

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
November 10, 2016, at 3:00 p.m.**

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes of the September 15, 2016 P&Z Meeting	22
4	Petitions FP 100 & 101 – a request from Vernon Gladden, represented by Cheney-Walters-Echols, Inc. for 2 final plats for L & V Subdivision #1 and #2, located at CR 6480 and Road 6478 (north of Kirtland). (Mary Holton)	1
5		
6	Quasi-Judicial and Open Meetings Act-Jennifer Breakell	
7	Unified Development Code Refresher Course-Community Development staff	17
8	Existing Building Code Informational Training-Derrick Childers	
	Business from:	
	Floor:	
	Chairman:	
	Members:	
9	Staff:	
	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, December 13, 2016.

ATTENTION PERSONS WITH DISABILITIES:

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

COMMUNITY DEVELOPMENT STAFF REPORT
Final Plats – L and V Subdivisions No. 1 and No. 2
Petitions FP 16-100 and FP 16-101
P&Z MEETING DATE: November 10, 2016

1. PROJECT INFORMATION

Applicant	Vernon Gladden
Representative	Cheney-Walters-Echols Inc.
Date of Applications	October 17, 2016
Requested Action	Final Plat approvals
Location	Tier 3 of the City's PPJ, County Road 6480 and Road 6478 (North of Kirtland)
Existing Land Use	Mobile Home Park, containing 10 single-wide mobile homes
Existing Zoning	N/A
Surrounding Land Uses	Unincorporated - Rural Residential
Subdivision Class	Class 2
Notice	Noticing is not required for final plats
Staff Planner	Mary L Holton, AICP, Director

2. OTHER INFORMATION

Number of Lots	FP 16-100: 5 FP 16-101: 5
Acres of Land	Original parcel: 8.11 acres FP 16-100: 4.73 acres FP 16-101: 4.73 acres
Minimum Lot Size	No required minimum/Proposed lots will range in size from 0.90 to 1.00 Acres (or 39,204 square feet to 43,560 square feet)
Utilities	Water: Existing - Lower Valley Water Users Cooperative Association Sewer: Existing - Septic Systems Electric: Existing - FEUS
Access & Circulation	County Road 6480 and Road 6478
Street Lights	Per County standards
Street Signs	Per County standards
Fire Hydrants	Per County standards
Drainage	Per County standards
Recreation	Per County standards
NBU Mail Box	Owner is required to coordinate with USPS

3. STAFF ANALYSIS

PROJECT DESCRIPTION

The petitioner requests final plat approval of two (2) Class 2 subdivisions, each containing five (5) residential lots. The legal descriptions for each subdivision indicate that each consists of 4.73 acres. The subject area is located at the intersection of County Road 6480 and Road 6478, which is presently a U-shaped or "looped" road. The proposed lots range in size from 0.90-acres to 1.00-acres.

The proposed plats would alter Road 6478 from a U-shaped road into two individual cul-de-sacs into each of the subdivisions. Both roads cannot keep the same road name, as is proposed. Names for the roads must be indicated on the plats. It is recommended that the petitioner coordinate this road naming with the County's Rural Addressing staff. The proposed names will also need to be reviewed by City and County staff, including the Subdivision Review Officer and staff with the San Juan County Communications Authority.

It is also noted that Road 6478 is not currently maintained as a County Road. The County has indicated that neither Road 6478 nor the replacement cul-de-sacs are to be dedicated to the County, but are to be maintained as private roads by the adjoining property owners. This information must be indicated on the plats and in plat notes on both final plats.

Background

Both final plats are originally part of a 1973 survey tract layout for Geoff McMahon. A survey tract layout does not establish a legal subdivision. Neither the City of Farmington nor San Juan County approved this survey tract layout. Pursuant to Section 6.3B of the Unified Development Code, a legal "lot of record" must be reviewed and approved by the City of Farmington if established after June 22, 1971.

Process

The UDC requires that preliminary plans be approved by the City Council, after which, a final plat can be submitted to the Planning and Zoning Commission for final approval, provided all conditions and issues are reflected in the final plat.

Applicable UDC Standards

"Sec. 6.6 Special conditions in PPJ (Tier 3).

6.6.1 General. The requirements of section 6.4, subdivision design standards, shall apply to subdivisions in the Tier 3 of planning and platting jurisdiction, as described in the Farmington Comprehensive Plan (see Article 14, appendix section 13.3), with the following modifications.

6.6.2 Blocks. Block length shall not exceed 1,500 feet.

6.6.3 Streets. Streets shall be in conformity with the requirements of section 6.4.7, streets and alleys; provided, however, that lesser street/ road improvement standards may be considered for minor subdivisions; i.e., those divisions of land that satisfy one of the "exemptions" of the most recent San Juan County Subdivision Regulations.

6.6.4 Pedestrian and biking facilities. Pedestrian and biking facilities are not required.

6.6.5 Water supply.

The subdivider shall provide an adequate supply of potable water to each lot that is sufficient in terms of quality, quantity, and dependability for the proposed development and approved by the New Mexico Environmental Department.

Where a private water system is provided, each lot shall be served from a minimum eight-inch water main, unless a lesser diameter is specified by the city engineer, but not less than six-inches.

6.6.6 Sanitary sewer.

Septic systems shall be permitted on lots 32,670 square feet and larger, subject to the approval of the New Mexico Environmental Department.

Lots smaller than 32,670 square feet shall be subject to the approval of liquid waste disposal methods (other than septic systems) approved by the New Mexico Environmental Department.

6.6.7 Drainage. Drainage may be by surface channels.

6.6.8 Underground utilities. Underground utilities are not required.

6.6.9 Street lights. Streetlights are not required.”

The City of Farmington coordinates closely with San Juan County on their subdivision standards and to minimize conflicts between the different codes.

4. HISTORY

The petitioner submitted Preliminary Plans (PP 16-01, PP 16-02) for the subdivisions on February 2, 2016 to Community Development. They were approved by the City Council in March 2016.

5. ISSUES

David Barnett/ Subdivision Review Officer/ San Juan County Community Development Dept./ Phone: 505-334-4248/ dbarnett@sjcounty.net

- Please see my comment letter to the surveyor dated March 23, 2016 (attached).
- Please provide revised plats and disclosure statements for an additional review.
- The roads are to be privately maintained by the adjacent owners, so they cannot be dedicated to the County.
- These are County summary subdivisions. If they are not City summaries, then dual designations should be on the plat. Such as the Title: San Juan County Type III Summary Subdivision, City of Farmington ____ Subdivision.

Luwil Aligarbes/ Senior Distribution Engineer - FEUS/ Phone: 505-599-8321/ laligarbes@fmtn.org

- The plat provides the 10' wide utility easement along the front of the property parallel to RD 6480 for the existing overhead power line. Looks good.

Manuel Tso/ Water/Wastewater Associate Project Engineer II/ Phone: 505-599-1315/ mtso@fmtn.org

- Recommend showing septic tank and water meter locations.

- Recommend showing easements for existing utilities if required.

Russel Frost/ Deputy City Attorney/ Phone: 505-599-1124/ rfrost@fmtn.org

- The lot sizes would not comply with RA zoning if this subdivision is ever annexed into the City. Withstanding that hypothetical problem, Legal has no comment.

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

- It is noted that the subject area was recently included in the Town of Kirtland's PPJ proposal. The proposal was postponed from Council consideration and is currently under staff review.
- How can a parcel which totals 8.11 acres on the Tax Assessor's website be subdivided into two subdivisions of 4.73 acres each – for a total of 9.46 acres? Additionally, when the areas for the 5 lots in both subdivisions are added, they each total 4.74 acres. The legal descriptions for both plats should be reviewed and revised as necessary by the surveyor.
- Road 6478 currently extends into the parcel to the south (SJC Tax Assessor's Number 2083173329400) and appears to be that parcel's access. If this road is made into 2 cul-de-sacs and closed north of the parcel to the south, how will access to the parcel to the south be provided? Access to that parcel needs to be maintained.
- It is noted that the proposal includes the extension of the lots into the center lines of the cul-de-sacs in both subdivisions. Plat notes regarding ownership and maintenance of the private road need to be added on both plats.
- A plat note should be added that prohibits access for Lots 1 and 5 in both subdivisions to County Road 6480.
- Locations for the individual septic tanks were indicated for Lots 1-4 in both subdivisions and in Lot 5 of #2 in the preliminary plan applications. However, the septic tank location for Lot 5 in #1 has not been provided.
- The petitioner is responsible for ensuring that the extent of the septic leach or spray fields on each lot are wholly contained within the lot they serve.
- The "City Acceptance" text on both plats needs to reflect that the Chairperson of the Planning & Zoning Commission will sign the plats, not the Mayor.
- The dedicatory language on both plats needs to be revised to reflect that the interior roads will not be dedicated to the public.
- The petitioner and/or surveyor must revise the petitions/plats as directed by the County Subdivision Review Officer.

6. CONCLUSION

Staff concludes approval of Petitions FP 16-100 and FP 16-101 is appropriate once all deficiencies and conditions that have been noted in this memo have been resolved or met.

7. RECOMMENDATION

The Community Development Department recommends approval of Petitions FP 16-100 and FP 16-101, requests from Vernon Gladden represented by Cheney-Walters-Echols Inc., for L and V Subdivisions No. 1 and No. 2, subject to the petitioner and/or the surveyor resolving and meeting all noted deficiencies and conditions which have been identified in this report.

PLANNING MEMO COMMENTS SUMMARY

FP 16-100 & FP 101 L & V SUBDIVISION #1

Deadline: 10/26/16

City of Farmington Departments

CD	Director – M. Holton	Any comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – D. Childers	No comment
CD	Long Range Planner	
CD	MPO – D. Garcia	
CD	Oil & Gas Inspector – L. Simms	
CITY	City Manager's Office – J. Baird	No comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Aligarbes	The plat provides the 10' wide utility easement along the front of the property parallel to RD 6480 for the existing overhead power line. Looks good.
ELEC	T & D – R. Romero	
FIRE	Fire Captain – D. Doudy	
FIRE	Fire Marshall – B. Vega	No comment
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – R. Frost	The lot sizes would not comply with RA zoning if this subdivision is ever annexed into the City. Withstanding that hypothetical problem, Legal has no comment.
POLICE	Code Compliance – T. Johnston	
POLICE	Sergeant – P. Flores	
PRCA	M. Gardocki	
PW	City Engineer – N. Westerling	
PW	Engineering – T. Sitta	No comment
PW	Streets Superintendent – J. Couch	
PW	Traffic Engineer – C. Trask	
PW	Water/Waste Water – M. Tso	Recommend showing septic tank and water meter locations. Recommend showing easements for existing utilities if required.

Other Entities

New Mexico Gas Company – R. Owens	
CenturyLink – D. Willato	No comment
Enterprise Field Services	
Comcast Cable – M. Johnson	
CH2MHILL OMI – R. Rosen	

Field Services	
Farmington School District – C. Lyons	
David Barnett	<p>The roads are to be privately maintained by the adjacent owners, so they cannot be dedicated to the County.</p> <p>These are County summary subdivisions. If they are not City summaries, then dual designations should be on the plat. Such as the Title: San Juan County Type III Summary Subdivision City of Farmington ____ Subdivision</p>



Kim Carpenter
County Executive Officer

Mike Stark
County Operations Officer

Larry Hathaway
Community Development
Administrator

**COMMUNITY DEVELOPMENT
SUBDIVISIONS**

209 South Oliver Drive
Aztec, New Mexico 87410
Phone - 505-334-4248 Fax - 505-334-3755
www.sjcounty.net

March 23, 2016

Cheney-Walters-Echols, Inc.
Attn: George T. Walters, P.S.
909 West Apache
Farmington, NM 87401

Re: L and V Subdivision No. 1

Dear George:

Below are the comments for this Type III Summary Subdivision:

1. Provide acknowledgement letter from the lender for mortgage in Book 1537 Page 908.
2. Add note:

The Subdivision Review Officer has rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. No land has been offered to or accepted by the County.

3. Road 6478 must be shown as an access and utility easement. Ownership of privately maintained roads must be retained by land owner. Please redesign lots to centerline of road and send revised plat for additional review. Design road to loop if possible.
4. See Sheet 1 for corrections and additions to the Title, Acceptances, Dedication and Affidavit.
5. See Sheet 2 for corrections and additions to the Title, drawing and Reference Notes.
6. See Disclosure Statement for corrections and additions to the Title Page, Pages 2, 3, 9, 10 Plan and Profile, and Terrain Management Plan.

If you have any further questions, please contact me at 334-4248.

Sincerely,

David Barnett
Subdivision Review Officer

xc: File
Enclosure

SENT OUT

MAR 23 2016

C. D.

PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

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

RECEIVED
 OCT 17 2016
 COMM DEV DEPT

PROJECT TYPE (Check Those Applicable)

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation and / or Zoning
<input type="checkbox"/> Preliminary Plat
<input checked="" type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input 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: _____ |
|--|---|--|

INFORMATION

Applicant's Name: Vernon Gladden	Project Location: County Road 6478
Address: P.O. Box 1065, Kirtland, NM, 87417	Existing Use: Vacant
E-Mail:	Proposed Use: Residential
Telephone: (505) 598-1329	Current Zoning:
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: R0080179

Legal Description of Subject Property: *See Attached Plat*

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP

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

OWNER CERTIFICATION * (Physical and Mailing)

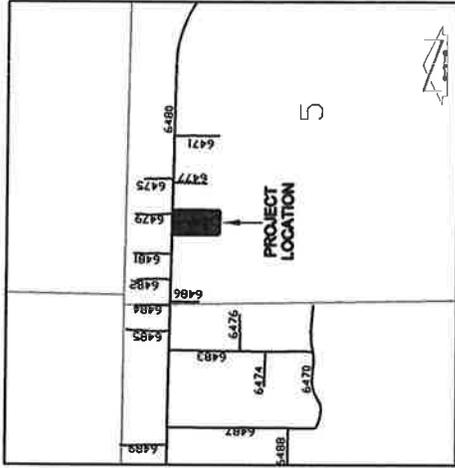
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action 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: Vernon Gladden	Address: P.O. Box 1065, Kirtland, NM, 87417
Owner's Signature: <i>Vernon Gladden</i>	Phone / Email: (505) 598-1329

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

Received By _____ Time _____ Date <u>10/17/16</u> Fee Received _____ Project File No. <u>FP 16-100</u> Date of Hearing/Meeting: <u>11/10/16 - PE 2</u>	<input type="checkbox"/> Blueline Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input type="checkbox"/> Legal Description _____ <input type="checkbox"/> Detailed Statement of Proposed Use _____
---	--

L AND V SUBDIVISION NO. 1
A SAN JUAN COUNTY TYPE III SUMMARY SUBDIVISION
A REPLAT OF LOT 42 OF THE TRACT LAYOUT FOR GEOFF McMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973 & REVISED MARCH 15, 1974
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO



VICINITY MAP - N.T.S.

MONUMENT NOTE:
 ALL INTERIOR MONUMENTS SHALL BE SET TO THE STANDARDS FOR SURVEYS IN NEW MEXICO, TITLE 12, CHAPTER 8 PART 217.

TELEPHONE AND ELECTRICAL NOTE:
 CHENEY-WALTERS-ECHOLS, INC. ASSUMES NO LIABILITY FOR THE LOCATION OF TELEPHONE AND ELECTRICAL SERVICES.

GAS LINE DISCLAIMER:
 CHENEY-WALTERS-ECHOLS, INC. DOES NOT GUARANTEE THE LOCATION OF GAS LINES. ALL LINES ON THE PROPERTY MAP SHOWN ARE LOCATED FROM EXISTING MARKERS ASSUMED TO BE CENTERLINE OF THE PIPELINE AND FROM EASEMENT DESCRIPTIONS FURNISHED BY THE PROPERTY OWNER.

SETBACK DISCLAIMER:
 BUILDING SETBACKS FROM GAS WELLS AND GAS LINES MUST BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION.

SOILS NOTE:
 CHENEY-WALTERS-ECHOLS, INC. HAS MADE NO DETERMINATION AS TO THE STRUCTURAL STABILITY OF THE SOILS WITHIN THE SUBDIVISION AND MAKES NO RECOMMENDATION AS TO THE APPROPRIATE FOUNDATION CONDITIONS SUITABLE FOR BUILDING CONSTRUCTION WITHIN THE SUBDIVISION.

EPA CONSTRUCTION GENERAL PERMIT REQUIREMENTS:
 CONTRACTOR DOING WORK WITHIN THIS DEVELOPMENT SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE EPA'S CONSTRUCTION GENERAL PERMIT (CGP), EFFECTIVE JULY 1, 2003, WHICH WILL REQUIRE THE CONTRACTOR TO OBTAIN NECESSARY A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE COMPLIANCE WITH THESE REGULATIONS.

NATURAL GAS RIGHT-OF-WAY:
 No deep rooted trees or shrubs are to be planted and no road, building, excavation, roof overhang, or other structure or obstructions, including fencing or utilities are to be constructed within or across the right-of-way of any existing or proposed gas pipeline. No storage tanks, reservoir or other structures or excavations may be constructed or maintained within the width of the easement as shown. Any approved construction over or across said right-of-way will then be in accordance with the specifications of the applicable gas utility. Attention: Right-of-Way Department. If any portion of the improvements located within Enterprise's right-of-way may become damaged or destroyed during required maintenance or construction operations by Enterprise or its contractor, Enterprise shall not be liable for the cost of repair, replacement, damage or destruction resulted from the sole negligence of Enterprise or its contractor.

WATER RIGHTS DISCLAIMER:
 CHENEY-WALTERS-ECHOLS, INC. HAS MADE NO DETERMINATION OF WATER RIGHTS FOR THIS PROPERTY. IF WATER RIGHTS ARE ADJUDICATED TO THIS PROPERTY THE OWNER RESERVES SAID WATER RIGHTS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That L & V Mobile Home Park, LLC, being the sole owner and proprietor of the land hereon described, has caused the subdivision of said land, and that said summary subdivision is noted and shall be known as:

L AND V SUBDIVISION NO. 1

That the said summary subdivision, as shown on this plat, is with the consent and in accordance with the desires of said Owner, and the streets and easements shown are dedicated for public use as such, together with easements for utility lines, for the purpose of providing for the installation of water, sewer, gas, telephone, and electrical services, and for the right to include necessary maintenance of the same, and right of ingress and egress to and from said easements.

Vernon Menden Registered Agent,
 L & V Mobile Home Park, LLC

AFFIDAVIT

Now comes L & V Mobile Home Park, LLC, first duly sworn upon their oath and states that the summary subdivision shown hereon lies wholly within the mutual planning and platting jurisdiction of San Juan County and the City of Farmington, New Mexico. The land shown hereon will be subdivided in accordance with the summary review plat.

Vernon Menden Registered Agent,
 L & V Mobile Home Park, LLC

ACCEPTANCE

We the undersigned Mayor and City Clerk of the City of Farmington, County of San Juan, State of New Mexico, do hereby certify that the above and foregoing plat and summary subdivision is in accordance with the provisions of the laws of the State of New Mexico and the City of Farmington, New Mexico, and that the same has been approved and accepted for recording and filing.

Done at a regular meeting held this _____ day of _____, 2016.

Mayor _____ City Clerk _____

Farmington Electrical Utility SVCS _____ City Engineer _____

CenturyLink _____ New Mexico Gas Company _____

Water and Wastewater O&M Manager _____ Enterprise Field Service, LLC _____

State of New Mexico)
 County of San Juan)

The foregoing declaration and affidavit were acknowledged before me by _____ day of _____, 2016.

My Commission Expires: _____

Notary Public

CERTIFICATION

I, George T. Walters, a New Mexico Professional Surveyor certify that I have conducted an independent and correct to the best of my knowledge and belief, and that this Boundary Plat meets the Minimum Standards for Surveying in New Mexico. I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

Date _____

George T. Walters Surveyor No. 659
 Professional
 State of New Mexico

ACCEPTANCE - SAN JUAN COUNTY

The summary subdivision plat shown hereon was duly submitted to the San Juan County Subdivision Review Officer and is hereby approved and accepted for recording this _____ day of _____, 2016.

Approval of this plat does not restrict any regulatory official from thereafter requiring a correction of errors.

Signed: _____

Subdivision Review Officer

San Juan County
 Floodplain Manager

Approved pursuant to Senate Bill 406, that requires all taxes, penalties, interest and fees on this plat be paid prior to the division or combining of any real property in San Juan County.

San Juan County Treasurer _____ Date _____

L AND V SUBDIVISION NO. 1
 A SAN JUAN COUNTY TYPE III SUMMARY SUBDIVISION

A REPLAT OF LOT 42 OF THE TRACT LAYOUT FOR GEOFF McMAHON AS FILED FOR RECORD ON OCTOBER 10, 1973 & REOPENED MARCH 15, 1974 LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

LEGEND

- ◊ SET 1/2"IR# REBAR WITH CAP MARKED 6159
- ✱ SECTION CORNER, AS NOTED
- X-X-X-X- EXISTING FENCE LINE

PLAT NOTES:

BASIS OF BEARING IS THE CITY OF FARMINGTON GPS CONTROL NETWORK
 DATE OF FIELD SURVEY, NOVEMBER 20, 2015
 APPROVAL OF THIS PLAT DOES NOT IMPLY AUTHORIZATION TO BUILD DRIVEWAYS CONNECTING TO THE COUNTY ROAD. ANY SUCH APPLICATION WITH THE SAN JUAN COUNTY ROAD DEPARTMENT.
 THE SUBDIVISION REVIEW OFFICER HAS REJECTED, ON BEHALF OF THE PUBLIC, ANY LAND OFFERED FOR DEDICATION FOR PUBLIC USE IN CONNECTION WITH THIS PLAT. ANY OFFER OF DEDICATION, NO LAND HAS BEEN OFFERED TO OR ACCEPTED BY THE COUNTY.

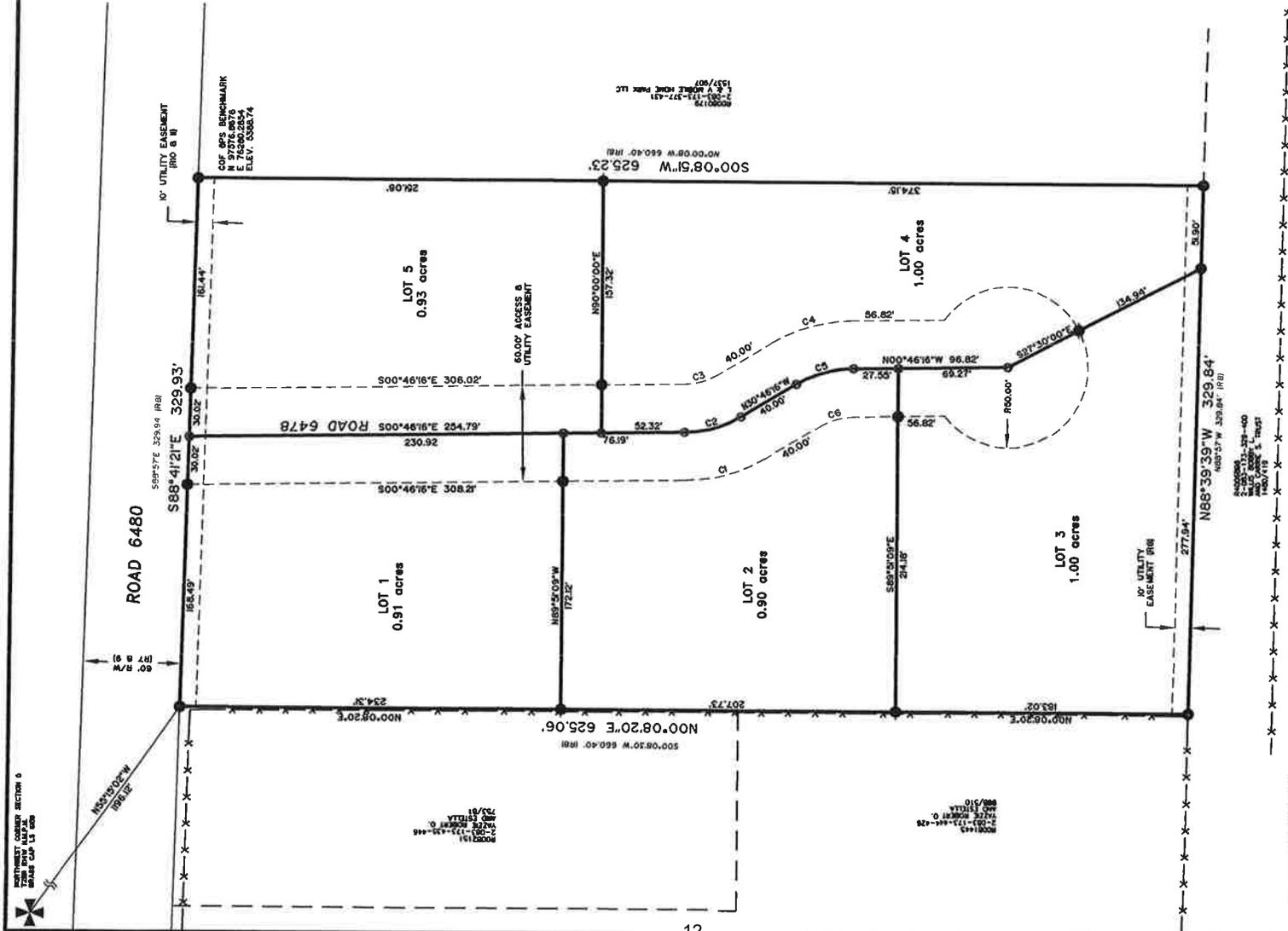
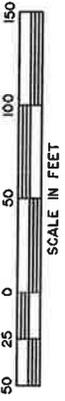
REFERENCE NOTES:

- R1. SPECIAL WARRANTY DEED BOOK 1537, PAGE 907
- R2. WARRANTY DEED BOOK 1537, PAGE 489
- R3. OUTCLAIM DEED BOOK 1400, PAGE 419
- R4. REAL ESTATE CONTRACT BOOK 1440, PAGE 42
- R5. OUTCLAIM DEED BOOK 1407, PAGE 588
- R6. OUTCLAIM DEED BOOK 1407, PAGE 588
- R7. RIGHT OF WAY BOOK 572, PAGE 429
- R8. REVISED TRACT LAYOUT FOR GEOFF MC MAHON FILED FOR RECORD 03/15/74.
- R9. RIGHT-OF-WAY EASEMENT BOOK 1537, PAGE 689
- R10. RIGHT-OF-WAY EASEMENT BOOK 1537, PAGE 689
- R11. RIGHT-OF-WAY EASEMENT BOOK 1537, PAGE 639

NUMBER	R #	L =	D =	T #	LC #	CD #
C1	100.00	32.36	30°00'00"	26.79	51.76	S15°46'16"E
C2	70.00	36.65	30°00'00"	18.76	36.23	S15°46'16"E
C3	40.00	20.94	30°00'00"	10.72	20.71	S15°46'16"E
C4	100.00	52.36	30°00'00"	26.79	51.76	N15°46'16"W
C5	70.00	36.65	30°00'00"	18.76	36.23	N15°46'16"W
C6	40.00	20.94	30°00'00"	10.72	20.71	N15°46'16"W



SCALE: 1" = 50'



ISSUE DATE: 09/27/2016 . CRT
 PRINTED: October 17, 2016
 FILE: \\NWES\dwg-nws\2015\15565\L AND V SUB NO 1.dwg
CHENEY-WALTERS ENGINEERS & SURVEYORS
 501 N. 2ND ST. FARMINGTON, NEW MEXICO 87401-5902-393

PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

RECEIVED

OCT 17 2013

COMM DEV DEPT

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

PROJECT TYPE (Check Those Applicable)

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation and / or Zoning
<input type="checkbox"/> Preliminary Plat
<input checked="" type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input 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: _____ |
|--|---|--|

INFORMATION

Applicant's Name: Vernon Gladden	Project Location: County Road 6478
Address: P.O. Box 1065, Kirtland, NM, 87417	Existing Use: Vacant
E-Mail:	Proposed Use: Residential
Telephone: (505) 598-1329	Current Zoning:
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: R0080179

Legal Description of Subject Property: *See Attached Plat*

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP

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

OWNER CERTIFICATION

* (Physical and Mailing)

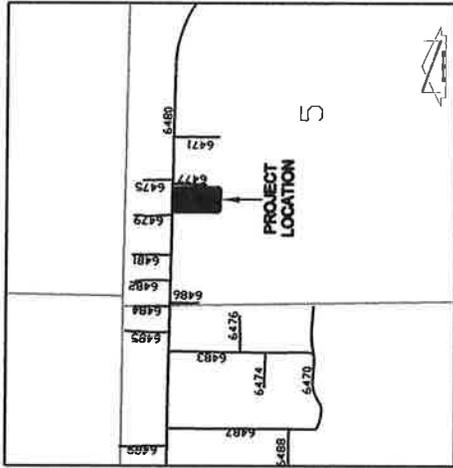
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action 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: Vernon Gladden	Address: P.O. Box 1065, Kirtland, NM, 87417
Owner's Signature:	Phone / Email: (505) 598-1329

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

Received By _____ Time _____ Date _____ Fee Received _____ Project File No. <u>FP 16-101</u> Date of Hearing/Meeting: _____	<input type="checkbox"/> Blueline Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input type="checkbox"/> Legal Description _____ <input type="checkbox"/> Detailed Statement of Proposed Use _____
--	--

L AND V SUBDIVISION NO. 2
A SAN JUAN COUNTY TYPE III SUMMARY SUBDIVISION
A REPLAT OF LOT 44 OF THE TRACT LAYOUT FOR GEOFF MCMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973 & REVISED MARCH 15, 1974
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO



VICINITY MAP - N.T.S.

MONUMENT NOTE:
 ALL INTERIOR MONUMENTS SHALL BE SET AND LOCATED IN ACCORDANCE WITH THE STANDARDS FOR SURVEYING IN NEW MEXICO, TITLE 12, CHAPTER 8 PART 2.17.

TELEPHONE AND ELECTRICAL NOTE:
 GEORGE T. WALTERS & SONS, INC. ASSUMES NO RESPONSIBILITY FOR THE INSTALLATION OF TELEPHONE AND ELECTRICAL SERVICES.

GAS LINE DISCLAIMER
 GEORGE T. WALTERS & SONS, INC. DOES NOT GUARANTEE THE LOCATION OF GAS LINES. ALL LINES ON THIS PROPERTY SHOWN ARE LOCATED FROM EXISTING MARKERS ASSUMED TO BE CENTERLINE OF THE PIPELINE AND FROM ASSESSMENT DESCRIPTIONS FURNISHED BY THE PROPERTY OWNER.

SETRBACK DISCLAIMER
 BUILDING SETBACKS FROM GAS WELLS AND GAS LINES MUST BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION.

SOILS NOTE
 GEORGE T. WALTERS & SONS, INC. HAS MADE NO DETERMINATION AS TO THE STRUCTURAL STABILITY OF THE SOILS WITHIN THE SUBDIVISION AND MAKES NO RECOMMENDATION AS TO THE APPROPRIATE FOUNDATION OR FOOTING SUITABLE FOR BUILDING CONSTRUCTION WITHIN THE SUBDIVISION.

EPA CONSTRUCTION GENERAL PERMIT
 THE CONTRACTOR SHALL OBTAIN A GENERAL PERMIT FROM THE EPA'S CONSTRUCTION GENERAL PERMIT (CGP), EFFECTIVE JULY 1, 2003, WHICH WILL COVER THE CONSTRUCTION OF THIS SUBDIVISION. A STORM WATER POLLUTION PREVENTION PLAN IS REQUIRED FOR THE COMPLIANCE WITH THESE REGULATIONS.

NOTE: ENTERPRISE FIELD SERVICES, L.L.C.
NATURAL GAS RIGHT-OF-WAY
 No deep rooted trees or shrubs are to be planted and no road, building, excavation, roof overhangs, or other structure or obstructions, including fences or pipelines are to be constructed within or across the right-of-way of Enterprise Field Services, L.L.C. No other structures or obstructions may be constructed or maintained within the width of the easement as shown. Any approved construction over or across said right-of-way will then be in accordance with the specifications of Enterprise Field Services, L.L.C. Attention: Right-of-Way Department. If any portion of the above Mexico State within Enterprise's right-of-way may become damaged or destroyed during required maintenance or construction operations by Enterprise or its contractor(s), Enterprise shall be liable for the cost of repair, replacement, removal, however, and damage or destruction resulted from the sole negligence of Enterprise or its contractor(s).

WATER RIGHTS DISCLAIMER
 GEORGE T. WALTERS & SONS, INC. HAS MADE NO DETERMINATION OF WATER RIGHTS TO THIS PROPERTY. IF WATER RIGHTS ARE ADJUDICATED TO THIS PROPERTY, THE OWNER RESERVES SAID WATER RIGHTS.

LEGAL DESCRIPTION
 Lot Forty-Four (44) of the TRACT LAYOUT FOR GEOFF MCMAHON, as shown on the Replat of Lot 44 of Section 5, T29N, R14W, N.M.P.M., San Juan County, New Mexico, recorded in Book 982, Page 433, and except the South Ten (10) feet of the North Thirty-Five (35) feet thereof, LESS AND EXCEPT the South Ten (10) feet of the North Thirty-Five (35) feet thereof, which was conveyed to San Juan County by Warranty Deed recorded in Book 983, Page 433 of the San Juan County records, being more particularly described as follows: N1/2, S1/2, San Juan County, New Mexico, one-quarter (1/4) of Section 5 T29N R14W Beginning at a point on the South right-of-way line of Road 6480 from which the Northwest corner of said Section 5 bears N82°17'39"W for a distance of 1482.63 THENCE: S89°42'02"E for a distance of 329.93 feet along said South right-of-way THENCE: S00°09'52"W for a distance of 623.39 feet along the East line of and to the Southeast corner of said Lot 44; THENCE: N88°30'39"W for a distance of 305.84 feet along the South line of and to THENCE: N00°09'52"E for a distance of 624.23 feet along the West line of said Lot 44 to the point of beginning. Containing 4.73 ac.

ACCEPTANCE - SAN JUAN COUNTY

The summary subdivision plat shown hereon was duly submitted to the San Juan County Subdivision Review Officer and is hereby approved and accepted for recording this _____ day of _____, 2006.

Approval of this plat does not restrict any regulatory official from thereafter requiring a correction of errors.

Signed: _____ Subdivision Review Officer

San Juan County
 Floodplain Manager

Approved pursuant to Specific Bill 486, that requires all loans, penalties, interest and fees through the current taxable year prior to the division or combining of any real property in San Juan County.

San Juan County Treasurer

Date

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
 That L & V Mobile Home Park, LLC, being the sole owner and proprietor of the above and summary subdivision of said land, and that said summary subdivision is named and shall be known as:

L AND V SUBDIVISION NO. 2

That the said summary subdivision, as shown on this plat, is with the consent and in accordance with the desires of said Owner, and the streets and easements shown are dedicated for public use as such, together with easements for pipe utility, and existing easements for overhead service wires of pole type utility, and that said Owner, together with the heirs, assigns, and assigns, does hereby irrevocably and forever dedicate and agree to and from said easements.

Vernon Goddard
 Registered Agent,
 L & V Mobile Home Park, LLC

AFFIDAVIT

I, _____, do hereby certify that the summary subdivision shown hereon lies wholly within the mutual planning and zoning jurisdiction of San Juan County and the City of Farmington, New Mexico. The land shown hereon will be subdivided in accordance with the summary restate plat.

Vernon Goddard
 Registered Agent,
 L & V Mobile Home Park, LLC

ACCEPTANCE

We the undersigned Mayor and City Clerk of the City of Farmington, County of San Juan, State of New Mexico, do hereby certify that the above and foregoing plat and dedication of the L and V Subdivision No. 2 was duly submitted by the proprietors and approved by the governing board thereof in the exercise of its planning and zoning jurisdiction in accordance with the authority and that said Subdivision is hereby approved and accepted for recording and filing.

Done at a regular meeting held this _____ day of _____, 2006.

Mayor

City Clerk

Farmington Electrical Utility SVCS City Engineer

CenturyLink New Mexico Gas Company

Water and Wastewater O&M Manager Enterprise Field Services, LLC

State of New Mexico)
 County of San Juan)
 I, _____, as:

The foregoing dedication and affidavit were acknowledged before me by
 Vernon Goddard, the _____ day of _____, 2006.

My Commission Expires: _____

Notary Public

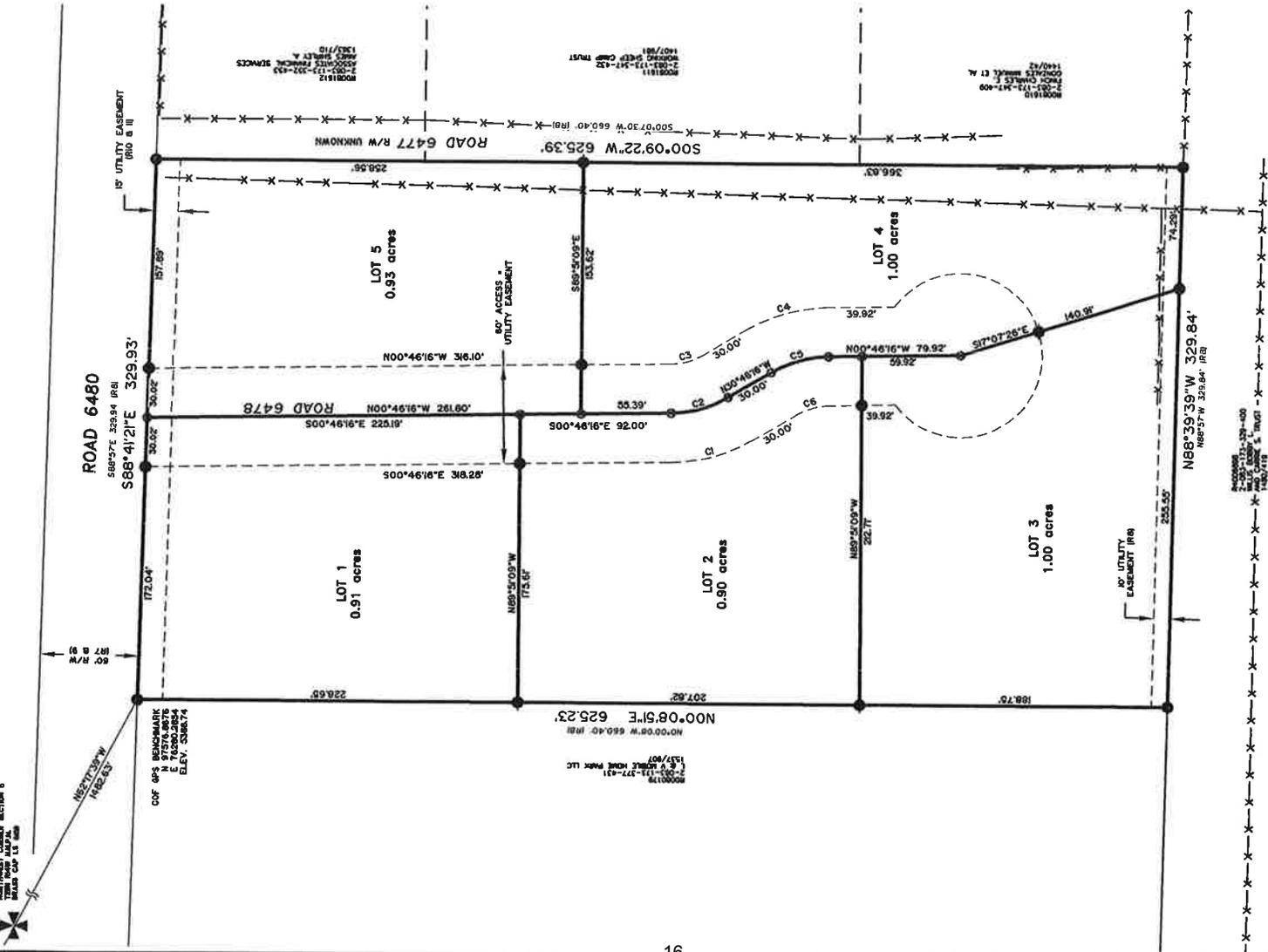
CERTIFICATION

I, George T. Walters, a New Mexico Professional Surveyor certify that I am duly qualified and am responsible for this Boundary Survey Plat, that this plat is correct and true to the best of my knowledge and belief, and that this Boundary Plat meets the Minimum Standards for Surveying in New Mexico. I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

Date

George T. Walters
 Professional Surveyor No. 6039
 State of New Mexico

L AND V SUBDIVISION NO. 2
 A SAN JUAN COUNTY TYPE III SUMMARY SUBDIVISION
 A REPLAT OF LOT 44 OF THE TRACT LAYOUT FOR GEOFF MCMAHON
 AS FILED FOR RECORD ON OCTOBER 10, 1973 & REVISED MARCH 15, 1974
 LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO



LEGEND

- ◊ SET 1/2" IR REPAIR WITH CAP MARKED 6459
- ⊕ SECTION CORNER, AS NOTED
- X-X-X-X- EXISTING FENCE LINE

PLAT NOTES:

BASE OF BEARINGS IS THE CITY OF FARMINGTON GPS CONTROL NETWORK

DATE OF FIELD SURVEY, NOVEMBER 20, 2015

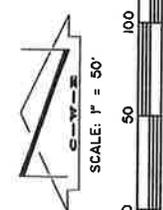
APPROVAL OF THIS PLAT DOES NOT IMPLY AUTHORIZATION TO BUILD DRIVEWAYS CONNECTING TO THE COUNTY ROAD. LOT OWNERS MUST FILE AN APPLICATION WITH THE SAN JUAN COUNTY ROAD DEPARTMENT.

THE SUBDIVISION REVIEW OFFICER HAS REVIEWED, ON BEHALF OF THE PUBLIC, ANY LAND OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION. NO LAND HAS BEEN OFFERED TO OR ACCEPTED BY THE COUNTY.

REFERENCE NOTES:

- R1. SPECIAL WARRANTY DEED BOOK 1537, PAGE 907
- R2. WARRANTY DEED BOOK 1539 PAGE 569
- R3. QUITCLAIM DEED BOOK 1490, PAGE 419
- R4. QUITCLAIM DEED BOOK 1491, PAGE 42
- R5. QUITCLAIM DEED BOOK 140, PAGE 90
- R6. QUITCLAIM DEED BOOK 1563, PAGE 70
- R7. RIGHT-OF-WAY BOOK 972 PAGE 425
- R8. QUITCLAIM DEED BOOK 1537, PAGE 694 FILED FOR RECORD 03/15/74
- R9. WARRANTY DEED BOOK 985 PAGE 483
- R10. RIGHT-OF-WAY EASEMENT BOOK 1534 PAGE 694
- R11. RIGHT-OF-WAY EASEMENT BOOK 1537 PAGE 689

NUMBER	R =	L =	D =	T =	LC =	CD =
C1	100.00	52.36	30°00'00"	26.79	51.76	S15°46'16"E
C2	70.00	36.65	30°00'00"	18.76	36.23	S15°46'16"E
C3	40.00	20.94	30°00'00"	10.72	20.71	S15°46'16"E
C4	100.00	52.36	30°00'00"	26.79	51.76	N15°46'16"W
C5	70.00	36.65	30°00'00"	18.76	36.23	N15°46'16"W
C6	40.00	20.94	30°00'00"	10.72	20.71	N15°46'16"W



Talking Behind the Public's Back – The Ex-Parte Problem

by Ted Shekell, AICP

We all like to be “in the know.” There are few things quite as aggravating as feeling like you’re the last person to know what’s going on and being “on the outside looking in.” That’s especially true when as a citizen you’re trying to find out what’s happening on a proposed development project that may affect your community, or possibly even your own home or business.

Yet, that’s what can happen when our government’s decision-making processes give the appearance, real or imagined, of being either one-sided or impartial, and full due process is not provided for.

In a democratic society, open, fair decision making is critical to whether the public trusts what the government is doing.

Ex parte is Latin meaning “from or on one side only, with the other side absent or unrepresented.” In a democratic society, open, fair decision making is critical to whether the public trusts what the government is doing.

In planning circles, *ex parte*, or one-sided communications, are usually problematic, either legally, ethically, or both, particularly when it involves a quasi-judicial action such as is often the case with variances or special use permits.

For example, imagine a defendant in court, prior to the start of his trial, finding out the opposing attorney had dinner with the presiding judge and discussed your case with him. Oh, and by the way, your close friend, who by happenstance was sitting at the table next to them, overheard the judge say “yep, and I think he’s guilty, too.” How about that for a fair trial? Get the jail cell and orange jumpsuit ready. Most people (particularly the defendant) would be outraged at such a breach of fairness and ethics, not to mention the law.

Now think about the applicability of this principle in the world of planning. A variance or special use permit is typically considered a quasi-judicial action, where a planning commission, zoning board, and/or city council often sit as judges ruling on a specific case and the applicability of facts to it. To help ensure proper due process is given to all parties, they need to hear all the facts equally and openly, as do those who may be opponents, proponents, or just interested by-standers of the matter at hand.

The best advice is for commissioners to avoid *ex-parte* communications or information completely. In the event some new information is given to you on a case, it must be disclosed openly during the process as soon as possible. It is also best practice for planning commissions and city councils to have a policy in place that addresses how *ex-parte* communications are to be handled.

Now there is a difference between quasi-judicial and legislative decision-making, which typically has a broader tolerance for how information is obtained. On especially hot topics, planning commissioners or city council members are often bombarded with phone calls, letters, people catching them at the grocery store or hitting them up at their grandkids baseball game, each giving good reasons why a project should be approved or rejected. However, even though there may be more allowance given to how information is gathered in legislative actions as opposed to quasi-judicial ones, there still exists this whole idea of fairness that is essential to not only making good decisions but also giving the appearance of it. **An action doesn't have to be illegal to be ill-advised.**

Here’s an example, and probably not a too far-fetched one, involving a planning commissioner and an upcoming vote on a project:

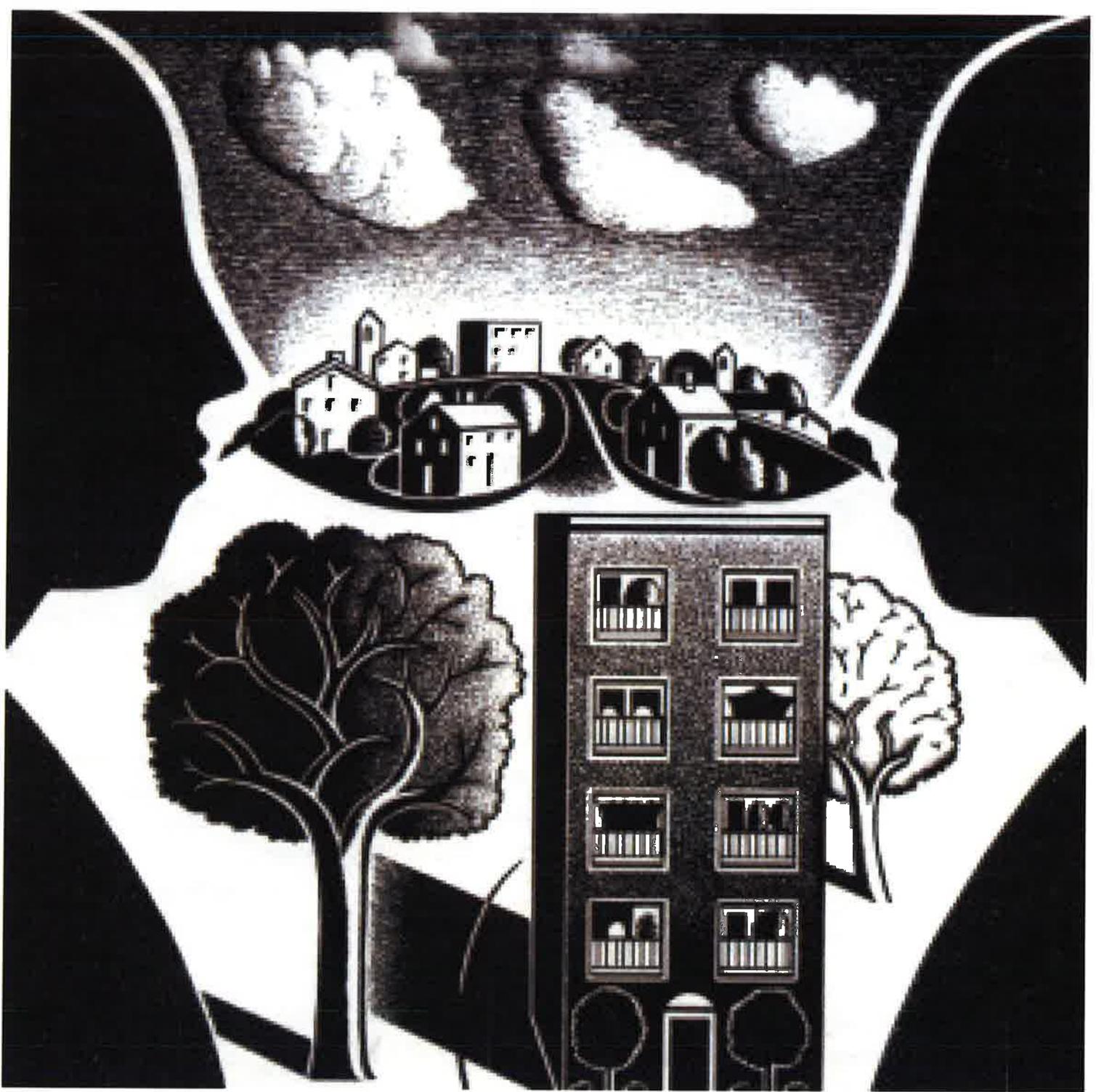


Illustration by Paul Hoffman for PlannersWeb

"You arrive at a regular planning commission meeting and are approached by a fellow PC member. He tells you that due to new information he has recently received from a neighborhood group opposing the special use permit for a nightclub near their homes, he is going to vote no on the project that evening. He admits that although the public hearing hasn't been held yet, he has already made his decision, and he thinks you should vote no on the project, too."

As a planning commission member, what should you do? How would you respond to your colleague? What ethical problems exist in this case, if any?

Update: October 8, 2012:

Editor's Note: Here's Ted Shekell's follow-up to the hypothetical we set out above.

One of the most important roles of the planning commissioner is to be an objective, fair-minded representative of the community. As those in the arena of city planning know all too well, land use issues frequently bring out passionate opinions from all sides, with the voice of reason and balance often coming from the planning commission.

It is of the utmost importance to resist the temptation to "make up" one's mind before hearing all the facts.

Having said that, if commissioners become partisan or politically motivated in their decision-making, or if the appearance of fairness and open-mindedness is breached, then the confidence the public has in the commission's decision-making process will deteriorate rapidly. So, it is of the utmost importance to resist the temptation to "make up" one's mind before hearing all the facts -- for the sake of the individuals with a stake in the issue, and ultimately, for the integrity of the democratic process itself.

To further expand on the topic, let's consider a few other variations on this theme. First, what if the planning commissioner in the original scenario received the information from the neighborhood group through their newsletter which he received because he lives in that neighborhood -- do indirect communications, such as through a newsletter, make a difference in how a commissioner handles the matter?

Information on a case can be either frivolous or important, regardless of the source. Often, the only way to know the difference is to make it available for public consumption. In this instance the commissioner should make known to the planning commission the information from the newsletter. It may be relevant, it may be irrelevant, but the surest way to know is to make it public.

Here's another question: if the planning commission in the above hypothetical example is making an advisory decision or recommendation to the city council, rather than a final decision, is ex-parte still a consideration? Are advisory decisions/recommendations still considered quasi-judicial in nature?

The short answer to both would be "yes." Ex-parte communications, whether at a hearing, during advisory recommendations, or in making final decisions, are inappropriate. Quasi-judicial matters, such as variances or special use permits, should be handled as such throughout the process. Even though a planning commission hearing and decision is advisory only, it is still an integral, and critical, part of the process.

Knowledge that is "hidden from view," can prevent a thorough hearing on a matter.

Proper due process, open two-sided communications, informed cross-examination -- these are all important parts of the decision-making process. Knowledge that is "hidden from view," can prevent a thorough hearing on a matter, and it can also thwart a proper decision by the city council, if they are indeed the final authority.

If an issue is ultimately a legislative decision, such as is often the case in a city council's decision on a rezoning or comp plan amendment, the rules governing ex-parte communications are often different and can be less restrictive. Having said that, one of the adopted aspirational goals of the American Planning Association in its "Ethical Principles in Planning" is for planning process participants to "Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information." Open and equitable dissemination of information is a good goal to strive for.

A third and final scenario would be this: should a planning commissioner who is a member of a neighborhood group, environmental group, chamber of commerce, or other organization, excuse himself from considering a project in which that organization testifies or takes a position? Is disclosure of the commissioner's membership in the group necessary? Would it make a difference if the planning commissioner is just a regular member versus being on the board of the organization?

Anytime a commissioner feels like he or she has a conflict of interest, taking appropriate action (such as disclosure or recusal) is a must. Even if something may not rise to the legal definition of a conflict of interest, a clean conscience is a beautiful thing. Be safe and address it.

In the instance above, disclosure of the commissioner's membership in the group providing testimony should certainly be made. If a commissioner believes in his own mind that his membership could compromise his objectivity, or if the perception on the part of the public is that the commissioner's decision-making could be negatively affected, then the most prudent course of action is for the commissioner to avoid the conflict and recuse himself from the matter.

Conflicts of Interest for Planning Commissioners

A conflict of interest is a contradiction between an individual's personal interest and his or her public duty. Such conflicts can exist whether or not money is involved, and whether the conflict is actual or only perceived. Questions about conflicts of interest are part of larger due process considerations concerning the impartiality of the planning board or commission. Such conflicts threaten the right of applicants to receive a fair hearing and decision. To avoid conflicts, a planning commissioner must maintain independence, neutrality, and objectivity in an environment of often competing interests.

Scenarios. Circumstances that may involve a conflict of interest include:

- a personal bias or prejudice concerning any interested party or representative of a party in a matter before the commission;
- a personal or financial relationship with any party or party representative; or
- an action on a matter that may substantially affect the personal or financial interests (either directly or indirectly) of the commissioner or the commissioner's family, such as owning nearby property.

Most communities have guidelines governing these types of financial conflicts of interest through state legislation or local ethics ordinances. Even if the ordinances are written to cover only elected officials, they are an excellent benchmark regarding community expectations. A planning commissioner is in a position of high public trust and must scrupulously avoid even the appearance of using zoning decisions to assist the financial prospects of family members.

Key players and special interests. Each member of a planning commission brings to the commission an individual history, including education, training, and experience. Several studies have examined the occupations of members. Those studies show that some jurisdictions, when appointing commission members, seek people with professional or business familiarity, while other communities have "unwritten guidelines" precluding developers and realtors from sitting on the commission in order to help minimize

PAS

QuickNotes

PAS QuickNotes No. 4



potential conflicts of interest. While an individual's involvement in special interest groups, such as home builders associations, real estate boards, environmental advocates, or neighborhood groups does not automatically create conflicts of interest, the perception of bias may arise.

HOW TO AVOID CONFLICTS OF INTEREST

Protocol when conflicts occur. When a commission member is being asked to participate in a decision in which he or she feels a conflict of interest may exist, that member's duty is to publicly disclose the nature of the potential conflict. Failure to disclose a conflict of interest is grounds for removal from a planning commission or zoning board. On finding an actual or apparent conflict of interest, the commission chair shall excuse the member from participation in the matter. It is also acceptable for individual commissioners to recuse themselves in the face of a possible conflict. For example, if a friend's or relative's business or property is under consideration, a commission member should disqualify himself or herself from influencing the decision. Determining when disclosure alone is enough or when recusal or withdrawal is the more appropriate course of action can be a challenge. Leaving the decision up to the board can remove the burden from the individual and allow for a more trustworthy decision-making process but could require extended conversation and questioning to determine the real or apparent conflict. A good alternative is to use the "disinterested person" test. If someone with no background or experience in the matter would think there is a conflict, act as if there is one.



Some commissions adopt their own ethical guidelines for dealing with not only conflicts of interest but also all conduct of appointees.

(Continued on back)

Familial Contacts. What is reasonable in terms of familial contacts may vary from community to community; for example, in small jurisdictions, extended families have been around for generations and interrelationships between applicants and commission members are common. Such contacts may be so pervasive that a commission member could not regularly be excused from participation; if that were the case, the commission might not ever achieve a quorum. However, a commission member can publicly declare the relationship and make an affirmative statement that the relationship, although it exists, will not impair his or her judgment. Again, if the conflict of interest is financial, even if it might be common practice to vote on matters of direct financial gain, the ethical planning commissioner should not do so.

Outside Communications. Ex parte communications (i.e., communications between a commissioner and an interested party outside the commission meeting) can give the appearance of unfairness or impropriety and result in a conflict of interest. If a commissioner receives communications about a proposal outside of a commission meeting, the member has the duty to reveal the communications during the consideration of the proposal. Also, members should avoid committing themselves to a position on particular issues during any outside communications.

Be Proactive. Advance planning can stop potential conflicts before they happen. Scheduling informal discussions about situations that might result in conflicts of interest and consideration of how these situations might be avoided would be helpful. An annual "ethics check" gauging commissioners' familiarity with local and state ethics laws is a good idea. Such an assessment also gives individuals an opportunity to consider how business and personal affiliations relate to their roles as a planning board member. Also, commissioners should consider drafting and adopting their own ethical guidelines for dealing with not only conflicts of interest but the overall conduct of appointees.

Planning Commissioner Training. All newly appointed members should participate in training programs. Excellent programs designed by the local planning agency, the state APA chapter, or the statewide government organizations, such as municipal leagues, exist. Commission members should fulfill continuing education requirements annually. Effective training programs educate members about the ethical standards for commissioners, including instruction on avoiding potential or perceived conflicts of interest. Developing a shared set of values through training and discussions can help elevate the ethical standards of a planning commission.

ETHICAL RULES AND GUIDELINES

State and Local Ethics Regulations. Several states, including Connecticut, Idaho, and Michigan, have provisions specifying appropriate conduct for members of planning commissions. Most states have some legislation addressing conflicts of interest for appointees, which include planning commissions. Because state statutes may change, commissioners need to rely on their planning staff or local staff to regularly review laws affecting open meeting and ethical requirements for elected and appointed officials. Some local planning commissions have also adopted administrative rules that speak to good ethics, especially in terms of conducting fair meetings.

APA's Statement of Ethical Principles in Planning. Planning commissions or zoning boards without their own statement of ethical conduct should consider adopting language from APA's statement of Ethical Principles in Planning. Planning professionals and planning commissioners should:

- make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker;
- define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member, or person living in their household might directly or indirectly obtain from a planning decision; and
- abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record.

For the full text of the APA's Ethical Principles in Planning, see www.planning.org/ethics/ethics.html.

The AICP Code of Ethics. In setting forth principles to which planning professionals should aspire, the AICP Code states: We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

For the full text of the AICP Code of Ethics and Professional Conduct, see www.planning.org/ethics/conduct.html.

Personal Ethics. Even under the ethical guidelines set forth by governments and professional organizations, gray areas exist where indiscretions could go unnoticed. In these cases, each planning commissioner must work to ensure an unbiased process, uphold the commission's credibility, and, most importantly, maintain the public trust. *Patrick C. Smith*

PAS QuickNotes is a publication of the American Planning Association's Planning Advisory Service (PAS). Copyright © 2006. Visit PAS online at www.planning.org/pas to find out how PAS can work for you. PAS subscribers can log in for access to previous editions of PAS QuickNotes and the list of references for each topic. American Planning Association staff: W. Paul Farmer, FAICP, Executive Director; William R. Klein, AICP, Director of Research; Lynn M. Ross, AICP, Planning Advisory Service Manager; Jim Hecimovich, Senior Editor; Susan Deegan, Graphic Designer.

MINUTES
PLANNING & ZONING COMMISSION

September 15, 2016

The Planning and Zoning Commission met in a regular session on September 15, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon
Clint Freeman
Ryan Brown
Kristin Langenfeld
Cheryl Ragsdale
Cody Waldroup

P&Z Members Absent:

Shay Davis
Paul Thompson
Del Washburn
Dacia Yazzie

Staff Present:

Julie Baird
Russel Frost
Mary Holton
Cindy Lopez
Steven Saavedra
Toni Sitta
Karen Walker

Others Who Addressed the Commission:

Larry Hathaway
Heather Stotz

Call to Order

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

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Ragsdale and seconded by Commissioner Waldroup to approve the minutes of the August 25, 2016 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

Swearing in of Witnesses

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

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. SUP 16-66

Special Use Permit to Allow Chickens

6116 Jackrabbit Junction

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 it did not appear that any chicken feces had been washed to the neighboring property. Ms. Sitta stated that Ms. Stotz had some best management practices (BMPs) in place, but could add additional BMPs around the chicken coop to further 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 with the condition that the Special Use Permit be reconsidered if the 5 acres are ever subdivided, for property located at 6116 Jackrabbit Junction.

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

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. PPJ 16-01

Planning & Platting Jurisdiction Adjustment Request from the Town of Kirtland, NM

Planning & Zoning Commission Discussion of Petition PPJ 16-01 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

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

Business from the Chair: There was no business from the Chair.

Business from the Members: Commissioner Langenfeld thanked staff for all the work that was put in on the two petitions presented today.

Business from Staff: Ms. Lopez commented that Petition ZC 16-70, a request from the City of Farmington for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential for vacant land located south of Southside River Road and east of Dekalb Avenue, Petition ZC 16-72, a request from William Fortner for a Zone Change from RE-1 Residential Estates to OP Office Professional for land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road, and Petition SUP 16-73, a request Mary Frances and Wayne Leupold, for a Special Use Permit to a Family Care Unit (Mother-in-

Law Quarters) at 1803 Sage Drive, passed on consent at the September 13, 2016 City Council Meeting.

Ms. Lopez told the Commissioners that the September 29, 2016 Planning & Zoning meeting has been cancelled due to a lack of petitions.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting September 15, 2016 was adjourned at 3:39 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant