parcels that include rough terrain and physical constraints which would make Farmington's more suburban/urban development patterns challenging to be implemented.
4. Figure 4.3 from the City's Comprehensive Plan indicates presumed municipal boundaries for Kirtland.
5. The area along Twin Peaks west of the City presents future opportunities for residential and nonresidential growth for the City.

Using the Town's 2015 proposal with the County (see top of page 3) as a guide, a compromise was developed by utilizing the school districts' line/COF Tier 2 boundary as the demarcation line between the Town & City PPJs. The line would move northward to Twin Peaks Boulevard, then westward to Lot 53 of the "Geoff McMahon Tract Subdivision." The line would then move northward along that eastern lot line, then westward along the northern lot line to the extent of the City's current five mile PPJ. The area to the north of this area would remain within the City's Tier 3.

3. CONCLUSION

The Community Development Department concludes that approval of the proposed request is appropriate.

4. RECOMMENDATION

The Community Development Department recommends **approval** of Petition PPJ 16-01, as agreed to by City staff and the Town on August 16, 2016. PPJ 16-01 consists of the request from the Town of Kirtland to adjust its Planning & Platting Jurisdiction (PPJ) with the City of Farmington.

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION:

On September 15, 2016, the Planning and Zoning Commission held a public meeting for PPJ 16-01 and made the following findings:

1. The subject area is presently located in Tier 3 of the City's planning and platting jurisdiction (PPJ).
2. The petitioner requests an adjustment to Tier 3 of the City's PPJ so that the Town of Kirtland may utilize it for its PPJ on the Town's east and north sides.
3. The City Attorney advises that a PPJ may be negotiated between municipalities under current state statutes.
4. The area along US 64 west outside the City's Tier 2 is mostly rural in nature, and has many parcels that include rough terrain and physical constraints which would make Farmington's more suburban/urban development patterns challenging for implementation.
5. Figure 4.3, Planning and Platting Jurisdiction with 2020 Future Land Use, from the City's Comprehensive Plan indicates presumed municipal boundaries for Kirtland.
6. A notice regarding the petition was published in the Daily Times on Sunday, August 28, 2016. A public notice sign was posted along US 64 heading west at the school district boundaries line on Friday, September 2, 2016.
7. The petitioner's representative was at the hearing and spoke in favor of the petition. No one was at the hearing to protest.

Planning & Zoning Commission Discussion of Petition ZC 16-72 on September 15, 2016

Director Mary Holton presented the staff report for PPJ 16-01, a request from Mark Duncan, Mayor, Town of Kirtland, for a Memorandum of Understanding with the City of Farmington, regarding the extent of the Town of Kirtland's Planning and Platting Jurisdiction to be located within San Juan County, New Mexico.

Ms. Holton stated that the agenda given to each Commissioner included information for the basis of the Planning and Platting Jurisdiction (PPJ), information on state statutes, and the City's 2002 Comprehensive Plan. Ms. Holton explained the three Tiers in the PPJ. The area in Tier 3 is looked at as land that could be annexed by the City in the long term.

Ms. Holton said the Town of Kirtland and City of Farmington staff have agreed to adjust Tier 3 of the City's PPJ on its west side. The Town of Kirtland is requesting to utilize the Central Consolidated School Districts boundary with the Farmington Municipal School District boundary as the primary line between the PPJs. The northern portion would remain within the City of Farmington's PPJ, and the southern portion would be included in the Town of Kirtland's PPJ.

Staff is recommending approval of this request to adjust the City's PPJ on the west side with conditions that the Town of Kirtland should be responsible for preparing the joint powers agreement (JPA) for the Farmington City Council to consider with sufficient time for the City Attorney to review it prior to the meeting, and to submit the JPA to the New Mexico Department of Finance and Administration (DFA). Another condition is that the Town of Kirtland should start reviewing and approving plats and addressing in its PPJ upon execution of the JPA.

Larry Hathaway of #9 Road 6071, Town of Kirtland Trustee, said the PPJ was initially based on the school district boundary and the Lower Valley Water Users Association boundary. The east side was negotiated and the Town of Kirtland has approved what has been presented.

Planning & Zoning Commission Action of Petition PPJ 16-01 on September 15, 2016

A motion was made by Commissioner Brown and seconded by Commissioner Ragsdale to approve Petition PPJ 16-01, a request from Mark Duncan, Mayor, Town of Kirtland, for a Memorandum of Understanding with the City of Farmington, regarding the extent of the Town of Kirtland's Planning and Platting Jurisdiction to be located within San Juan County, New Mexico with the following conditions:

1. The Town of Kirtland should be responsible for preparing the joint powers agreement, JPA for the Farmington City Council to consider with sufficient time for the City Attorney to review prior to the meeting, and to submit the JPA to the Department of Finance and Administration, DFA.
2. The Town of Kirtland should begin reviewing and approving plats and addressing immediately upon execution of the JPA.

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

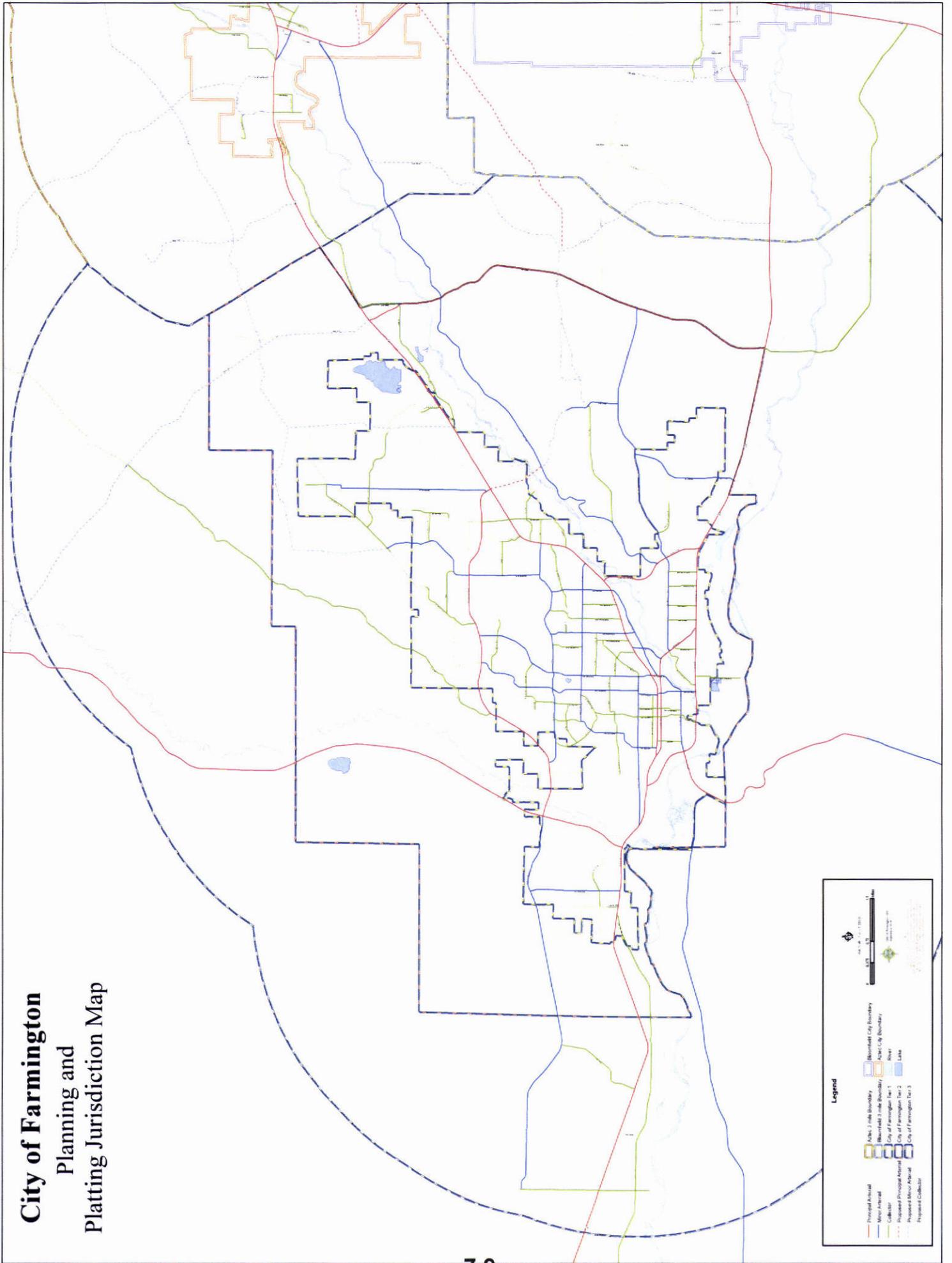
NAY: None

Abstained: None

Absent: Commissioners Davis, Thompson, Washburn, and Yazzie.

Motion passed 6-0

City of Farmington Planning and Platting Jurisdiction Map



Legend

- Principal Aerial
- Minor Aerial
- Collector
- Proposed Principal Aerial
- Proposed Minor Aerial
- Proposed Collector
- Actual 2010 Boundary
- Proposed 2010 Boundary
- Actual City Boundary
- Proposed City Boundary
- City of Farmington Tier 1
- City of Farmington Tier 2
- City of Farmington Tier 3
- Link

Scale: 0 0.5 1 Miles

North Arrow

City of Farmington

PLANNING MEMO COMMENTS SUMMARY

PPJ 16-01 COF AND TOWN OF KIRTLAND

Deadline: 9/2/16

City of Farmington Departments

| | | |
|--------|--|---|
| CD | Director – Mary Holton | Comments will be incorporated into the staff memo. |
| CD | Addressing – Planning Division | |
| CD | Chief Building Official – Derrick Childers | |
| CD | Long Range Planner | |
| CD | MPO – Duane Wakan | |
| CD | Oil & Gas Inspector – Leona Simms | |
| CITY | City Manager's Office – Julie Baird | |
| ELEC | Customer Care Manager – Nicki Parks | |
| ELEC | Electrical Engineering - Luwil Aligarbes | COF has powerlines (overhead & underground) inside Town of Kirtland jurisdiction that serves the community of Kirtland. |
| ELEC | T & D | |
| FIRE | Fire Marshall –Brandy Vega | |
| LEGAL | City Attorney – Jennifer Breakell | |
| LEGAL | Deputy City Attorney-Russel Frost | |
| POLICE | Code Compliance – Todd Johnston | |
| POLICE | Sergeant Flores | |
| PRCA | Cory Styron | |
| PW | City Engineer- Nica Westerling | |
| PW | Engineering – Toni Sitta | |
| PW | Streets Superintendent – Jim Couch | |
| PW | Traffic Engineer– Charles Trask | |
| PW | Water/Waste Water – Manuel Tso | No comment |

Other Entities

| | |
|--|------------|
| New Mexico Gas Company-Ronnie Owens | |
| CenturyLink-Diane Willatto | No comment |
| Enterprise Field Services | |
| Comcast Cable-Mark Johnson | |
| CH2MHILL OMI-Ron Rosen | |
| Williams Field Services | |
| Farmington School District-Cindy Lyons | |

PLANNING MEMO COMMENTS SUMMARY

PPJ 16-01 COF & TOWN OF KIRTLAND

Deadline: **05/18/16**

City of Farmington Departments

| | | |
|--------|--|--|
| CD | | <p>The proposed PPJ map needs to be adjusted to ensure that all COF property associated with Safety City and all land areas owned by Joe & Stan LLC (Little Creek) are located within the City's PPJ. The map must be revised to indicate a three-mile PPJ for the Town.</p> <p>The Town of Kirtland needs to review all plats that are located within its corporate boundaries and its existing PPJ. The City of Farmington has been providing this courtesy service since the Town was incorporated last year. This is problematic as the City's UDC does not apply in these areas.</p> <p>It is additionally recommended that if a request for additional PPJ on the Town's eastside is approved, the Town should be responsible for preparing a joint powers agreement (JPA) and for reviewing/approving plats and addressing (subject to SJC approval) in its entire established PPJ in addition to its corporate boundaries effective immediately.</p> |
| | Director – Mary Holton | |
| CD | Addressing – Planning Division | |
| CD | Chief Building Official – Derrick Childers | Building inspection has no comments on PPJ COF and Town of Kirtland. |
| CD | Long Range Planner | |
| CD | MPO – Duane Wakan | |
| CD | Oil & Gas Inspector – Leona Simms | |
| IT/GIS | | Attached is a map showing the location of Safety City property and the property owned by Joe and Stan LLC. The property owned by Joe and Stan appear to be within the Farmington School District. The property that is part of Safety City is in both Farmington's School District and Kirtland's school district. The map that was provided by Dan (the Kirtland engineer) shows this property as part of the proposed Kirtland Planning and Platting Jurisdiction. It was mentioned that Nica noticed that the map from Dan that showed the proposed PPJ line that was 5 miles. I agree with Nica. I created a map that shows the approximate area for a 3 mile and 5 mile buffer around the Town of Kirtland. |
| | Bobby Kimball | |
| CITY | City Manager's Office – Julie Baird | |
| ELEC | Customer Care Manager – Nicki Parks | |
| ELEC | Electrical Engineering - Luwil Aligarbes | 6/2/16-No comment on proposed boundary |
| ELEC | T & D | |
| FIRE | Fire Marshall –Brandy Vega | |
| LEGAL | City Attorney – Jennifer Breakell | |

| | | |
|--------|------------------------------------|---|
| LEGAL | Deputy City Attorney-Russel Frost | According to Section 3-19-5 NMSA 1978, the planning and platting jurisdiction of Farmington extends to the city limits of Kirtland because Kirtland has less than 2500 residence. Therefore, using the boundary for school districts is not appropriate. The City of Farmington has utilities and infrastructure that extends beyond the city limits, therefore allowing Farmington a greater planning and platting jurisdiction will provide opportunity to protect those utility interests. |
| POLICE | Code Compliance – Todd Johnston | |
| POLICE | Sergeant Flores | |
| PRCA | Cory Styron | |
| PW | City Engineer- Nica Westerling | It appears that they are implementing a 5 mile boundary and I think state statues is 3 miles. Is Kozsimor's development and safety City within our boundary? |
| PW | Engineering – Toni Sitta | |
| PW | Streets Superintendent – Jim Couch | |
| PW | Traffic Engineer– Charles Trask | |
| PW | Water/Waste Water-Manuel Tso | No comment |
| PW | Water/Waste Water – Jeff Smaka | No comment |

Other Entities

| | |
|--|--|
| New Mexico Gas Company-Ronnie Owens | |
| SJC Subdivision Review Officer-David Barnett | It's about 1.3 miles off with the current town boundary. With the proposed annexation it's still about .7 miles off. |
| CenturyLink-Diane Willatto | No comment |
| Enterprise Field Services | |
| Comcast Cable-Mark Johnson | |
| CH2MHILL OMI-Ron Rosen | |
| Williams Field Services | |
| Farmington School District-Cindy Lyons | |

Proposed Kirtland PPJ

4 messages

Holton, Mary <mholton@fmtn.org>

Fri, Aug 12, 2016 at 9:30 AM

To: Gwen Warner <gwarner@kirtlandnm.org>

Cc: Rob Mayes <rmayes@fmtn.org>, Karen Walker <kwalker@fmtn.org>

Gwen – Please provide the attached map to Mayor Duncan for his review. He and I met with Rob Mayes on this matter this past Tuesday.

