

**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.

  
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 Joyce Cardon  
 Chair

  
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 Karen Walker  
 Administrative Assistant

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