

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

**August 11, 2016**

The Planning and Zoning Commission met in a regular session on August 11, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

**P&Z Members Present:**

Chair-Joyce Cardon  
Shay Davis  
Kristin Langenfeld  
Cheryl Ragsdale  
Cody Waldroup

**P&Z Members Absent:**

Ryan Brown  
Clint Freeman  
Paul Thompson  
Del Washburn  
Dacia Yazzie

**Staff Present:**

Teri Clashin  
Russel Frost  
Lisa Hale BlueEyes  
Mary Holton  
Cindy Lopez  
Steven Saavedra  
Toni Sitta  
Cory Styron  
Karen Walker

**Others Who Addressed the Commission:**

Fernando Gil  
Victor Gil  
Kenneth Kendrick  
Joe Kozimor  
Jay Seyfarth  
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 Davis and seconded by Commissioner Waldroup to approve the minutes of the June 30, 2016 P&Z Meeting. This motion was approved unanimously by a 5-0 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. PP 16-65**  
**Preliminary Plat for Little Creek Subdivision Phase VI**  
**North of Piedras Street**

**Planning & Zoning Commission Discussion of Petition PP 16-65 on August 11, 2016**

Associate Planner Steven Saavedra presented the staff report for PP 16-65, a request from Joe Kozimor, represented by Cheney-Walters-Echols, for a Preliminary Plan for a Class 1, 46-lot subdivision in the Little Creek Subdivision Phase VI on 13.64 acres, located north of Little Creek Subdivision, Phase V and north of Piedras Street. The property was annexed into the City with SF-7 zoning in 2013. This zoning requires a minimum of 7,000 square foot per lot.

Mr. Saavedra concluded that staff recommends approval with the following conditions:

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

Commissioner Langenfeld asked if staff believes the conditions cover all the issues. Director Mary Holton referred Commissioners to page 8 of the Planning & Zoning Agenda which refers to an agreement with Public Works and Community Development staff, and Mr. Kozimor to address access and drainage issues for the subdivision. Ms. Holton said Little Creek Phase I and III have drainage that flows to an arroyo on the east side of the development. There were issues with a detention pond on the west side for Phases 4, 5, 6, and any future development. Ms. Holton stated that Mr. Kozimor has agreed to commit an area outside the city limits for a detention pond and an agreement will be signed to that commitment soon. Another issue concerned Starling Road. Staff feels those issues will be worked out as they will be tied to the building permits.

Joe Kozimor of 503 French Drive in Aztec stated that this process has been very long. He said the driveway permit holdup was taken care of last December, and the drainage issue should not even be a question because the detention pond will handle anything that can happen. Mr. Kozimor said he wants to sign an agreement that will grant the pond to the city.

Ms. Holton commented that Mr. Kozimor has promised to dedicate park land to the city, but the detention pond has to stay with the development due to maintenance. Mr. Kozimor responded that he would not be around to clean out the detention pond. He wanted the city to do that and did not realize the pond would stay with the development. Mr. Kozimor also stated that if there was a mistake on the calculations for the size of the pond, his engineers will redo those calculations.

Chair Cardon asked if the detention pond existed currently. Mr. Kozimor said it would be developed with future developments. The next phase will drain to a different area and Mr. Kozimor said he doesn't have a problem building a detention pond.

Commissioner Waldroup asked if it would drain toward the highway. Mr. Kozimor said it would drain toward the highway and a 30 inch pipe has already been laid if it becomes necessary to handle future runoff.

**Planning & Zoning Commission Action of Petition PP 16-65 on August 11, 2016**

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition PP 16-65, a request from Joe Kozimor, represented by Cheney-Walters-Echols, for a Preliminary Plan for a 46-lot subdivision of the Little Creek Subdivision Phase VI on 13.64 acres, located north of Piedras Street.

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**

**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 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

**COMMUNITY DEVELOPMENT PETITION REPORT**  
**Petition No. PFP 16-67**  
**Preliminary Final Plat for Kendrick Subdivision**  
**South of Murray Drive**

**Planning & Zoning Commission Discussion of Petition PFP 16-67 on August 11, 2016**

Senior Planner Cindy Lopez presented the staff report for PFP 16-67, a request from Kenneth Kendrick, represented by Souder Miller Associates, for a Preliminary Final Plat for the Kendrick Subdivision, on 34.13 acres, located south of Murray Drive, east of Farmington's Sewer/Water Treatment Plant and west of Curtis Place.

The Preliminary Plan and Final Plat will subdivide four lots into eight lots. The Animas River runs through the property on the east and south. Lots H and G will be incorporated and donated to the City for ditch maintenance and storm water. The Kendrick's will keep Lots A, C and E. The City is purchasing Lots B, D, and F for the extension of the trail system. Kenneth Kendrick lives on one parcel (1451 Shannon Lane) that has several structures and two ponds. Shannon Lane takes access to Murray Drive through a separate parcel to the north. One of the other lots has two structures and takes access to Murray from S. Lorena Avenue.

Staff recommends approval.

Commissioner Davis asked if the City's property would stay connected. Cory Styron, Parks, Recreation, and Cultural Affairs (PRCA) Director, explained that everything to the south and east of the dirt road will belong to the City. Mr. Kendrick is donating the drainage ditch area to the City for maintenance of the ditch and for storm water. Everything north of Shannon Lane will be retained by Mr. Kendrick. Commissioner Ragsdale asked who would own Shannon Lane. Ms. Lopez stated Mr. Kendrick would keep Shannon Lane.

**Planning & Zoning Commission Action of Petition PFP 16-67 on August 11, 2016**

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition ZC 16-59, a request from Kenneth Kendrick, represented by Souder Miller Associates, for a Preliminary Final Plat for the Kendrick Subdivision, located south of Murray Drive east of Farmington's Sewer/Water Treatment Plant and west of Curtis Place.

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

## Discussion and Action on Corrections to the Planning & Zoning Rules of Procedure

The Commissioners discussed a suggestion to change the time of the Planning & Zoning meeting but decided to keep the time at 3:00. No other changes were discussed.

A motion was made by Commissioner Ragsdale and seconded by Commissioner Davis to approve the Planning & Zoning Rules of Procedure as it is currently written.

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**

**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 Davis inquired as to whether the City was considering the issue of chickens and horses within the City limits. Ms. Lopez said the Planning & Zoning Division is researching the issue. More people are interested in having chickens either for pets or the fresh eggs. Chickens also help eliminate bugs. Horses are a little different due to the size of the animal. A horse demands a larger lot size to maintain the animal's requirements. The current cost to obtain a Special Use Permit (SUP) to keep chickens is very high. The petitioner is required to obtain from a title company a list of surrounding property owners within 100 feet. That typically costs \$300-\$400. The application fee for a SUP is \$80.

Commissioner Langenfeld said she applauded the City for moving forward in regards to petitions on chickens. If someone wanted a large number of chickens, it might require a review to make sure the chickens are properly treated. Ms. Lopez said Animal Control and Code Compliance work with people in regards to the treatment of animals.

**Business from Staff:** Ms. Lopez commented that Petition SUP 16-57, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail, Petition ZC 16-58, a request from Brandi Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10 to SF-7 for 1.71 acres located at Chilton Court and 20th Street, Petition ZC 16-59, a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND to MU for 0.25 acres located at 115 E. Corcorran Drive, Petition SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a Family Care Unit for property located at 4002 San Paula Avenue, and Petition SUP 16-62, a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC, for a Special Use Permit to allow the structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street, all passed on consent at the August 9, 2016 City Council Meeting.

**Adjournment:** With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting July 28, 2016 was adjourned at 4:57 p.m.

  
Joyce Cardon  
Chair

  
Karen Walker  
Administrative Assistant

This page left intentionally blank.