The soonest we could schedule the proposal for consideration by our Planning & Zoning Commission is September 15 – We would need to know by August 24 in order to notice it in time. Based on that timetable, our City Council would consider it on September 27.

If that is what is wanted, please email Karen and I by August 24.

–

Thanks!

Mary L Holton, AICP
Community Development Director
City of Farmington
800 Municipal Drive
Farmington, NM 87401
Phone 505-599-1285
FAX 505-599-1299
Cell 505-801-7215

**ProposedBoundaryChanges11x17August2016 (3).pdf**

749K

Holton, Mary <mholton@fmtn.org>

Mon, Aug 15, 2016 at 3:03 PM

To: Julie Baird <jbaird@fmtn.org>

[Quoted text hidden]

**ProposedBoundaryChanges11x17August2016 (3).pdf**

749K

Gwen Warner <gwarner@kirtlandnm.org>

Tue, Aug 16, 2016 at 3:10 PM

To: "Holton, Mary" <mholton@fmtn.org>, "Walker, Karen" <kwalker@fmtn.org>

Mary,

Mayor Duncan reviewed the map and is in agreement with the boundaries so, yes please schedule the proposal for consideration by your Planning & Zoning Commission and City Council.

At this time, I am unsure who will be able to attend the meetings so, if you could share with us the progress of the proposal it would be appreciated.

Thank You,

Gwen Warner
Clerk

Town of Kirtland, NM
PO Box 1887
Kirtland, NM 87417
gwamer@kirtlandnm.org
(505) 598-4160

Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with Town officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with Town officials or employees.

[Quoted text hidden]

[Quoted text hidden]

Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.

Holton, Mary <mholton@fmtn.org>
To: Karen Walker <kwalker@fmtn.org>
Cc: Julie Baird <jbaird@fmtn.org>

Tue, Aug 16, 2016 at 3:25 PM

Karen -- Please schedule this consideration for P&Z on 9/15 and City Council on 9/27 keeping Gwen informed. I will be the assigned project planner. Let's use the previous paperwork that was submitted except for the new map (see attached).

Thanks!

[Quoted text hidden]

 **ProposedBoundaryChanges11x17August2016 (3).pdf**
749K

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, September 2, 2014 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

| | |
|------------|--|
| MAYOR | Tommy Roberts |
| COUNCILORS | Dan Darnell Mary M. Fischer Gayla A. McCulloch Nate Duckett |

constituting all the members of the Governing Body.

Also present were:

| | |
|------------------------|----------------|
| CITY MANAGER | Rob Mayes |
| ASSISTANT CITY MANAGER | Bob Campbell |
| CITY ATTORNEY | Jay B. Burnham |
| CITY CLERK | Dianne Smylie |
| DEPUTY CITY CLERK | Andrea Jones |

PRESENTATION/ANIMAS RIVER BACTERIAL SOURCE TRACKING STUDY/SAN JUAN WATERSHED GROUP

Water Resource Specialist Paul Montoia introduced San Juan Watershed Group ("SJWG") Coordinator David Tomko and noted that the City has been an active participant in SJWG for the past twelve years. Mr. Tomko reported that SJWG was formed in 2001 under the direction of the New Mexico Environment Department ("NMED") as a result of the Animas, San Juan and La Plata Rivers being listed as "non-attainment" of water quality standards because of several pollutants. Utilizing a Powerpoint presentation, he noted that water samples are taken every eight years and pointed out that the 2012 water samplings taken by NMED have resulted in removing the San Juan River and adding the Animas River to the list of rivers exceeding water quality standards in E. coli bacteria. Mr. Tomko explained that utilizing grant funds received from BHP Billiton, SJWG is attempting to identify the sources of E. coli bacteria entering the rivers and then institute measures to mitigate those pollutants. He reported that the study is ultimately attempting to identify which animal source is producing the bacteria and stated that samples are taken from five sites which include the Animas River at the New Mexico/Colorado state line; Animas River in Aztec; Animas River at Boyd Park in Farmington; San Juan River upstream from the confluence with the Animas River in Farmington; and the San Juan River in Hogback. Mr. Tomko reported that the sampling season begins in early April and concludes in October and noted that microbial testing is done weekly while E. coli bacteria testing is performed bi-weekly. He stated that this presentation is the summary of the 2013 sampling results.

Continuing with his presentation regarding E. coli bacteria sampling, Mr. Tomko noted that a trend between the river's flow and the E. coli bacteria levels is apparent: when the river's flow is increased, the E. coli bacteria level is increased. He reported that the E. coli bacteria levels from the Animas River at the New Mexico/Colorado state line sampling site complied with both New Mexico and Colorado state standards throughout the sampling season. Mr. Tomko noted that the samplings at the Animas River in Aztec revealed mostly compliant E. coli bacteria levels and pointed out that samplings of the Animas River at Boyd Park had several non-compliant E. coli bacteria levels. Moving on to the San Juan River sampling data, he reported that the Farmington sampling site revealed several non-compliant levels and noted that the river from Largo Wash to Farmington should be re-listed as "non-attainment" of water quality standards. Mr. Tomko reviewed the sampling levels of the San Juan River at Hogback and

pointed out that they were the highest E. coli bacteria levels at any of the five sites sampled.

In response to Mayor Roberts' inquiry, Mr. Tomko explained that the E. coli bacteria levels steadily increases incrementally as the water moves downstream and reported that any single bacterium should live approximately eight hours or less if exposed to sunlight. He added that muddy, murky water that blocks sunlight exposure will increase the bacterium's lifespan.

Mr. Tomko reported that microbial source tracking includes analysis of water samples for the presence of a bacterium called bacteroides; reiterated that the samples are collected from the same five sites as the E. coli bacteria samples; noted that bacteroides grow similarly to the E. coli bacteria; and stated that both bacteria are from the intestinal tracts of all warm blooded animals. He explained that analysis of the DNA of the bacteroides can identify which animal source the bacteria came from and noted that samples were tested for Human, Ruminant, Cow, Dog and Horse bacteroides and Bird Fecal ID. Mr. Tomko reported that E. coli bacteria and general bacteroides levels mirrored one another; pointed out that human bacteroides were present in 90 percent of the samples collected; and stated that a second human bacteroides testing along with a chilei analysis will be performed to confirm whether the results indicate a true problem or flawed analysis in this new US Environmental Protection Agency ("EPA") approved procedure. He reported that the results, if found correct, imply illegal dumping of sewage into the rivers and pointed out that the human fecal contamination is not related to the rainy season.

Lengthy discussion ensued regarding possible illegal sewage dumping sources and septic systems. In response to multiple questions, Mr. Tomko stated that New Mexico has not established a "safe" level of contamination in regards to warning the public of possible risk; reported that the New Mexico water treatment facility standards is zero detection of bacteria; and stated that NMED has enforcement authority over improperly operating septic systems. Mr. Tomko thanked the City of Farmington for their participation and commitment to SJWG.

RESOLUTION NO. 2014-1526/CONSENTING TO THE INCORPORATION OF THE PROPOSED TOWN OF KIRTLAND, NEW MEXICO

City Attorney Jay Burnham explained that state statute requires the governing body of the City of Farmington to grant its consent to the proposed incorporation of the Town of Kirtland, New Mexico because it is within five miles of the municipal boundaries. He introduced Mark Duncan and Frank Coppler as representatives of the group that seeks to incorporate the proposed Town of Kirtland.

Mr. Duncan reported that the required 60 percent of property owners have signed the petition; noted that the petition is on file with the San Juan County Clerk's office; and stated that the majority of the proposed town is within the Lower Valley Water and Sanitation District but explained that the Harper Valley Subdivision is also included because the population was not sufficient to meet state regulations. He reported that the Harper Valley Subdivision is fourth on San Juan County's capital outlay for installation of a lift station to tie into the sewer district and noted that incorporation of the Town of Kirtland would afford them the opportunity to apply for state funds to extend the sewer district.

In response to multiple inquiries, Mr. Duncan stated that the anticipated population of the proposed Town of Kirtland is 450; reported that Public Safety and Service contracts will either be with San Juan County or the City of Farmington; and confirmed that the proposed Town of Kirtland does not include the area generally known as "Kirtland." Mr. Coppler added that the normal method utilized for annexation is petition by land owners and pointed out that the landowners of "Kirtland" currently do not have sewer service and suggested that tying into the proposed Town of Kirtland's sewer district might be a motivating factor for annexation.

After brief discussion regarding the impact of the proposed incorporation, Mr. Burnham pointed out that the planning and platting jurisdiction of property outside of each municipal boundary would cease at an equidistant location between the two boundaries (approximately

1.5 miles). In response to Mayor Roberts' inquiry, Community Development Director Mary Holton added that the only conflict on the City's behalf is the Little Creek Subdivision west of the city's boundary near Highway 64. Following brief discussion by staff, Mr. Burnham informed the Council that it is staff's recommendation to adopt Resolution No. 2014-1526.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to adopt Resolution No. 2014-1526 as presented. The roll was called with the following result:

| | |
|-------------------|--|
| Those voting aye: | Dan Darnell Mary M. Fischer Gayla A. McCulloch Nate Duckett |
|-------------------|--|

| | |
|-------------------|------|
| Those voting nay: | None |
|-------------------|------|

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2014-1526 was duly passed and adopted.

AGREEMENT/TRANSPORTATION OF DIVERSIONARY WATER THROUGH FARMERS DITCH

Public Works Director David Sypher briefly reviewed the proposed service agreement between the City of Farmington and Farmers Irrigation District for transportation of raw water to Farmington Lake through Farmers Ditch. He noted that the current cost to pump water from the river is approximately \$26 per acre-foot and pointed out that the agreement with Farmers Irrigation District is for \$13 per acre-foot.

Following brief discussion, a motion was made by Councilor Duckett, seconded by Councilor Darnell to approve and execute the agreement as presented, and upon voice vote the motion carried unanimously.

BID/LIFT STATION NO. 3, 5 AND 22 IMPROVEMENTS

Purchasing Officer Eddie Smylie reported that the bid for lift station No. 3, 5 and 22 improvements (Public Works) opened on August 20, 2014 with three bidders participating. He recommended that the bid be awarded to Sunwestern Contractors as the lowest and best bidder after application of five percent in-state preference.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Duckett to award the bid for improvements to lift station No. 3, 5 and 22 to Sunwestern Contractors on its low bid after application of five percent in-state preference of \$938,218.00, as recommended by the Purchasing Officer, and upon voice vote the motion carried unanimously.

CANCELLATION OF NOVEMBER 24, 2014 AND DECEMBER 23, 2014 REGULAR CITY COUNCIL MEETINGS

Due to the Thanksgiving and Christmas holidays, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to cancel the November 24, 2014 and the December 23, 2014 regular City Council meetings, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Commendation of Police Department staff and Explorer members

Mayor Roberts commended the Police Department staff along with the members of the Explorer group for their time and efforts in assisting three homeowners in bringing their yards into compliance with City Code. Councilors McCulloch and Duckett echoed Mayor Roberts' words of appreciation.

3-19-1. Creation of planning commission.

A municipality is a planning authority and may, by ordinance:

A. establish a planning commission;

B. delegate to the planning commission:

(1) the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning; and

(2) other power, authority, jurisdiction and duty incidental and necessary to carry out the purpose of [Sections 3-19-1](#) through [3-19-12](#) NMSA 1978;

C. retain to the governing body as much of this power, authority, jurisdiction and duty as it desires; and

D. adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan.

History: 1953 Comp., § 14-18-1, enacted by Laws 1965, ch. 300.

3-19-2. Appointment, term, removal of commission.

A. A planning commission shall consist of not less than five members who shall be appointed by the mayor with the consent of the governing body of the municipality. Administrative officials of the municipality may be appointed as ex-officio, nonvoting members of the planning commission.

B. On the first planning commission a majority of the members shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member on a planning commission shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the planning commission shall be filled for the remainder of the unexpired term.

C. After a public hearing and for cause stated in writing and made part of the public record, a mayor with the approval of the governing body may remove a member of the planning commission.

History: 1953 Comp., § 14-18-2, enacted by Laws 1965, ch. 300.

3-19-3. Chairman; regular meetings; records.

A planning commission shall:

A. elect one of its members chairman for a one-year term;

B. create and fill other offices;

C. hold at least one regular meeting each month;

D. adopt rules for the transaction of business; and

E. keep a public record of its transactions, findings, resolutions and determinations.

History: 1953 Comp., § 14-18-3, enacted by Laws 1965, ch. 300.

3-19-4. Powers of commission.

A. A planning commission shall have such powers as are necessary to:

- (1) fulfill and perform its functions;
- (2) promote municipal planning; and
- (3) carry out the purposes of [Sections 3-19-1](#) through [3-19-12](#) NMSA 1978.

B. A planning commission may:

- (1) make reports and recommendations for the planning and development of the municipality to:
 - (a) public officials and agencies;
 - (b) public utility companies;
 - (c) civic, educational, professional and other organizations; and
 - (d) citizens; and
- (2) recommend to the administrative and governing officials of the municipality programs for public improvements and their financing.

C. Members and employees of the planning commission, in the performance of its function, may:

- (1) enter upon any land;
- (2) make examinations and surveys; and
- (3) place and maintain necessary monuments and markers upon the land.

D. Upon request, a public official shall furnish within a reasonable time available information which the planning commission requires for its work.

History: 1953 Comp., § 14-18-4, enacted by Laws 1965, ch. 300.

3-19-5. Planning and platting jurisdiction.

A. Each municipality shall have planning and platting jurisdiction within its municipal boundary. Except as provided in Subsection B of this section, the planning and platting jurisdiction of a municipality:

- (1) having a population of twenty-five thousand or more persons includes all territory within five miles of its boundary and not within the boundary of another municipality; or
- (2) having a population of fewer than twenty-five thousand persons includes all territory within three miles of its boundary and not within the boundary of another municipality.

B. A municipality located in a class A county with a population of more than three hundred thousand persons shall not have planning and platting jurisdiction in the unincorporated area of the county.

C. If territory not lying within the boundary of a municipality is within the planning and platting jurisdiction of more than one municipality, the planning and platting jurisdiction of each municipality shall terminate equidistant from the boundary of each municipality unless one municipality has a population of fewer than two thousand five hundred persons and another municipality has a population of more than two thousand five hundred persons according to the most recent census. Then the planning and platting jurisdiction of the municipality having the greatest population extends to such territory.

History: 1953 Comp., § 14-18-5, enacted by Laws 1965, ch. 300; 1966, ch. 64, § 5; 1998, ch. 42, § 3; 2003, ch. 438, § 3.

3-19-6. Subdivision regulations.

A. The planning authority of a municipality shall adopt regulations governing the subdivision of land within the planning and platting jurisdiction of the municipality. The subdivision regulations shall be approved by the governing body before they become effective. The subdivision regulations may provide for:

- (1) the harmonious development of the municipality and its environs;
- (2) the coordination of streets within the subdivision with existing or planned streets or other features of the master plan or official map of the municipality;
- (3) adequate open space for traffic, recreation, drainage, light and air; and
- (4) the distribution of population and traffic which tend to create conditions favorable to the health, safety, convenience, prosperity or general welfare of the residents of the municipality.

B. Subdivision regulations may govern:

- (1) the width of streets;
- (2) the width, depth and arrangement of lots;
- (3) land use, including natural drainage;
- (4) other matters necessary to carry out the purposes of the Municipal Code; and
- (5) the extent and manner in which:
 - (a) streets are graded and improved; and
 - (b) water, sewer and other utility facilities are installed as a condition precedent to the approval of a plat.

C. The subdivision regulations or the practice of the planning commission may allow tentative approval of the plat previous to the completion of improvements and the installation of utility facilities but such tentative approval shall not be entered on a plat. In lieu of the completion of improvements and the installation of utility facilities previous to the final approval of a plat, the subdivision regulations may provide for:

- (1) assessment or other methods whereby the municipality makes the improvements and installations at the cost of the owner of property within the subdivision; or
- (2) acceptance of a bond, in an amount and with surety and conditions satisfactory to the planning commission, securing to the municipality the actual construction and installation of improvements and utility facilities within a period of time specified by the planning commission and expressed in the bond. A municipality may enforce such a bond by all appropriate and legal remedies; or
- (3) in lieu of a bond, the municipality may enter into an agreement with a person seeking approval of a subdivision whereby the person seeking approval shall, within two years following final approval of the plat, complete the improvements and the installation of utility facilities provided for in the person's application for subdivision approval, except that the agreement set forth herein may provide that the person seeking approval shall be permitted by the municipality to sell or otherwise dispose of, or improve any lot within the subdivision, to which improvements and utility facilities have been provided by the person seeking approval at any time within the

two-year period; any such agreement shall be recorded with the county clerk at the time of filing said plat.

D. The governing body or planning commission of the municipality shall hold a public hearing on the adoption of a subdivision regulation or an amendment to it. Notice of the time and place of the public hearing shall be published once at least fifteen days prior to the date of the public hearing.

E. If the requirement or restriction does not violate the zoning ordinance, the governing body or planning commission of the municipality may agree with a person seeking approval of a subdivision upon the use, height, area or bulk requirement or restriction governing buildings and premises within the subdivision. The requirement or restriction shall:

- (1) accompany the plat before it is approved and recorded;
- (2) have the force of law;
- (3) be enforced; and
- (4) be subject to amendment or repeal as the provisions of the zoning ordinance and map are enforced, amended or repealed.

History: 1953 Comp., § 14-18-6, enacted by Laws 1965, ch. 300; 1975, ch. 309, § 1.

3-19-7. Platting of street lines by planning commission.

A. A planning commission which has adopted a master plan or a major street plan may:

- (1) survey for the exact location of the lines of new, extended, widened or narrowed streets within the municipality or its planning and platting jurisdiction; and
- (2) certify to the governing body of the municipality a plat of the area surveyed which indicates the location of lines recommended for future streets, street extension, street widening or narrowing.

B. The certification of a plat by the planning commission does not constitute the opening of a street or the taking or accepting of land for street purposes.

History: 1953 Comp., § 14-18-7, enacted by Laws 1965, ch. 300.

3-19-8. Appeal.

Any person in interest dissatisfied with an order or determination of the planning commission, after review of the order or determination by the governing body of the municipality, may commence an appeal in the district court pursuant to the provisions of [Section 39-3-1.1](#) NMSA 1978.

History: 1953 Comp., § 14-18-8, enacted by Laws 1965, ch. 300; 1998, ch. 55, § 5; 1999, ch. 265, § 5.

3-19-9. Master plan; purposes.

A. The planning commission shall prepare and adopt a master plan for the physical development of the municipality and the area within the planning and platting jurisdiction of the municipality which in the planning commission's judgment bears a relationship to the planning of the municipality. The planning commission may amend, extend or add to the plan or carry any part or subject matter into greater detail. In preparing the master plan, the planning commission shall make careful and comprehensive surveys and studies of existing conditions and probable future

growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

B. Among other things, the master plan with accompanying maps, plats and charts; descriptive and explanatory matter; and recommendations of the planning commission for the physical development of the municipality, and for its planning jurisdiction, may include:

(1) the general location, character and extent of streets, bridges, viaducts and parkways; parks and playgrounds, floodways, waterways and waterfront development, airports and other ways, grounds, places and spaces;

(2) the general location of public schools, public buildings and other public property;

(3) the general location and extent of public utilities and terminals, whether publicly or privately owned;

(4) the general location, character, layout and extent of community centers and neighborhood units and the replanning of blighted districts and slum areas; and

(5) the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities or terminals.

C. Copies of the master plan shall be available at the office of the municipal clerk and may be purchased at a reasonable price.

History: 1953 Comp., § 14-18-9, enacted by Laws 1965, ch. 300; 1970, ch. 52, § 1.

3-19-10. Adoption of a master plan.

A. The planning commission may adopt:

(1) the master plan by a single resolution; or

(2) part of the master plan as work progresses on the master plan; provided the part corresponds with one of the functional subdivisions of the subject matter of the plan. Before adoption of the master plan or any part thereof, the planning commission shall hold at least one public hearing. Notice of the time and place of the hearing shall be published one time at least fifteen days before the day of the hearing. Prior to the publication of the notice, copies of the master plan shall be made available to any citizen in the office of the municipal clerk.

B. Adoption of the master plan or any part, amendment or addition to the master plan shall be by a resolution approved by a majority of the members of the planning commission. The resolution shall refer expressly to the maps, descriptive matter and other matters which the planning commission intends to form part or the whole of the master plan. The action taken by the planning commission shall be recorded on the master plan or the part of the plan and shall be endorsed by the chairman and the secretary of the planning commission. A certified copy of the master plan or any part thereof approved by the planning commission shall be given to the governing body of the municipality.

History: 1953 Comp., § 14-18-10, enacted by Laws 1965, ch. 300.

3-19-11. Legal status of master plan.

A. After a master plan or any part thereof has been approved and within the area of the master plan or any part thereof so approved, the approval of the planning commission is necessary to construct, authorize, accept, widen, narrow, remove, extend, relocate, vacate, abandon, acquire or change the use of any:

- (1) park, street or other public way, ground, place or space;
- (2) public building or structure; or
- (3) utility, whether publicly or privately owned.

B. The failure of the planning commission to act within sixty-five days after the submission of a proposal to it constitutes approval of the proposal unless the proponent agrees to an extension of time. If the planning commission disapproves a proposal, it must state its reasons to the governing body. The governing body may overrule the planning commission and approve the proposal by a two-thirds vote of all its members.

C. None of the provisions of [Chapter 3, Article 19](#) NMSA 1978 shall apply to any existing building, structure, plant or other equipment owned or used by any public utility or the right to its continued use or its reasonable repair or alteration for the purpose for which it was used at the time the master plan or any part thereof affecting the property takes effect. After the adoption of the master plan or any part thereof affecting the property, all extensions, betterments or additions to buildings, structures, plants or other equipment of any public utility shall be made in conformity with the master plan or any part thereof affecting the property and upon the approval of the planning commission. After a public hearing, the state corporation commission [public regulation commission] or the New Mexico public utility commission [public regulation commission] or the regulatory agency having jurisdiction or their successors having jurisdiction, as the case may be, may order that the extensions, betterments or additions to buildings, structures, plants or other equipment are reasonable and that the extensions, betterments or additions may be made even though they conflict with the adopted master plan or any part thereof affecting the property.

D. Any public agency or official, not under the jurisdiction of the governing body of the municipality, authorizing or financing a public way, ground, place, space, building, structure or utility shall submit the proposal to the planning commission. If the planning commission disapproves the proposal, the board of the public agency by a two-thirds vote of all its members or the official may overrule the planning commission and proceed with the proposal subject to the provisions of Subsection C of this section.

History: 1953 Comp., § 14-18-11, enacted by Laws 1965, ch. 300; 1993, ch. 282, § 3.

3-19-12. Approval constitutes amendment to master plan.

Every plat approved by the planning authority is an amendment, addition or a detail of the master plan or any part thereof adopted by the planning commission.

History: 1953 Comp., § 14-18-12, enacted by Laws 1965, ch. 300.

CHAPTER 4

LAND USE AND DEVELOPMENT

Land Use and Development is a key component of the Farmington Comprehensive Plan. This chapter addresses the current and future use of land in the city and the majority of its five-mile Planning and Platting Jurisdiction (PPJ). Through effective land use planning, the City can guide new development and redevelopment to ensure a vital and attractive community with a strong tax base, quality neighborhoods, and efficient street and utility systems. The City's ability to implement the goal and objectives established in this chapter is through its development regulations, infrastructure improvements, and utility extension policies, as well as annexation of additional territory.

This chapter documents Farmington's current development; identifies land use issues facing the city; states the goal, objectives and actions needed to address the issues; and establishes a **2020 Future Land Use Plan** to guide ongoing land development and redevelopment in the City and its Planning and Platting Jurisdiction over the next 20 years.

The goal, with its accompanying objectives and proposed actions for future land use, will point the community toward a more orderly and efficient growth scenario. The desired future arrangement of land use is developed based on physical characteristics in terms of the type, density, and location of residential, commercial, industrial, and other public and private land use types.

It is also important to recognize the linkages between land use, transportation, utilities, housing, parks, and community facilities. Residences require access to these facilities, but protection from incompatible uses is also required. Different types of residential uses require different types of city services. Commercial and industrial uses should be located in areas that are convenient both for inter-city and intra-city traffic. Topographical constraints and land ownership status must also be considered as impacts that limit development opportunities.

KEY ISSUES

During the development of the Comprehensive Plan, land use issues were identified based on comments and concerns expressed by Steering Committee members, community leaders, agency representatives, citizens at the Community Forum, the Community Survey, focus groups, and other involvement activities.

- ❑ Most of the residences in Farmington today are single-family homes. As the city continues to grow, what types of **new residential development** should be considered? Starter homes on smaller lots, senior citizen complexes, and cluster homes should be considered as alternatives to larger single-family homes. Revitalization of Downtown and the redevelopment of the Animas neighborhood could provide areas for residences where infrastructure already exists. Mixing residential and commercial uses should be considered in Downtown and adjacent neighborhoods.
- ❑ There is **increasing growth in areas without adequate infrastructure** in the city such as on the fringe and in the PPJ. Annexation and zoning in the PPJ are possible means to extend municipal regulations and reduce sprawl development patterns.

- There should be a **balance** between ongoing **growth to the east** of Farmington with the **desire for more development and services to the west and south**.
- Since Farmington’s “regional center” status in the Four Corners for commerce, health care, transportation, and services must be maintained and expanded, there needs to be **appropriately zoned locations for commercial and industrial uses**. There also needs to be more neighborhood commercial services located close to residential areas.
- **Manufactured homes** are increasing in popularity due to their more immediate availability and financing options. Appropriate locations, with infrastructure utilities and services are needed.
- The future use of lands controlled by the Bureau of Land Management centers on two opposing issues: The need **to preserve valuable public open space** on the city's fringe, and the **BLM's desire to dispose of some lands**, thereby making them available for private development. There should be coordination between the City's 2020 Future Land Use Plan and the needs of the BLM to ensure compatible and appropriate land uses.
- Farmington is heavily invested in parks and open space. As the city and region grow, continued **acquisition and development of both regional and neighborhood parks** and recreation facilities will be needed.
- There should be consideration given to the **protection and preservation of scenic areas, byways, and vistas**. This could require some limitations on ridgeline and bluff development.
- Consideration must be given to the potential **effects of development on long-term water supply and wastewater collection** and treatment capacity to support population and development projections over the next 20 years. In the approval of new residential development there is the need to provide watershed protection upstream of Farmington Lake, the City’s water reservoir. The current and long-term effects of the use of septic systems need to be considered in the approval of new subdivisions.
- The current **zoning ordinance, zoning district map, and subdivision regulations are outdated** and do not provide all the tools needed to direct and manage new development and redevelopment. There is also the need for consistent enforcement of zoning regulations and other applicable City codes.

There are many more individual land use issues facing Farmington. The above issues are compilations of ones that were most often mentioned—ones that can be reasonably addressed within the context of the Comprehensive Plan.

ROLE OF CITY GOVERNMENT

The role of the City in land use planning is a combination of policy development and implementation. The City is responsible for adopting a comprehensive plan that guides both growth and redevelopment. The Planning and Zoning Commission will use the Comprehensive Plan in conjunction with the implementation tools, the unified development code (subdivision regulations, zoning ordinance, and capital improvements program), construction standards and code enforcement to evaluate and recommend new developments, redevelopment, and use changes that will continue to ensure the health, safety, welfare and orderly growth of the community.

EXISTING DEVELOPMENT PATTERNS

The City of Farmington Planning and Community Development Department's inventory of generalized land uses in 1997 (updated in 2001) is shown in **Figure 4.1 - Generalized Existing Land Use, 1997/2001**. The distribution of existing land uses by acreage and percent of land area is shown in **Table 4.1 - Generalized Existing Land Use, 1997/2001**. The boundary of this map is arbitrary in that it addresses only the city limit areas and the immediate surrounding areas that form a rectangle around the city.

This land use inventory identifies the predominant types, locations, and patterns of existing land use. As a generalized land use inventory, it is intended for planning purposes only. The inventory is not parcel specific and does not represent the detailed pattern of existing land uses. In 2001, the area inside the current city limits was approximately 60.9 percent developed with 11,556 acres of various land uses. Developed areas outside the city were approximately 5,902 acres, for a total developed area of 17,458 acres or 39.7 percent of the total area.

Residential uses are the most prevalent type of land use, 6,232 acres or 14.3 percent of the inventoried area. Private and public vacant or undeveloped areas amounted to an additional 7,421 acres including both lands, almost 40 percent of the land within the city limits. Although the City annexed the Bluffview and Wildflower developments after this map was first prepared, the generalized land uses are relatively the same today as then.

**TABLE 4.1
GENERALIZED EXISTING LAND USE
1997/2001**

| Land Use Classification | Acreage Within City Limits | | Acreage Outside City Limits | | TOTAL ACREAGE | |
|------------------------------------|----------------------------|---------------|-----------------------------|---------------|---------------|---------------|
| | Acreage | Percent | Acreage | Percent | Acreage | Percent |
| Single-Family Residential > ¼ acre | 3,661 | 19.3% | 365 | 1.5% | 4,026 | 9.2% |
| Single-Family Residential < ¼ acre | 1,416 | 7.5% | 589 | 2.4% | 2,005 | 4.6% |
| Multi-Family Residential | 199 | 1.0% | 2 | 0.0% | 201 | 0.5% |
| Commercial | 1,576 | 8.3% | 138 | 0.6% | 1,714 | 3.9% |
| Office/Professional | 168 | 0.9% | 5 | 0.0% | 173 | 0.4% |
| Industrial | 979 | 5.2% | 668 | 2.7% | 1,647 | 3.8% |
| Public/Semi-Public/Institutional | 1,645 | 8.7% | 89 | 0.4% | 1,734 | 3.9% |
| Parks/Open Space | 1,912 | 10.1% | 4,046 | 16.2% | 5,958 | 13.6% |
| Vacant - Private | 6,635 | 35.0% | 9,111 | 36.5% | 15,746 | 35.8% |
| Vacant - BLM/State | 786 | 4.1% | 9,935 | 39.8% | 10,721 | 24.4% |
| TOTAL Acreage | 18,977 | 100.0% | 24,948 | 100.0% | 43,925 | 100.0% |

Source: City of Farmington.

Notes: Area inventoried inside city limits did not include all of Bluffview and Wildflower areas annexed in 2000. Area outside city limits does not include the full extent of the City's 5-mile Planning and Platting Jurisdiction. Percentages may not total 100 percent due to rounding.

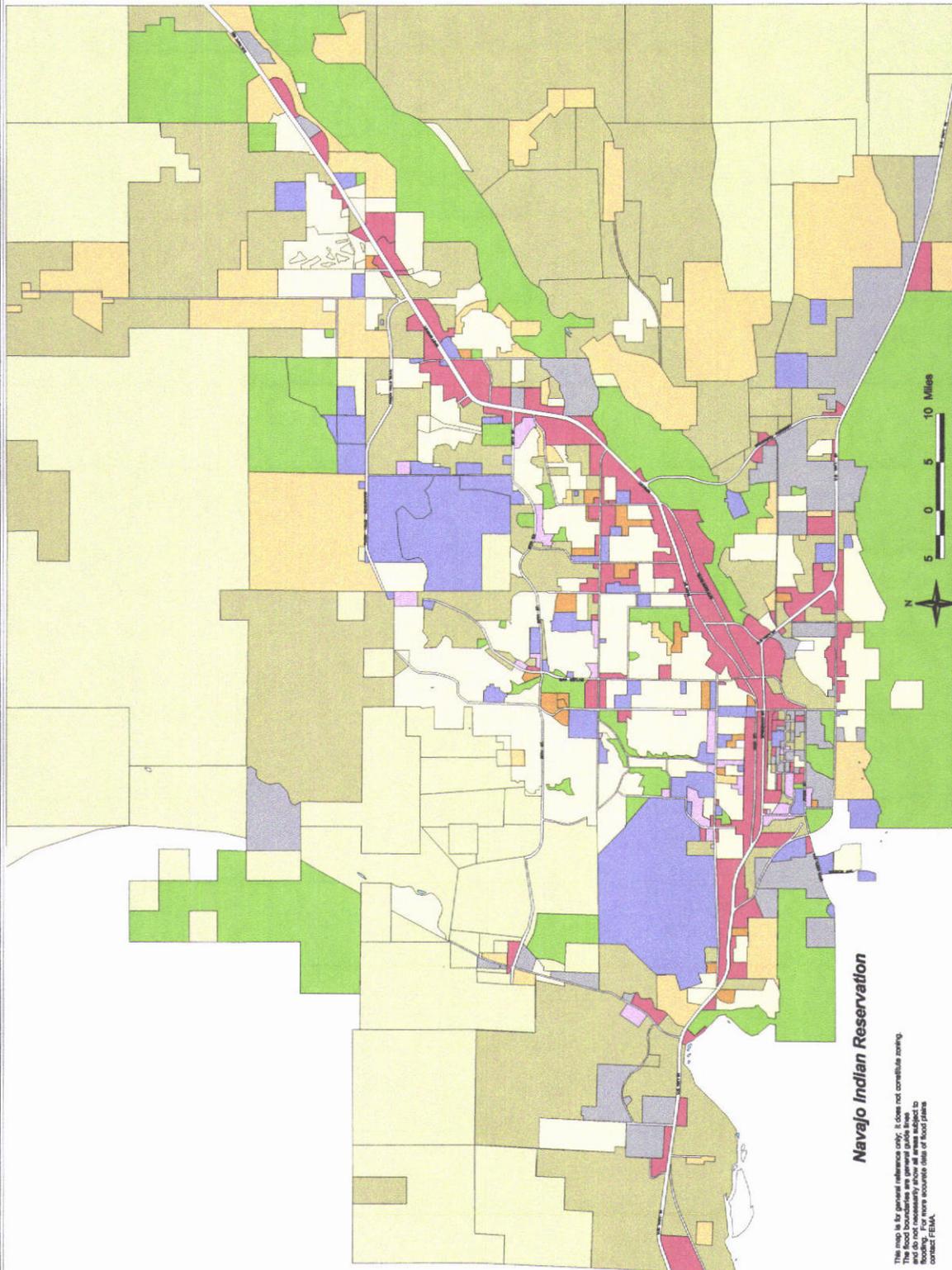
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Southwest Planning & Marketing
Duncan Associates
William Freimuth Architecture

City of Farmington
Comprehensive Plan

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Figure 4.1
Generalized Existing
Land Use 1997/2001

Legend

- Existing Land Use
- Vacant (BLM/State)
- Vacant (Private)
- Residential Single Family
- Low Density (greater than or equal to .75 acre lot)
- Residential Single Family Medium Density (less than .75 acre lot)
- Residential-High Density
- Office Professional
- Commercial
- Public/Semi-Public
- Industrial, Light
- Parks/Open Space
- Farmington Water
- Service Area Boundary
- River
- Lake



Navajo Indian Reservation

This map is for general reference only. It does not constitute zoning. The flood boundaries are general guides only and do not constitute flood insurance. For more accurate data of flood zones contact FEMA.

October 2002
Source: City of Farmington, San Juan County, FEMA, BLM.

2020 FUTURE LAND USE PLAN

The 2020 Future Land Use Plan is a very general plan for land use and development. It bridges the gap between existing uses and future needs and desires. By using established land use principles and policies, it is a guide for new projects so that they may better blend into the community.

The areas shown on **Figure 4.2 - 2020 Future Land Use Plan** are what are considered to be the best future use of the property at the time the map was developed. A second map, **Figure 4.3 – Planning and Platting Jurisdiction with Future Land Use** shows the future land uses for the entire area with respect to the other jurisdictions.

The **Zoning Ordinance** and the zoning map should not to be confused with land use nor are the maps for zoning and land use interchangeable. While the 2020 Future Land Use Plan expresses a desirable land use, the zoning map indicates the permitted use of the property in accordance with the Zoning Ordinance.

Land Use Policy Guidelines and Considerations

One of the purposes of the 2020 Future Land Use Plan is to capture and build into City policies and regulations the community's values regarding how, when, and where Farmington will continue to grow and develop in the future. This is significant since the findings and recommendations contained in this Comprehensive Plan provide the legal basis for development ordinances. These ordinances are the major tools available for implementing the City's Plan to achieve an efficient and desirable land use pattern. The Plan also includes considerations related to the City's future annexation policy and planning.

When the Planning and Zoning Commission and City Council are presented with land use decisions for residential and commercial development, subdivision of land, or zoning changes the following guidelines and considerations should be discussed and applied.

General Land Use

- Adjacent land uses should not detract from the enjoyment or value of properties.
- Potential land use impacts should be considered (noise, odor, pollution, excessive light, traffic, etc.) when changes in land use are proposed.
- There should be a balance between the rights of surface and subsurface owners in land and mineral development processes.
- Floodplain areas should not be encroached upon unless there is compliance with stringent floodplain management practices.
- Airport land use compatibility requires that noise sensitive uses and height obstructions be avoided in the airport environs.
- Transportation access and circulation should be provided for uses that generate large numbers of trips.
- Environmentally sensitive areas should be protected, including wildlife habitat areas, and topographically constrained areas within the floodplain.

Residential Land Use - *Single-family residences, duplexes, and apartments.*

- Residences should have good access to streets.
- Neighborhoods should be buffered from highways and arterial streets.

**City of Farmington
Comprehensive Plan**

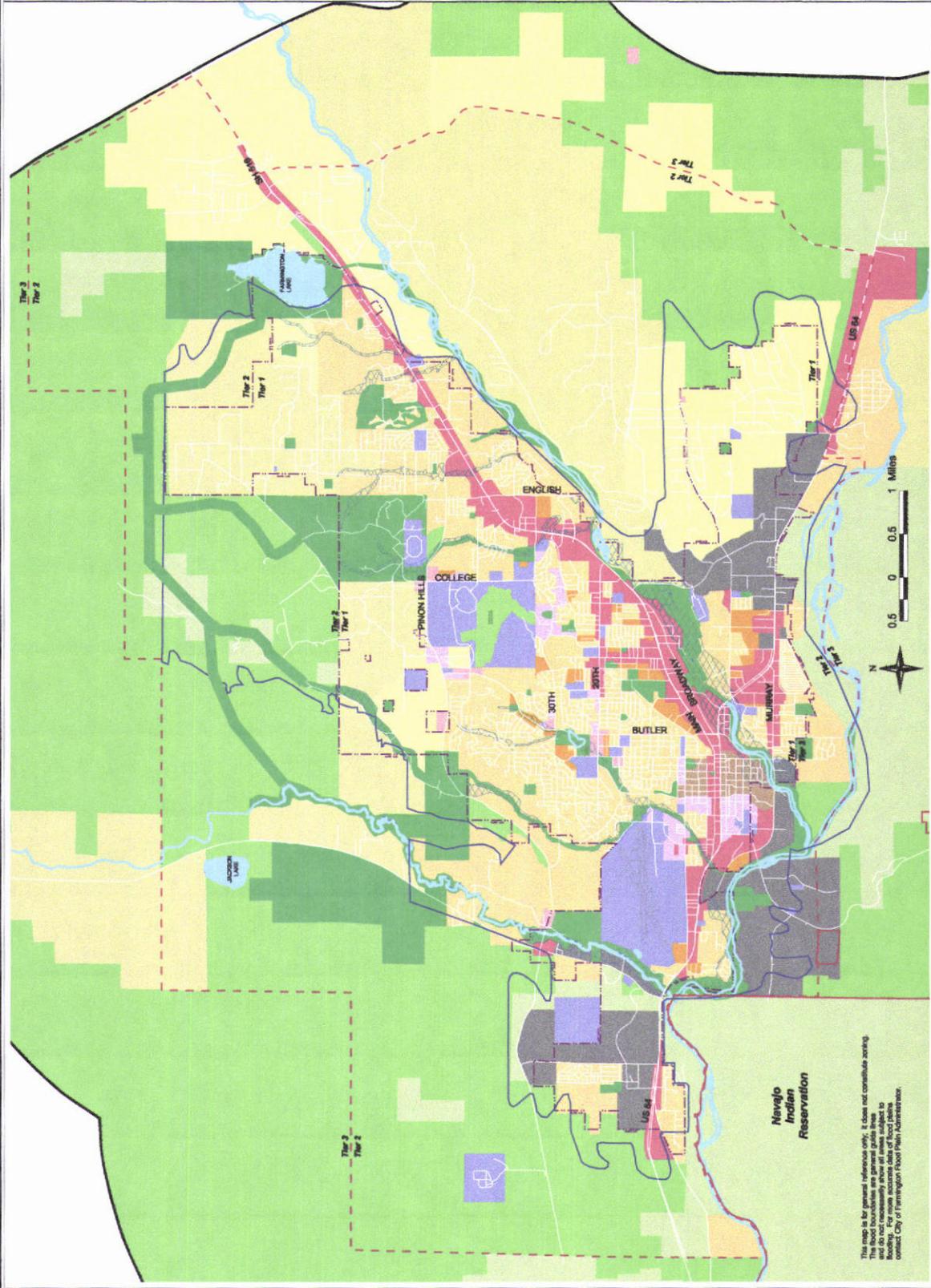
**Figure 4.2
2020 Future
Land Use Plan**

Legend

- Future Land Use
- Rural
- Residential Single Family (greater than or equal to 1.0 acre lot)
- Residential Single Family (less than 1.0 acre lot but greater than 20,000 sq. acre lot)
- Residential Single Family (less than 20,000 sq. acre lot)
- Residential High Density
- Mixed Use
- Office Professional
- Neighborhood Commercial
- Commercial
- Institutional
- Light Industrial
- Open Space/Public Lands
- Parks
- Farmington Water
- Service Area Boundary
- Development Tiers
- Navajo Indian Reservation
- Flood Plain
- 100 Year
- Lake
- River
- City Limits
- Planning and Platting Jurisdiction (PPJ)

October 2002
 Sources: City of Farmington,
 San Juan County, FEMA, BLM,

 Wilbur Smith Associates



This map is for general reference only. It does not constitute zoning. The flood boundaries are general guide lines and do not necessarily show all areas subject to flooding. For more information, contact City of Farmington Flood Plain Administrator.

**City of Farmington
Comprehensive Plan**

**Figure 4.3
Planning and Platting
Jurisdiction With
2020 Future Land Use**

Legend

Future Land Use

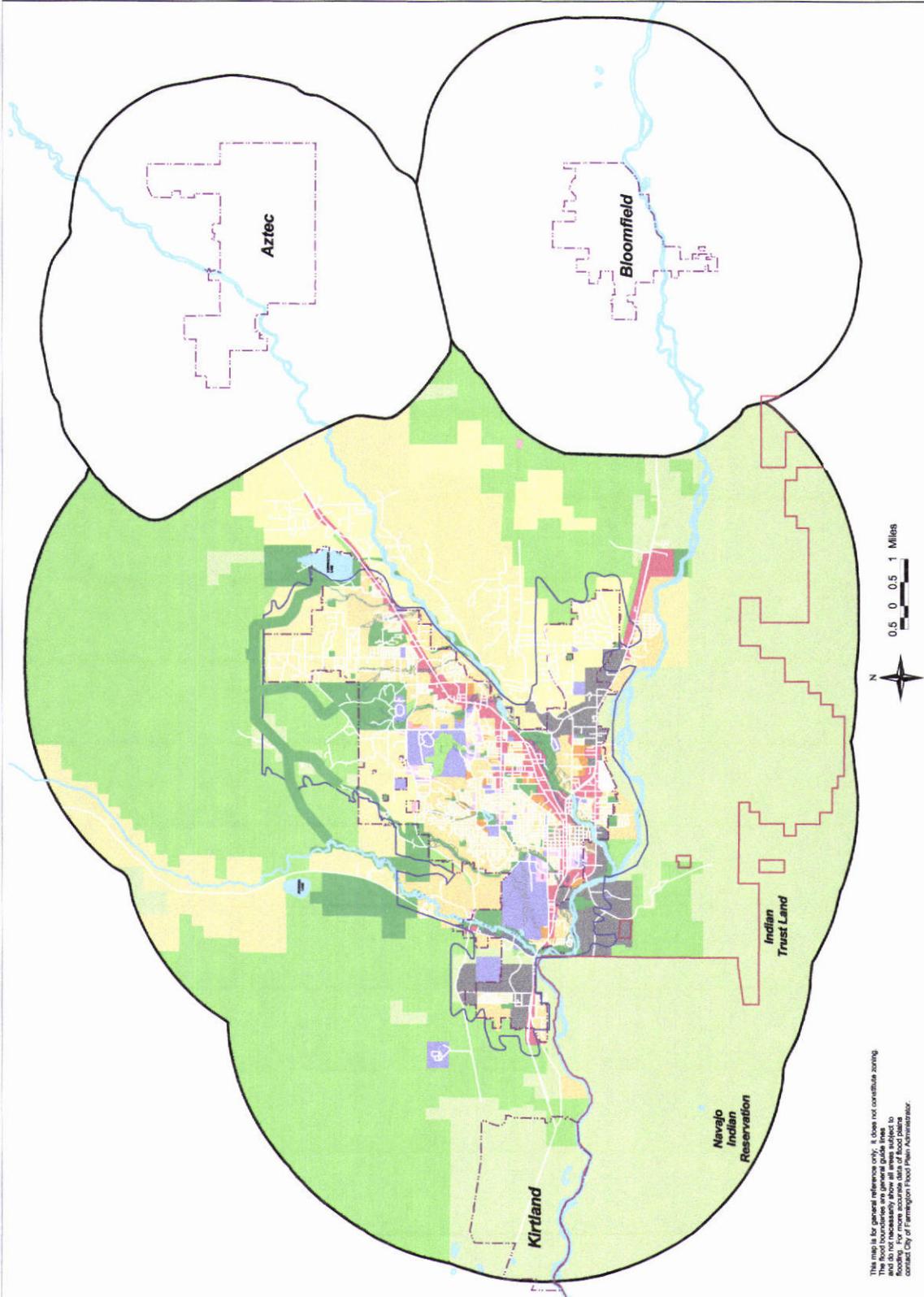
- Rural
- Residential Single Family Low Density (greater than or equal to 1.0 acre lot)
- Residential Single Family Suburban (less than 1.0 acre lot but greater than 20,000 sq. acre lot)
- Residential Single Family Urban (less than 20,000 sq. acre lot)
- Residential High Density
- Mixed Use
- Office Professional
- Neighborhood Commercial
- Commercial
- Institutional
- Light Industrial
- Open Space/Public Lands
- Parks
- Farmington Water
- Service Area Boundary
- Navajo Indian Reservation

Flood Plain

- 100 Year
- Lake
- River

City Limits

Planning and Platting Jurisdiction (PPJ)



October 2002
 Source: City of Farmington,
 San Juan County, FEMA, BLM,
 Navajo Indian Reservation,
 Wilbur Smith Associates

This map is for general reference only. It does not constitute zoning. The flood boundaries are general guide lines. For more accurate data of flood plain boundaries, for more accurate data of flood plain boundaries, contact City of Farmington Flood Plain Administrator.

- ❑ Schools, parks, and community facilities should be close by.
- ❑ Homes should not front directly on thoroughfares.
- ❑ Residential areas should not be located next to industrial areas.
- ❑ Residential and commercial areas may be adjacent if separated by a buffer.
- ❑ Residential areas should have appropriate infrastructure.

Commercial Land Use - *Office, retail, and service activities.*

- ❑ Businesses should be clustered throughout the City and be accessible from residential areas.
- ❑ Commercial uses should be concentrated in nodes along major thoroughfares and intersections.
- ❑ Large commercial centers should be located along major thoroughfares that are designed and constructed to accommodate heavy traffic.
- ❑ There should be a mixture of shopping malls, commercial strip centers, freestanding commercial sites, and neighborhood stores.
- ❑ Parcels should be large enough to accommodate commercial use.
- ❑ Buffers should separate commercial and residential areas.
- ❑ Downtown should be the location of office, specialty retail, cultural and service activities.

Industrial Land Use - *Manufacturing, assembly and warehousing.*

- ❑ There should be good access to primary streets and major thoroughfares.
- ❑ Industrial uses should not be directly adjacent to residential areas.
- ❑ Separation from other uses by buffers should be provided.
- ❑ Industrial development areas should be accessible to truck routes, hazardous material routes, and railroads.
- ❑ Appropriately designed industrial uses may be developed in the floodplain.

Parks and Open Space

- ❑ Parks should be evenly dispersed throughout the City and include larger community parks and smaller neighborhood parks.
- ❑ Parks are a desirable use for floodplain areas.
- ❑ Parks and open space may be used to buffer incompatible land uses.
- ❑ There should be linkages between parks, schools, employment centers, and residential areas.
- ❑ Natural features should be used as buffers or open space.

Major Community Facilities - *Civic and governmental buildings.*

- ❑ Facilities should be centrally located in easily accessible areas within the community.
- ❑ Downtown and park settings are appropriate locations for civic and cultural entertainment/tourism activities.
- ❑ They should complement, but not infringe on nearby residential areas.
- ❑ They should be accessible and adjacent to major streets to accommodate traffic.

Development Standards for Infrastructure

On the 2020 Future Land Use Plan map, lines designate three levels or tiers for infrastructure requirements for streets, water, electric service, and sewer/septic systems within the city and PPJ. The first tier is within the city limits and will change with future annexations. Tiers 2 and 3, areas in the PPJ, contain most of the future development and annexations expected over the next twenty years. The following table recommends development standards for the three tiers.

**TABLE 4.2
DEVELOPMENT STANDARDS**

| Infrastructure Requirements | Tier 1 Within City Limits | Tier 2 | Tier 3 ¹ Balance of PPJ |
|-----------------------------|---|--|---|
| Paved Streets | Yes | Yes ² | Yes |
| Water Line Size | 8" | 8" | Match existing system |
| Underground Electric | Yes | Yes | No |
| Septic Sewer | Septic permitted on lots 1 acre or larger, subject to NM Environmental Dept. approval | Septic permitted on lots 1 acre or larger, subject to NM Environmental Dept. approval | Septic permitted on 1 acre or larger, subject to NM Environmental Dept. approval |
| | Sewer required if smallest lot is less than 1 acre, if within 2,000 feet of existing sewer line | Sewer required if smallest lot is less than 1 acre, if within 1,000 feet of existing sewer line Annexation petition required for developments connecting to City sewer | Septic permitted when smallest lot less than 1 acre, subject to NM Environmental Dept. approval |
| | Sewer required if smallest lot is less than 32,670 square feet | Lots less than 32,670 square feet, requires sewer or community liquid waste package plant, if within 1,000 feet of existing sewer line Annexation petition required for developments connecting to City sewer | Smallest lot less than 32,670 square feet requires any liquid waste disposal method to be approved by NM Environmental Dept. approval |

Note: The City or water supply districts provide water service.

¹ Different street/road improvement standards may be considered for minor subdivisions, those divisions of land that satisfy one or the exemptions of the San Juan County Subdivision Regulations.

² Double Penetration Chip Seal or current County paving standards are acceptable.

The New Mexico State Statutes grant cities with populations greater than 25,000, a Planning and Platting Jurisdiction (PPJ) that extends five (5) miles beyond the city limits. Currently, Farmington has slightly more than 30 square miles within its city limits, but the PPJ encompasses an additional 150 square miles. Although there are no land use controls or zoning in this extraterritorial area, subdivision of land requires approval of both the City of Farmington and San Juan County. The City has the ability to require more stringent subdivision standards than the County.

Historically, the City has granted many improvement waivers to extraterritorial subdivisions. The smaller the subdivision and the farther from the city limits, the greater the likelihood of waivers being granted. In that waivers have been considered on a more subjective, case-by-case basis, the need for a more objective standard has been recognized. Formally acknowledging that uniform standards are not justified throughout the extensive PPJ may be one solution. By using three geographical tiers, different development standards for infrastructure could be enforced, depending on the location of the subdivision. The highest development standards are for areas within the city limits (Tier 1). In Tier 2, an irregular band surrounding the city limits, standards would be less restrictive. Finally, in the third tier, most distant from the city limits, the development standards would be general only what County regulations require.

The use of the three-tier system should reduce the need for standard waivers, but it will not eliminate waivers completely as it is impossible to foresee every subdivision circumstance. The tiered system will still require thorough analysis of each proposed subdivision and assessments of what are appropriate and reasonable infrastructure requirements.

Tiered development standards provide the ability to distinguish between subdivisions based upon size. For example, a higher development standard may be justified for a 100-lot subdivision than for a five-lot subdivision. In setting tiered standards, a minor subdivision may be one that meets one of the 13 exemptions listed in the San Juan County regulations. This would be a change in that exemptions in the PPJ are not currently recognized.

As with the other policies of the Comprehensive Plan, the tier boundaries will be subject to periodic review and amendment, following procedures adopted for amendment of this Comprehensive Plan. The development standards for infrastructure will need to be incorporated in the Unified Development Code.

2020 FUTURE LAND USE PLAN—THE MAP

As a graphic representation, the 2020 Land Use Plan is intended to help the City's elected and appointed officials, staff, and residents visualize the desired future land development pattern in the community. It is not a rigid, parcel-specific mandate for how land shall be developed. When proposed development differs from the generalized land use pattern depicted for an area, it is the responsibility of the Planning and Zoning Commission, supported by City staff, to determine whether the development will be in keeping with the goals and objectives of the City's Comprehensive Plan. The map is best used when considering new development, redevelopment, and proposed land uses that are significantly different from the current use and surrounding uses.

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Southwest Planning & Marketing
Duncan Associates
William Freimuth Architecture

The 2020 Future Land Use Plan map covers the current city limits and the areas of the Platting and Planning Jurisdiction that are in the areas of the Water Service Area Boundary. The map does not attempt to predetermine the use of each individual tract, but seeks to establish a logical framework for future land use and development decisions.

Existing residential areas do not change. The 2020 Future Land Use Plan indicates continued low-density residential development areas on what are now the fringe areas of the city. New development will require infrastructure improvements and extensions to not perpetuate substandard neighborhoods.

In the areas north and west of the Civic Center and south of Broadway, the map shows mixed/transitional uses on currently vacant or industrial tracts. In conjunction with the Downtown Plan, the 2020 Future Land Use Plan allows mixed uses in the areas from Apache to the Animas District south of Broadway. With the continued expansion of the medical facilities, there is a need for higher density housing in that part of the City.

The areas currently under BLM control are indicated to continue to be, or to become, parks and open space for the time period covered in this 2020 Future Land Use Plan. In order for the City to direct growth and development, these lands should remain as open space for at least the next five to ten years. Disposal and patenting of the land should be coordinated and appropriate and compatible land uses implemented.

Commercial development is expected to continue along the major transportation corridors. Neighborhood services and businesses will be encouraged in areas adjacent to the neighborhoods.

Industrial uses are being encouraged to locate in industrial parks and areas where they are more accessible to transportation routes.

As shown on the 2020 Future Land Use Plan, parks and open space will continue to be an important feature of Farmington land uses.

In the 20-year timeframe of the Comprehensive Plan, the majority of the areas surrounding the City are anticipated to continue to be rural in nature, developing slowly at lower densities with limited neighborhood commercial uses.

Future Land Use Classifications

The following are the land uses categories of the 2020 Future Land Use Plan. Each classification category may encompass several zoning districts. This map is intended to be conceptual, not a designation of individual parcels or zoning districts.

Rural greater than 5 acres: Single-family dwellings, farms and agricultural uses, open space in generally undeveloped parcels in private ownership. (light green)
The Navajo Indian Reservation is shown as "Rural", the classification that best represents the agricultural and ranch-type development of the area.

Residential Single-Family Low Density greater than 1 acre: Conventional detached dwellings on parcels of one acre or more, including mobile and manufactured homes. (beige)

Residential Single-Family Suburban less than 1 acre but >20,000 square feet: Conventional detached dwellings on parcels of less than one acre. (light yellow)

The designation of less than one acre does not preclude larger lots. It does assume that the development will be built to City standards for utilities, paving and sidewalks.

Residential Single-Family Urban less than 20,000 square feet: Conventional detached dwellings on parcels of less than 20,000 square feet. (gold)

Residential High Density: Residential dwellings with more than one unit per lot or parcel, including duplexes, tri-plexes, four-plexes, apartment buildings, and townhouses. (orange)

Mixed Use: Combinations of business and residential uses in areas of older structures or vacant land that may include new types of housing residential/commercial conversions, infill development, starter homes, cluster homes, and senior living developments. (brown)

Neighborhood Commercial: Small retail and service establishments located around intersections near neighborhoods, landscaped and buffered to blend with the local surroundings. (pink)

Commercial: Retail shopping, wholesale and service activities (red).

Office/Professional: Office/professional service activities in large buildings or smaller, stand-alone structures. (lavender)

Industrial: Heavy and light manufacturing, assembly, processing, and warehousing/distribution, sometimes accompanied by outdoor activity areas or storage. (gray)

Institutional: Government buildings, offices, and facilities; libraries, museums, cultural centers, auditoriums, theaters, public and private schools; institutional uses including colleges, churches, and hospitals; and, non-government facilities where people gather, such as meeting halls (blue).

Parks: Public parks (current and future), outdoor recreation areas, golf courses. (dark green)

Open Space/Public Lands: Areas of open space held by the Bureau of Land Management, State of New Mexico or other public entities to remain open space or developed for recreational purposes. (medium green)

PROJECTED FUTURE LAND USE ALLOCATION

With the 2000 population of the city at 37,884 and the most likely projected 2020 population of the city to be 50,707, the following land use requirements were developed. They are based upon the acres per capita for each land use category existing in 1997. The estimated spatial requirements necessary to accommodate Farmington's projected growth to the year 2020 are identified in the following table.

**TABLE 4.3
PROJECTED LAND USE REQUIREMENTS FOR 2020**

| Land Use Category | 1997/2001 Acres | 1997/2001 Percent | 2020 Acres | 2020 Percent |
|---|--------------------|----------------------|----------------|-----------------|
| Rural greater than 5 acres | | | 27,280 | 17.4% |
| Single-Family Residential Low Density greater than 1 acre | 4,026 | 10.1% | 16,549 | 10.5% |
| Single-Family Residential Suburban less than 1 acre but greater than 20,000 square feet | 2,005 | 5.0% | 8,210 | 5.2% |
| Single Family Residential Urban less than 20,000 square feet | | | 8,493 | 5.4% |
| Multi-Family Residential | 201 | 0.5% | 421 | 0.3% |
| Mixed Use | | | 250 | 0.2% |
| Neighborhood Commercial | | | 155 | 0.1% |
| Commercial | 1,714 | 4.3% | 2,768 | 1.7% |
| Office/Professional | 173 | 0.4% | 408 | 0.3% |
| Industrial | 1,647 | 4.1% | 2,920 | 1.9% |
| Public/ Semi Public/Institutional | 1,734 | 4.3% | 2,216 | 1.4% |
| Parks/Open Space | 1,912 | 4.8% | 6,056 | 3.9% |
| BLM/State/Other Open Space | 10,721 | 26.9% | 55,636 | 35.6% |
| Navajo Indian Reservation and Trust lands | | | 25,214 | 16.1% |
| TOTAL | 39,879 | 100.0% | 156,616 | 100.0% |

Use of the 2020 Future Land Use Plan

The interpretation of, and potential changes or amendments to, the 2020 Future Land Use Plan, should consider the appropriate use for the proposed site. Compatibility with surrounding land uses; utility availability and system impacts; potential drainage and storm water management needs, as well as traffic and parking impacts, also warrant consideration.

For example, the specific location of a cluster town home or apartment development is difficult to show on the 2020 Future Land Use Plan map. A proposed residential development with higher densities could receive a favorable review even if the potential site is not depicted on the 2020 Land Use Plan. This is because the Comprehensive Plan also documents the need and desire for higher density and infill development in Farmington and highlights the buffering and neighborhood protection measures that should ensure land use compatibility.

GOAL, OBJECTIVES, AND ACTIONS

Through the plan development process and the involvement and input of Farmington’s residents and civic leaders, the following goal, objectives, and actions were formulated for land use and development for the Comprehensive Plan. These are guides for future land use decisions in the development review processes in Farmington. The goal, objectives, and actions establish the framework for land development and redevelopment practices that should result in an economically vital, environmentally aware, more livable community. They assume that the community desires continued growth but in a well-managed and orderly way so that limited public funds will be invested wisely and residents’ quality of life will be enhanced.

Goal: Plan and facilitate land use and development that is consistent, orderly, functional, in harmony with the natural environment, and promotes a progressive, vibrant, scenic, and safe community.

Objective 4.1: Assure the provision of a variety of different land use types in suitable locations, densities, and patterns while avoiding mixing of incompatible uses in close proximity to each other.

Action 4.1.1: Use the 2020 Future Land Use Plan to review proposed changes to existing land uses.

Action 4.1.2: Continue to recommend appropriate locations for single-family and multi-family residential areas as shown on the 2020 Future Land Use Plan, taking into consideration accessibility, site suitability, utility availability, and environmental factors.

Action 4.1.3: Create new or amend existing zoning districts to allow smaller lots for starter homes, senior living, and cluster homes.

Action 4.1.4: Amend commercial districts to allow for residential uses to be interspersed with commercial uses in areas of mixed use.

Action 4.1.5: Encourage transitional buffering of land use intensities, particularly between residential and commercial uses.

Objective 4.2: Promote infill development in areas of existing infrastructure.

Action 4.2.1: Develop strategies for infill development and redevelopment activities, such as flexibility in development regulations, exemption of development fees, and grants, particularly for affordable housing.

Action 4.2.2: Create an incentive program that targets infill development to vacant lots with existing infrastructure and services, and redevelopment of parcels that currently have inappropriate or undesirable uses.

Objective 4.3: Discourage the creation of new subdivisions that do not provide adequate infrastructure.

Action 4.3.1: Establish appropriate guidelines for streets, water lines, and sewage facilities for developments in Tiers 1 and 2.

Action 4.3.2: Study whether there is a need for larger lots with septic systems and determine what size lot is appropriate.

Objective 4.4: Consider manufactured homes in the same manner as conventionally constructed homes.

Action 4.4.1: Develop criteria for manufactured home subdivisions with smaller lots and required infrastructure.

Objective 4.5: Support the development of vibrant and viable commercial areas with a variety of uses.

Action 4.5.1: Concentrate new commercial development in clusters at major intersections and other appropriate locations as opposed to scattered and/or “strip” development.

- Action 4.5.2: Locate new commercial developments near existing commercial areas and buffer from residential uses.
- Action 4.5.3: Ensure appropriate zoning to support the viability of old as well as new commercial development.
- Action 4.5.4: Allow downtown commercial redevelopment to include a residential, mixed-use aspect, such as second-floor residential units above office or retail uses.
- Action 4.5.5: Revise existing zoning districts and designations in the Unified Development Code to support and encourage viable commercial areas as well as affordable, conveniently located infill and new higher density housing.
- Action 4.5.6: Identify and amend regulatory constraints that inhibit redevelopment. Consider incentives or public/private solutions to attract specific desired uses.

Objective 4.6: Assure adequate provision of industrial land.

- Action 4.6.1: Designate areas for industrial development that are accessible to transportation routes and adequate utilities while protecting existing and future neighborhoods from incompatible land uses.
- Action 4.6.2: Encourage relocation of industrial uses from Downtown and Animas neighborhoods into industrial areas by facilitating land “swaps”.
- Action 4.6.3: Consider development of an additional industrial park in an area designated for industrial land use on the 2020 Future Land Use Plan.

Objective 4.7: Manage development along highways and major thoroughfares, improving aesthetics as well as transportation efficiency.

- Action 4.7.1: Create and use corridor plans that contain additional regulations and standards pertaining to building setbacks, architectural design, signage, open space, landscaping, parking, building orientation, and design features.
- Action 4.7.2: Encourage neighborhood and general commercial development along roadway corridors to provide buffers when adjacent to residential neighborhoods.

Objective 4.8: Recognize physical constraints to development within the City and PPJ. Conserve and protect valued natural and cultural resources, including river corridors, mesas and bluffs, sensitive land habitats, and historic structures.

- Action 4.8.1: Encourage the use of flood plains as natural areas and preserves for wildlife, vegetation, parks, and as open space buffers between incompatible land uses.
- Action 4.8.2: Preserve areas of geologic and scenic interest—mesas, bluffs, sandstone outcroppings, and views—by

acquisition, conservation or creating scenic view easements.

- Action 4.8.3: Support redevelopment and preservation of buildings that are architecturally and/or historically significant through appropriate application of building codes.

Objective 4.9: Protect the City's water supply from encroaching development.

- Action 4.9.1: Study the need to expand non-development areas around the City's surface water supply at Farmington Lake and other water supply sources.

Objective 4.10: Promote environmentally sound access to and use of Farmington's parks, open space, and river corridors.

- Action 4.10.1: Continue to develop regional and neighborhood parks with recreational facilities in areas shown on the 2020 Future Land Use Plan and other appropriate locations.

- Action 4.10.2: Continue to pursue open space preservation and/or parkland acquisition in undeveloped areas, BLM land, and along the river corridors.

- Action 4.10.3: Minimize development impacts immediately adjacent to the rivers by using "land banking" by which owners of properties in the floodplain could either deed or create conservation easements to ensure long-term conservation.

- Action 4.10.4: Encourage new development or redevelopment near the river to be sited to take advantage of the river views and amenities, but not encroach on the natural aspects of the river corridors.

- Action 4.10.5: Continue to provide public access to the rivers through the expansion of existing trail networks, public overlooks, and canoe access points.

- Action 4.10.6: Retain and expand the Recreation and Public Purpose (RR&P) lease in Sections 24 and 25.

The future of Farmington is full of opportunities to encourage appropriate land use and development and still maintain the high quality of life expected by its citizens.

CHAPTER 5

GROWTH AND ANNEXATION

As the southwestern United States continues to attract new residents and businesses, Farmington will experience the effects of this growth on development in the City and in the Planning and Platting Jurisdiction (PPJ). From the City's perspective, there is the desire to properly and responsibly guide expansion, but not at the expense of existing neighborhoods or quality of life.

Growth will take several forms. With the population of Farmington projected to increase to between 44,000 and 55,000 in the next twenty years, there will be an influx of new residents through business relocations and retirement as well as additions to Farmington families. Expansion of the city limits through annexation of areas in the Planning and Platting Jurisdiction will add new residents, as well as require additional infrastructure.

KEY ISSUES

The following key issues facing the City of Farmington were identified by the Steering Committee and through the public participation activities:

- ❑ **The quality of growth and development beyond the current city limits in the Planning and Platting jurisdiction needs to be addressed** in terms of what is desirable new development. Outside its city limits, the City currently has the Subdivision Regulations and sewer extension policy to guide new development. These limited regulations do not include the ability to control land use or enforce zoning outside the city. Great concern has been expressed about existing subdivisions and new subdivisions that will develop without appropriate infrastructure requirements, particularly in the provision of paved streets and sewer systems.
- ❑ Growth should be directed toward **infill development** on vacant lots and tracts already served by City streets and utilities as well as in currently underdeveloped areas. Some of these areas may appropriate locations for the **affordable housing** that is needed to serve several segments of the population. Young families, service sector workforce and senior citizens require housing types that are close to workplaces, shopping, and parks. These developments may be higher in density and should be constructed in a manner that is attractive and yet within financial reach.
- ❑ An important consideration of growth is the **timing of annexation of areas into the City**. While it is important to have land use controls and provide desired City services, the annexation of new areas into the city should not be at the expense of existing City services. The costs of extending utilities and services should be considered and absorbed in the cost of development. Criteria to determine the readiness of an area to be included in the city should be developed and applied to each area.
- ❑ Is there a way to implement **increased standards for future development that would ensure higher quality, safer new developments?** The City has zoning and subdivision controls in the city, but only subdivision controls in the five-mile PPJ. Consideration should be given to the development of increased cooperative controls with San Juan County in the PPJ rather than

"Growth is inevitable, growth is necessary, but how growth is accommodated can be good or bad. In setting the framework for land development and redevelopment, we must focus on practices that are environmentally sound, economically vital and that encourage livable communities – in other words, smart growth."
Jim Chaffin,
Chairman,
Urban Land Institute (ULI)

annexation. Annexation is a costly substitute for higher development controls and does not always assure quality development.

- A major challenge facing Farmington is **keeping in-city living as cost-competitive as possible with living options outside the city**. The benefits and advantages of in-city living that justify the higher costs need to be identified and advertised. The City should consider adopting the approach and mentality of a building or physical plant manager who must constantly “take care of the basics” to preserve his investment. This includes reliable municipal services and sound infrastructure maintenance practices.
- **Protection of the area’s environmental and scenic resources** was identified as an important concern. Controlling the location of new developments so that they do not damage or deplete area water supplies will be required. This will require identification and protection of the sensitive areas. Views of the mesas, mountains, and other geologic features should be preserved, and not blocked by insensitive construction.

ROLE OF CITY GOVERNMENT

The role of the City is to responsibly manage the extension of City services and to annex and guide growth in an appropriate manner.

MANAGING GROWTH

Farmington, like many communities, is attempting to achieve what is now called “Smart Growth.” Although the term is fairly new, the concepts are really nothing more than the fundamentals of sound urban planning. Cities can grow sensibly by balancing economic development and environmental protection; guiding new development where public services and utilities are already available; actively supporting redevelopment of older areas, vacant land and buildings; revitalizing its traditional downtowns; encouraging pedestrian-friendly convenient neighborhood commercial districts; rethinking mixed-use areas; maintaining efficient roads and infrastructure; and providing attractive parks with walking connections between neighborhoods, parks, and schools. Through effective land use planning and urban design, a city fulfills its primary responsibility to promote the public health, safety, and welfare while also providing predictability in the development process. Smart growth and development practices help local government to use public resources efficiently, make capital investments in a fiscally responsible manner and encourage profitable private development that is beneficial to the whole community.

The term “Smart Growth” does not refer to no-growth or slow-growth initiatives, but rather describes sensible development that enhances existing communities, community values, and quality of life. Sound planning principles establish a framework in which land development and redevelopment practices are more likely to result in an economically vital, environmentally aware, and more livable community. Smart Growth also assumes that the community desires continued growth, but in a well-managed and orderly way so that public funds will be invested wisely and residents’ quality of life enhanced.

Key Indicators for Growth

There are a variety of key indicators to identify communities that are “growing smart.” Smart Growth will occur when:

- ❑ Development is economically viable and preserves open space, natural resources and sustainable habitats.
- ❑ There is certainty and predictability in the development process, and development projects that enhance the economy, the community, and the environment get expedited approval.
- ❑ Existing infrastructure is maintained and enhanced, but expanded when appropriate to serve existing and new residents.
- ❑ Existing infrastructure is used efficiently by encouraging in-fill development rather than allowing peripheral development that requires utility extension.
- ❑ There is a mutually beneficial collaboration among the community, the non-profit sector, and the public and private sectors.
- ❑ Redevelopment is actively pursued, including in-fill residential development, reuse of vacant industrial land and recycling of obsolete buildings.
- ❑ Land planning and urban design create a sense of community and ensure the ease of movement and safety of residents.
- ❑ Traditional downtowns and urban neighborhoods are important.
- ❑ Land development patterns are concentrated within or immediately adjacent to urban areas where public facilities and services are convenient and can be efficiently utilized.
- ❑ Environmentally sensitive areas are protected from premature encroaching urban development.

ANNEXATION PLANNING

Future annexations for the City of Farmington should target growth areas before anticipated development occurs. This type of consideration is necessary to anticipate the City's ability to effectively guide and manage land development, to provide for orderly and cost-effective improvement and extension of public infrastructure and services, and to expand the City's tax base in coordination with the increasing demands for municipal facilities and services. The need to add additional areas to the City must be balanced with the need for improvements and development within the existing city limits.

The primary strategies for planning future annexations generally include two recommended approaches to define potential annexation areas. One strategy is to annex areas adjacent to the City that are either already developed or are anticipated to become so in the near future. When expanding the City's jurisdiction, the service area, and tax base should be consistent with continuing growth and development. The other is to annex relatively undeveloped areas in order to guide development through the City's codes and ordinances.

A "three tiered" approach to development standards for infrastructure is defined in Chapter 4, Land Use and Development, Development Standards. Areas within the city limits (Tier 1) would be required to meet City development standards. In the second tier, the lot size and proximity to existing sewer lines would determine the requirements, whether or not to meet City standards, as they would be the more likely candidates for annexation. In the third tier, rural standards would be applied and enforced. See **Table 4.2 – Development Standards**.

Annexation studies should be conducted on an annual basis to evaluate and consider potential annexations on a year-to-year time frame. These specific areas

should be identified and assessed in accordance with the objectives, actions, and annexation policies that are contained in this Comprehensive Plan, as well as complying with State and Federal statutes. The studies should include a detailed description of the areas, demographic analysis to ensure voting rights and address redistricting, fiscal analysis and a prioritization of the areas.

Annexation Policy Considerations

Clear policies for guiding future growth and annexations will help Farmington minimize the future costs of providing municipal facilities and services in newly annexed areas and reduce the complexity of annexation procedures. Annexation policies that may be considered:

- ❑ A long-range annexation plan for expansion of the corporate limits and extension of municipal facilities and services serves to guide the sequential development of annexation programs on an annual/periodic basis as needed.
- ❑ The future growth and development of the Farmington area needs to occur in an orderly and coordinated manner. Private land development, construction of public facilities (streets, water, sewer, drainage, etc.), and expansion of the city limits should occur in a phased, coordinated manner, in accord with federal and state laws.
- ❑ As the Farmington area continues to grow and expand, and as development densities increase along the fringe of the Platting and Planning Jurisdiction and in the water service area, the City needs to incorporate newly developed and developing areas and provide services to the expanding urban area.
- ❑ The City may use annexation to extend its jurisdiction to encompass certain critical public facilities and important growth areas that require protection and management. Zoning and other regulatory powers can then be applied by the municipality within its incorporated area.
- ❑ Annexation should ideally occur prior to or concurrent with development to coordinate the extension of public facilities and services in developing areas.
- ❑ When development occurs outside the corporate limits and immediate annexation is not feasible, the City should consider annexation agreements or other appropriate means to ensure that the future ability of the City to expand its limits is not unduly impeded.
- ❑ In situations where health, safety, environmental, general welfare, or other factors may override fiscal considerations, areas may be considered for annexation despite a less than satisfactory assessment of the fiscal impact.

Another Approach to Controlling Development Outside the City

Traditionally, Subdivision Regulations provide the primary controls for developing land, both inside and outside the city limits. In some cases development and infrastructure requirements have been waived and resulted in subdivisions that do not represent the best interests of the residents or the City. Currently, zoning is applied only to land uses within the city to determine the size of the lots, building setbacks and other development standards.

Since there is great interest in controlling new development, particularly land within the Platting and Planning Jurisdiction, consideration should be given to a provision in the *New Mexico Statutes Annotated 1978* (NMSA 1978) that provides for extraterritorial zoning. In Chapter 3, Article 21, Zoning Regulations, Section 3-21-2 through 3-21-3.2 provisions are available “in which

a municipal zoning authority may adopt a zoning ordinance within the municipal boundaries and shall have concurrent authority with the county to zone all or any portion of the territory within its extraterritorial zoning jurisdiction which is within (2) two miles of the boundary of any municipality having a population of twenty thousand or more, but less than two hundred thousand persons, provided such territory is not within the boundary of another municipality.”

Additional territory may be added if the governing bodies of a county and a municipality agree to place within the extraterritorial zoning jurisdiction of the municipality by agreement entered into pursuant to the provisions of the Joint Power Agreement Act [11-1-1 to 11-1-7 NMSA 1978], provided such additional territory is not within the boundary of another municipality and is contiguous to the exterior boundaries of the territory within the extraterritorial zoning jurisdiction of the municipality.” The extraterritorial zoning commission in a class A county would be called the “extraterritorial land use commission.”

GOAL, OBJECTIVES AND ACTIONS

In the development of the Comprehensive Plan, the Steering Committee developed a series of core goals for the community. The following are the goal, objectives and actions for Growth and Annexation.

Goal: Plan, guide, and facilitate new development, revitalization, and growth within the city limits and its planning and platting jurisdiction to ensure implementation of sound standards and orderly development.

Objective 5.1: Consistently apply the Subdivision Regulations within the Planning and Platting Jurisdiction.

Action 5.1.1: Reduce the number of waivers to the platting requirements for onsite facilities for sanitary sewer system, water system, streets, alleys, sidewalks, drainage, street signs, fire hydrants, and street lights.

Action 5.1.2: Develop standards appropriate for large lot development of greater than one acre, specifically in the Platting and Planning Jurisdiction where City standards may not be appropriate and city services will not be required or available in the foreseeable future.

Action 5.1.3: Develop more stringent requirements for the development of subdivisions particularly with respect to the provision of infrastructure.

Action 5.1.4: Consider a larger minimum lot size for septic systems.

Objective 5.2: Encourage infill development and downtown redevelopment.

Action 5.2.1: Rezone areas of suitable undeveloped land with existing infrastructure to provide opportunities for infill development.

Action 5.2.2: Allow appropriate residential uses in the downtown zoning districts.

Action 5.2.3: Apply building codes in an appropriate and sensitive manner to encourage redevelopment of existing older buildings that do not in any way circumvent safety.

Action 5.2.4: Consider incentives, lower permit and connection fees where City utilities and services are readily available.

Action 5.2.5: Develop a streamlined process for development on lots with existing adequate city services inside the city limits.

Objective 5.3: Provide for orderly annexation of new areas into the City.

Action 5.3.1: Use the three-tier (as defined on the 2020 Land Use Map) approach to annexation and development criteria with those tiers in the established standards.

Action 5.3.2: Develop annexation guidelines that include requirements for substandard subdivisions including mobile home parks and subdivisions to be brought up to code within specific periods of time.

Action 5.3.3: Apply annexation guidelines and policies when considering areas for annexation.

Objective 5.4: Consider establishing development standards and land use authority with San Juan County so that zoning may be applied to the areas within the Urban Service Boundary.

Action 5.4.1: Initiate new discussions with the County to consider and implement city/county zoning standards.

AREAS THAT MAY BE CONSIDERED FOR ANNEXATION

There are several areas that are contiguous to the City that may be candidates for annexation between now and 2010. These areas are further identified and shown on a **Figure 5.1 - Proposed Annexation Areas**. These areas may be considered by either petition annexations or using the Municipal Boundary Commission:

1. The "South Farmington" area south of Piñon Street including all areas north of the San Juan River, a large part of the Bisti Highway and area south of the San Juan River where there is both water and sewer.
2. Approximately one-quarter mile on Murray Drive east of Stewart and Stevenson.
3. Areas around the Sports Complex north of the airport in Sections 5 (and smaller parts of Sections 4 and 6), especially the parts of 30th Street and Piñon Hills Boulevard.
4. Parts of Sections 33 and 5 generally west of the Piñon Hills Boulevard and Dustin intersection, including the road right-of-way and adjoining land.
5. Unincorporated enclaves located north of Piñon Hills Boulevard that were previously excluded from the Hood Mesa Annexation. Most of these remain under BLM control, but one 40-acre enclave is in private ownership.
6. Commercial area on US Highway 64 southwest of Bluffview Valley Subdivision and a one-acre BLM enclave (possible future park site) adjacent to Wildflower Subdivision

As Farmington grows there will be a continuing need to balance new development with infrastructure demands. By establishing policies for growth and annexation and adhering to them, the City can control its future.

City of Farmington
Comprehensive Plan

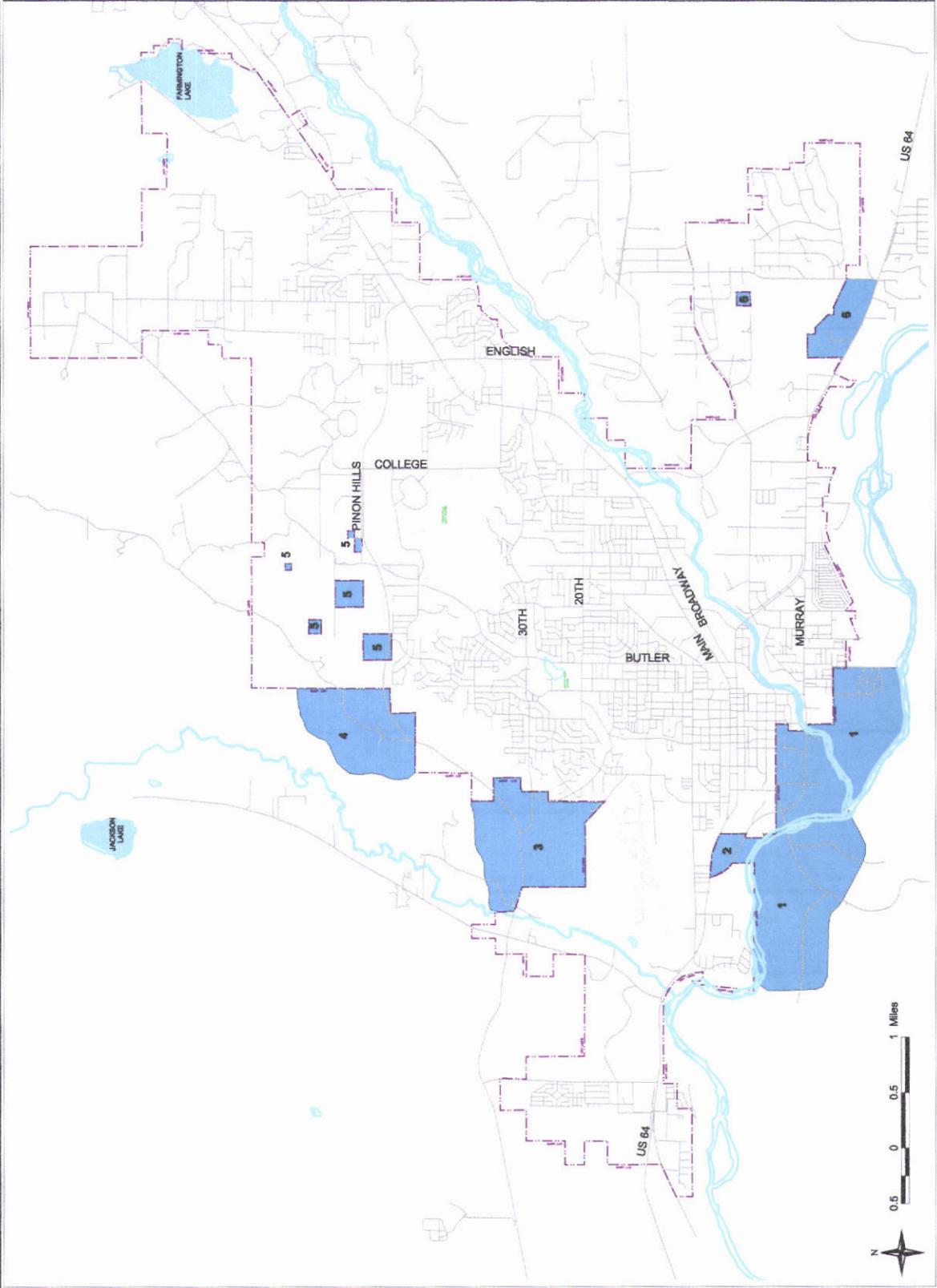
Figure 5.1
Proposed Annexation
Areas

Legend

- Proposed Annexation Areas
- Roads
- City Limits
- River
- Lake

- 1) South Farmington Area
- 2) Murray Drive (West)
- 3) Sports Complex Area
- 4) West Pinon Hills Area
- 5) East Pinon Hills Area
- 6) U.S. 64 Area (East)

October 2002
Source: City of Farmington,
San Juan County, FEMA, BLM,
Wilbur Smith Associates



MEMORANDUM OF UNDERSTANDING

BETWEEN THE

CITY OF FARMINGTON AND THE TOWN OF KIRTLAND

GOVERNING PLANNING AND PLATTING JURISDICTION PURSUANT TO §3-19-5 NMSA 1978

THIS MEMORANDUM OF UNDERSTANDING (hereafter referred to as "MOU") is made and entered into between the Town of Kirtland ("Town") and the City of Farmington ("City"). The Town and City are collectively referred to as the "Parties." The common power to be exercised is as set forth in this MOU.

WHEREAS, the City and the Town are municipal governments, each given extraterritorial planning and platting powers;

WHEREAS, the City of Farmington ("City") was incorporated in 1901 and has grown to a population in excess of 45,000;

WHEREAS, the Town of Kirtland ("Town") was incorporated in July, 2015, and has an estimated population in excess of 400;

WHEREAS, §3-19-5 NMSA 1978 outlines planning and platting jurisdiction where municipal boundaries are within five (5) miles of each other;

WHEREAS, jurisdiction is granted to municipalities in New Mexico, called "planning and platting jurisdiction" within a specified distance of the municipalities boundaries;

WHEREAS, the planning philosophy is that the areas closest to the municipality typically reflect similar community values and the municipality's "sphere of influence," including its patterns of development will likely become part of the municipality through annexation;

WHEREAS, since a municipality would assume a long-term responsibility for the areas closest to it by annexation, it makes sense for the nearby municipality to regulate the design and construction of subdivision improvements before annexation so as to avoid inheriting substandard infrastructure;

WHEREAS, territory within a municipality's planning and platting jurisdiction also prevents another municipality from annexing that area unless permission is granted;

WHEREAS, as it was located in the City's planning and platting jurisdiction the proponents of forming a new Town as required by state law asked the City to approve its plans for incorporation and the City did so on September 2, 2014;

WHEREAS, the City is entitled to a 5-mile planning and platting jurisdiction and the Town is entitled to a 3-mile planning and platting jurisdiction except where City's planning and platting jurisdiction exists;

WHEREAS, if the City and Town do not otherwise agree, the City's statutory jurisdiction extends to the East side of the Town, thus the City ordinances prevail regarding planning and platting jurisdiction to the boundaries of the Town, thus land use issues on the Town boundaries would be resolved under City ordinance;

WHEREAS, the Parties desire to enter into this Agreement in order to effectuate the public policy of recognizing the Town interest in exercising its planning and platting jurisdiction over territory on its boundaries extending East toward the City as shown on the map attached as an Exhibit hereto and incorporated herein as if fully set out.

NOW THEREFORE IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE PLANNING AND PLATTING JURISDICTION WITHIN THE GEOGRAPHICAL BOUNDARIES SHOWN ON EX. "A" SHALL BE ACCOMPLISHED AS FOLLOWS:

1. **AUTHORIZATION AND SCOPE.** The Town is hereby granted the authority to exercise its planning and platting jurisdiction over territory located within the area outlined and in red.
2. **STANDARDS.** The Town in exercising its planning and platting authority by this MOU ceded to it by the City will do so pursuant to Ch. 3 Municipalities, NMSA 1978 effective upon execution of this MOU.
3. **VIOLATION ENFORCEMENT AND MONITORING.** The Town will provide enforcement and monitoring of planning and platting ordinances consistent with the Town's ordinances, policies and procedures applicable inside Town boundaries.
4. **COMPENSATION.** No funds are required to be appropriated as between the parties and no services are to be provided by a party to another therefore, it is unnecessary to create a §11-1-1 et. seq. NMSA 1978 Joint Powers Agreement, this MOU being sufficient. If it is determined a Joint Powers Agreement is required the Town of Kirtland shall prepare and assume responsibility for getting the Joint Powers Agreement approved by the State.
5. **TERM.** This MOU shall continue until terminated pursuant to the terms hereof or by operation of law.

6. TERMINATION. This MOU may be terminated by either party upon delivery of written notice to the other at least thirty (30) to sixty (60) days prior to the effective date of termination. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to the effective date of termination.

7. AMENDMENT. This MOU may not be altered, changed, or amended except by instrument in writing executed by the parties hereto and approved by the City and Town.

8. WAIVER. No waiver of any breach or term or condition of this MOU shall constitute a waiver of any other term or condition of this MOU, or a subsequent waiver of the same breach or term or condition. No waiver of any term or condition of this MOU shall be valid or binding unless in writing and signed by the party alleged to have granted the waiver.

9. GOVERNING LAW. This MOU and the interpretation hereof shall be governed by the laws of the State of New Mexico.

10. MERGER. This MOU incorporates all of the conditions, agreements and understandings between the parties concerning the subject matter hereof, and all such conditions, agreements and understandings have been merged into this MOU. No prior condition, agreement, or understanding, verbal or otherwise, of the parties or their agents, shall be valid or enforceable unless embodied in this MOU.

11. NO LIABILITY. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this MOU. Any liability incurred in connection with this MOU is subject to the immunities and limitations of the New Mexico Tort Claims Act.

12. APPROPRIATIONS. Other than the authorization by the City to the Town to exercise planning and platting jurisdiction in the area shown on Ex. "A", there are no appropriations or authorizations required of either party by this MOU and therefore neither party may terminate it alleging sufficient appropriations are not available to continue the MOU.

13. Cooperation and Dispute Resolution. The parties will meet as necessary to discuss and evaluate any issues arising with regard to activities under this MOU. The parties agree that, to the extent compatible with the separate and independent management of each, they will maintain effective liaison and close cooperation. If a dispute arises related to the obligations or performance of either party under this MOU, representatives of the parties will meet in good faith to resolve the dispute. If the parties' Mayors are unable to resolve the issues, a joint meeting of the parties governing bodies will be held and they shall resolve the issues.

IN WITNESS WHEREOF, the parties have below set their respective hands.

DONE this _____ day of _____, 2016.

CITY OF FARMINGTON

Mayor Tommy Roberts

ATTEST:

Dianne Smylie, City Clerk

Legal Department
approved as to form
By _____
Date 9/22/16

TOWN OF KIRTLAND

Mayor Mark Duncan

ATTEST:

Gwen Warner, Town Clerk

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, September 13, 2016. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

| | |
|------------|--|
| MAYOR | Tommy Roberts |
| COUNCILORS | Sean E. Sharer Gayla A. McCulloch Nate Duckett |
| ABSENT | Linda G. Rodgers, Councilor |

constituting all the members of said Governing Body.

Also present were:

| | |
|------------------------|-------------------|
| CITY MANAGER | Rob Mayes |
| ASSISTANT CITY MANAGER | Julie Baird |
| CITY ATTORNEY | Jennifer Breakell |
| CITY CLERK | Dianne Smylie |

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Reverend George Harris of Fellowship of Spirit church.

Councilor Sharer led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

*MINUTES: The minutes of the Regular Meeting of the City Council held August 23, 2016 and the minutes of the Regular Work Session of the City Council held August 16, 2016.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that the worn-out, unusable or obsolete Englehart Camet™ CO Catalyst (Electric) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*WATER PURCHASE CONTRACT between the City and Animas Valley Land & Water to increase the amount of treated water being sold from 500 to 750 gallons per minute (not to exceed 32,400,000 total gallons per month).

*ADOPTION OF RESOLUTION NO. 2016-1605 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Zone 2P Waterline Replacement Project, Phase II.

*WARRANTS PAYABLE for the time period of August 21, 2016 through September 10, 2016, for current and prior years, in the amount of \$11,471,654.63.

At the request of Mayor Roberts, the Council was provided an amended set of minutes for the August 16, 2016 City Council Work Session. The Council did not voice any objections to the amendments.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

CONSTITUTION WEEK PROCLAMATION

Mayor Roberts presented a Proclamation declaring September 17 through 23, 2016 as "Constitution Week" and announced that on Saturday, September 17, 2016 at 1:30 p.m. at the Veterans Memorial Park, the Daughters of the American Revolution will be celebrating the 50th Anniversary of the Vietnam War and honoring local veterans. He invited all of those in attendance of the meeting to attend the event.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendations marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if the items proposed did not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- * (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-70 from the City of Farmington, represented by Assistant City Manager Julie Baird, requesting a zone change from the RA, Rural Agriculture, District to the MF-M, Multiple-Family Medium Density Residential, District for 5 lots totaling approximately 0.797 acres of vacant property located south of Southside River Road and east of Dekalb Avenue.
- * (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-72 from William Fortner, represented by Cheney-Walters-Echols, requesting a zone change from the RE-1, Residential Estates, District to the OP, Office Professional, District for 2.5 acres of vacant property located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road.
- * (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-73 from Mary Frances and Wayne Leupold requesting a Special Use Permit to allow a detached family-care unit to be located on 0.41 acres in the SF-7, Single-Family Residential, District at 1803 Sage Drive.

There being no requests to remove any items, a motion was made by Councilor Sharer, seconded by Councilor Duckett to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

CASSIE STILES DALLAS GALLERY/FARMINGTON MUSEUM

Parks, Recreation and Cultural Affairs Director Cory Styron reported that the Museum Foundation Board and the Parks, Recreation & Cultural Affairs Commission have unanimously voted to approve the naming of the original exhibit hall as the Cassie Stiles Dallas Gallery in honor of her 30 years of financial support and countless hours of volunteerism. He noted that Ms. Dallas was recognized in 2015 with the Presidential Lifetime Award for Volunteerism with over 4,000 hours of service, primarily with the Museum and the Museum Foundation, and he contended that Ms. Dallas was an instrumental force in shaping the Museum as we see it today. In response to Mayor Roberts, Mr. Styron confirmed that the recommendation is in accordance with the Guidelines for Naming and Dedicating Farmington Facilities, as revised in April 2016.

Noting that Ms. Dallas and her husband, Wayne, were natives to Farmington, Mayor Roberts contended that Ms. Dallas was the epitome of good citizenship who had a fondness for history. Noting that he served with her as a Museum Board Member, he stated that she was "all about business, getting things done and taking care of the details" and he

stated that she was a true contributor to the welfare and progress of the Farmington community.

Addressing the Council as a member of the Museum Foundation Board, Ralph Fenton announced that he knew Ms. Dallas for a number of years and finds it difficult to describe her dedicated efforts. He stated that it is an honor to make this recommendation to the Council for consideration.

Vickie Gurry announced that she is also a member of the Museum Foundation Board and attributed the success of the Farmington Museum to Ms. Dallas's efforts and commitment. She noted that Ms. Dallas served as Membership Chairman, President and Secretary to the Museum Foundation Board for over 14 years and contended that Ms. Dallas is most deserving of this honor.

Councilor McCulloch stated that she grew up just a few doors down from Ms. Dallas's home and referred to her as a longtime friend. She announced that it was her hope that Ms. Dallas could have been honored prior to her death, but is happy that these efforts are being made now.

Museum Director Bart Wilsey reiterated Ms. Dallas's passion for the Museum and the Museum Foundation, noting that he believes that it is important to honor those individuals who dedicated their time, not just their money, to a cause. He stated that he believes that there is no one as fitting as Cassie Stiles Dallas to receive this honor.

There being no further comments, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to name the original exhibit hall at the Farmington Museum as the Cassie Stiles Dallas Gallery, as recommended by the Parks, Recreation & Cultural Affairs Commission, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

REAPPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Roberts asked the Council's consideration of the reappointments of Shiela Noyes and John Roe (terms to August, 2019) as members of the Animal Services Advisory Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Sharer to confirm the reappointments of Shiela Noyes and John Roe as members of the Animal Services Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented a proposed ordinance dealing with food catering/vending wagons and trucks and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2016-1293. The title of the ordinance being:

AN ORDINANCE AMENDING CHAPTER 8, Article 13 OF THE CITY CODE DEALING WITH FOOD CATERING/VENDING WAGONS AND TRUCKS.

After consideration of Ordinance No. 2016-1293, a motion was made by Councilor McCulloch, seconded by Councilor Duckett that said ordinance be passed and adopted as presented. The roll was called with the following result:

| | |
|-------------------|--|
| Those voting aye: | Sean E. Sharer Gayla A. McCulloch Nate Duckett |
| Those voting nay: | None |
| Those absent: | Linda G. Rodgers |

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1293 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor Sharer to close the meeting to discuss request for qualification-based proposals for Phase I of a feasibility study for an outdoor family aquatic facility, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

| | |
|-------------------|--|
| Those voting aye: | Sean E. Sharer Gayla A. McCulloch Nate Duckett |
| Those voting nay: | None |
| Those absent: | Linda G. Rodgers |

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:22 p.m. with Councilors Sharer, McCulloch and Duckett being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:29 p.m. with Councilors Sharer, McCulloch and Duckett being present.

QUALIFICATION-BASED PROPOSAL/PHASE I OF A FEASIBILITY STUDY FOR AN OUTDOOR FAMILY AQUATIC FACILITY

Chief Procurement Officer Kristi Benson announced that qualification-based proposals for Phase I of a feasibility study for an outdoor family aquatic facility (Parks, Recreation & Cultural Affairs) opened on June 28, 2016 with eight offerors participating. She recommended that the contract be awarded to FBT Architects as the top evaluated offeror based on the pricing schedule for services and application of the five percent in-state preference.

In response to inquiries from Councilor Duckett, City Manager Rob Mayes confirmed that award of the subject proposal does not obligate the Council to proceed with construction of the project. He noted that one option for funding consideration is refunding the 2005 Bond Issue for the purpose of purchasing one ladder truck and one engine truck and also to generate enough money to construct a capital project at a cost of \$5 to \$7 million. He noted, however, that the Council could also choose to let that bond retire in 2019 which would increase available revenues in the General Fund. Mr. Mayes noted that the subject proposal, if awarded, will be funded by the Farmington Convention and Visitors Bureau (\$65,000) and the City's 202 Fund.

Responding to further questions from Councilor Duckett, Parks, Recreation & Cultural Affairs Director Cory Styron reported that staff was under the impression that the outdoor aquatic facility would be constructed at the former Brookside Pool location, but assured him that other locations will be considered if directed by the Council through public input and/or the inability to construct the facility at that location.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to award the contract for qualification-based proposals for Phase I of a feasibility study for an outdoor family aquatic facility to FBT Architects, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 6:35 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 27th day of September, 2016.

Entered in the permanent record book this day of , 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk