

**MINUTES  
PLANNING & ZONING COMMISSION  
SEPTEMBER 10, 2020**

The Planning and Zoning Commission met in a regular session on September 10, 2020 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

**P&Z Members Present:**

Ryan Brown  
Vice Chair – Clint Freeman  
Cheryl Ragsdale  
Mitch Sewell  
Gary Smouse  
Cody Waldroup

**P&Z Members Absent:**

Chair – Joyce Cardon  
Shay Davis  
Elizabeth Lockmiller  
Wayne Mangum

**Staff Present:**

Anita Vigil  
Beth Escobar  
Elizabeth Sandoval

**Others Who Addressed the Commission (Via Zoom Virtual Platform):**

None

**Call to Order**

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

**Presentation & Approval of the Agenda**

There were no changes to the agenda. A motion was made by Commissioner Smouse and seconded by Commissioner Ragsdale. A roll call vote was taken and this motion was approved unanimously by a 5-0 vote.

**Approval of the Minutes**

A motion was made by Commissioner Smouse and seconded by Commissioner Ragsdale to approve the minutes of the August 13, 2020 P&Z Meeting. A roll call vote was taken and this motion was approved unanimously by a 6-0 vote. Commissioner Waldroup joined the meeting and voted on approval of the minutes.

**Swearing in of Witnesses**

There were not petitions being heard at this meeting. There were no witnesses to swear in.

**Draft UDC Updates**

Beth Escobar, Planning Manager, presented the Draft UDC (Unified Development Code) Updates to the commission.

**COMMUNITY WORKS STAFF REPORT**  
**REVISIONS TO THE UNIFIED DEVELOPMENT CODE**  
**Review Of Proposed Revisions And Updates To The Unified Development Code**

**STAFF REPORT – September 10, 2020**

**Summary**

The Planning & Zoning Commission began reviewing the proposed changes to the Unified Development Code on August 13, 2020 and requested more information on the following topics:

**Section 2 – Use Regulations****2.4.7 Animals or fowl**

- Allow for the keeping of fowl as a permitted use. The current policy, based on a white paper from the City Attorney, is to allow the keeping of chickens without a requirement for a Special Use Permit. The keeping of rosters is not allowed. The proposed change to the UDC is to list the keeping of fowl, except rosters, as a permitted use in all zoning districts.
- A definition of fowl will be added to Section 11 of the UDC: *Any kind of domesticated bird raised for meat, eggs or feathers.*
- Section 2.47.7 shall be amended to read:

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

- A. *The number of animal units allowed per acre shall be determined by using the recommended animal unit capacity provided in the definition of animal unit in Article 11, definitions.*
- (1) *Within the residential agricultural (RA) district, the keeping of animals or fowl in accordance with the recommended animal unit capacity per acre is permitted by right.*
  - (2) *In all other districts other than (RA) the keeping of fowl is a permitted subject to the guidelines of Section 6-4-2 – General cleanliness of premises where animals are kept – of the City of Farmington Municipal Code.*
    - a. *The keeping of roosters is not permitted.*
    - b. *If complaints are received regarding the keeping of fowl on a property, issues must be addressed immediately or the right to keep fowl will be revoked. A Special Use Permit that addresses any complaints received shall be obtained in order to retain the right to keep fowl on the property.*
    - c. *The maximum number of fowl permitted per property is six.*
    - d. *No shelter for fowl shall be erected closer than 10 feet to a neighboring dwelling unit. No shelter for fowl shall be erected in the front or side yard setbacks.*
    - e. *No slaughtering of fowl on the property is permitted.*

This reflects the ordinance the Planning & Zoning Commission recommended in 2018.

Commissioner Sewell stated that roosters add value and they can be surgical altered to not produce noise.

Vice Chair Freeman asked if one could get a special use permit to allow for a roster.

Planning Manager Escobar said that yes, one could get a special use permit for a roster.

Commissioner Sewell said it would make more sense to have a special use permit process for rosters.

Commissioner Sewell asked why there was a limit of 6 chickens.

Planning Manager Escobar stated that was what had previously been presented to Council and she kept that number.

Commissioner Waldroup stated that setting a limit on quantity is okay, but to have more than 6 chickens a special use permit would be required.

Section 2.4.59.c Vehicle repair, paint and body shops, has been amended to state:

*No repairs shall be conducted within 200 feet of any property line of a residential use located within a residential boundary. This distance is measured from the property line to the front of the repair shop or area bay door.*

#### 2.5.2.B Accessory uses and structures

Remove the limitation of three accessory structures per property and replace with a 30 percent lot coverage maximum. This would allow for a variety of separate buildings on a property but limit the overall building footprint. The larger the property the higher the allowable building foot-print.

Language has been added specifying accessory structures 50 square feet or smaller are not subject to regulations or permit requirements.

Setback requirements have been simplified. Minimum setbacks for accessory structure would be three feet from the side yard line and 5 feet from the rear lot line

Commissioner Waldroup asked what if you don't have a front yard.

Planning Manager Escobar stated that an accessory structure cannot be placed in front of your house and that all accessory structures must meet the front setbacks.

Vice Chair Freeman stated that there was a previous petition where the petitioner wanted to build a horse barn that was the same size as the petitioner's house. Vice Chair Freeman stated that he liked the overall percentage that we are at.

#### Section 2.5.4 & 2.5.8 Apartments and Guest Houses

Code modifications are suggested to allow for the placement of separate utility meters on apartments and guesthouses. This includes the removal of the requirement for a Special Use Permit for an apartment. Applications for both apartments and guesthouses would be subject to an Administrative Review. This would be an internal process and would not go to a public hearing. Neighbors within 100 feet would be notified and any concerns that arise would be addressed. The need for a second meter could be evaluated and approved through this process. This change treats apartments and guest houses equally, tracks their use, and allows a contract between the property owner and the City to ensure that the units are used as intended.

Planning Manager Escobar stated that we have had 5 variances go to the Administrative Review Board for review in regards to second meters on guest houses.

Vice Chair Freeman asked how a stove plays into the variance.

Planning Manager Escobar stated that full gas stoves are not allowed and the Planning Division has not had input on the stove issue.

Commissioner Sewell asked why a residential zone is not considered multifamily.

Planning Manager Escobar stated that when apartments are allowed in residential areas. This allowance serves two purposes; the primary home owner, who may be struggling to pay their mortgage, gets to keep their home through the additional revenue generated by an apartment and the apartment units provide affordable housing.

**COMMISSION ACTION:** The Commission directed staff to rewrite this section of the UDC to retain the Special Use Permit (SUP) requirement for Apartments, to not require a SUP for guesthouses and to allow the installation of a separate meter for both uses.

## **Section 5 – Development Standards**

### 5.5.6.D – Parking Area Landscaping

A requirement for landscape islands every 15 lineal parking spaces to include one tree of eight feet of height has been added. This requirement would help break up the expanse of asphalt and provide shade in the parking area. Initial landscaping costs may be higher by \$300-500 per required island. The development, neighboring locations and the City would all benefit from an improved visual presentation.

Commissioner Sewell asked if we have the means to enforce parking area landscaping.

Planning Manager Escobar said that we do, it would go through Code Enforcement.

Commissioner Brown asked if there could be liens on the property if businesses did not comply.

Planning Manager Escobar said yes, code enforcement regulations are in place if businesses do not comply.

Commissioner Waldroup asked what the process is if a business does not comply.

Planning Manager Escobar stated that there could be a five year holding period where the property owner would have time to bring the property into compliance. If after this period there are still issues, the City may begin the condemnation process and ownership would be transferred to the City.

Vice Chair Freeman asked if this change in regulation would only apply to new development.

Planning Manager Escobar said yes this would apply to new development and redevelopment of 30% or more on existing properties.

Vice Chair Freeman asked, 30% of what.

Planning Manager Escobar stated that it would be 30% of the parking lot.

Commissioner Smouse stated that upgrading parking lots could be a significant cost, but it is also a return on a business's investment. Commissioner Smouse asked if there was some kind of happy medium that could be reached.

Planning Manager Escobar said that she could look into staggering the requirements for complying, by giving new businesses moving into existing buildings 5 years to get up to code.

#### **COMMISSION ACTION:**

The Commission directed staff to add language in this section that applies parking lot landscape regulations to new businesses established in existing buildings and allow a 5-year time period to bring the property up to code.

#### 5.5.8.B – Irrigation

Add language requiring incorporation of irrigation best practices. This should not add a substantial cost to any new development. These best practices, such as having rain sensors on the irrigation equipment that shut the system down if it rains, have become industry standards.

Commissioner Smouse asked who enforces the irrigation requirements.

Planning Manager Escobar replied that the Planning Division would review the building permit applications for compliance with these requirements. Code Enforcement would enforce these regulations once a business is established. .

Commissioner Smouse asked if there are other code changes that would help conserve and protect natural resources.

Planning Manager Escobar stated there are a variety of requirements throughout the code that protect natural resources. Most of these relate to compliance with federal regulation. Staff will schedule a work session in the near future for the Commission to discuss in greater detail and craft a policy recommendation for Council.

Commissioner Smouse agreed and stated that we need to get into a water conservation mindset to preserve our community.

#### 5.7.3.B.5 Drainage Requirements

Add a first flush requirement for storm water management. Some up front engineering costs and minimal material costs, such as rocks and boulders would be incurred by the developer. This is a critical requirement to prevent sludge from parking areas washing into the City's storm water system and eventual into our rivers. Rainwater harvesting concepts can often be incorporated into first flush capture designs.

Commissioner Waldroup asked if this was just for the parking area.

Planning Manager Escobar stated that was correct.

Vice Chair Freeman expressed concerns that this requirement could add significant costs to a project.

Planning Manager Escobar said that this issue would be tabled and will be discussed further at a later time with input from the Engineering Department.

#### 5.8 Signs

The following changes are proposed to the sign regulations:

1. Clarification to allow for murals without advertising copy
2. Adds an allowance for portable signs (sandwich boards) with an approved permit

3. Adds an allowance for home based business signs, 3-square feet and wall only, with an approved permit
4. Prohibits political signs in public right-of-way unless approved by City Council
5. Adopts height maximums of five feet (residential areas) and 10 feet (commercial area) for construction signage
6. Adopts a height maximum of 25 feet for freestanding signs in commercial areas
7. Adopts a height minimum of eight feet for signs crossing a walkway
8. Adopts a maximum size and heights for programmable and projecting signs

Planning Manager Escobar stated that this topic will be discussed at the upcoming Council work session.

Commissioner Waldroup asked if there would need to be a permit for murals.

Planning Manager Escobar stated that if the mural does not advertise, then a permit is not needed.

Commissioner Sewell asked how the limitation on private property is not a limitation on freedom of speech.

Planning Manager Escobar stated that this would be addressed at the Council work session next week. The draft changes to the sign code have been reviewed by the City Attorney.

Vice Chair Freeman asked if this was limited to political signs only.

Planning Manager Escobar stated that it was limited to political signage.

Commissioner Smouse asked what we were trying to control.

Planning Manager Escobar said that the control was on the appearance of the property.

Vice Chair Freeman stated what he struggled with the residential limitation, as this is private property.

Planning Manager Escobar stated that this limitation was an attempt to deal with issues of one disagreeing with another's political views and placing a number of signs on their property.

Commissioner Smouse asked why the P&Z Commission was being asked to recommend these changes to the sign code if the Commission is not experts on these types of issues.

Planning Manager Escobar stated that the P&Z Commission is only asked to make recommendations to the code and that the City Attorney has reviewed and approved these changes.

Vice Chair Freeman asked if home business signs were not currently allowed.

Planning Manager Escobar stated that in one part of the code it is prohibited and in another part they are allowed.

Commissioner Waldroup asked if there was a specified place on where the wall is and where the sign goes.

Commissioner Sewell stated that the difference of placement of the sign is probably the fact that one placement will identify the business, this would be near the home, and the

other type of placement would be advertising the business, which would be further away from the home.

Commissioner Waldroup asked if this is a huge issue.

Planning Manager Escobar stated that it was not. The recommended changes regarding home based business signs are just an attempt to clarify the code

Commissioner Smouse stated that he was not sure how to proceed. Commissioner Smouse stated that maybe the Planning and Zonings recommendation could be that we do not have political signs in any public right-of-way.

The Commission agreed that allowing political signs only in certain locations and only certain signs may appear to be favoritism.

Commissioner Smouse made the motion to recommend approval of the proposed revisions to Section 5.8 of the UDC with the following exceptions:

1. Remove the restrictions regarding political signs on private property.
2. Do not allow political signage at all on public property

Commissioner Brown seconded the motion.

A roll call vote was taken and this motion was approved by a 6-0 vote.

#### 5.10.8 Outdoor lighting

Apply outdoor lighting regulations to all development, not just those adjacent to residential communities. These requirements include fully shielded lightening standards, limitation of overall lumens and light temperature and prohibition of light trespass. Should be minimal cost to developers.

The above changes to Development Standards apply to new development only.

Commissioner Waldroup asked why LED lights could not be the staple.

Planning Manager Escobar stated that was not what was allowed in the current code.

Commissioner Waldroup asked if there had been a study or some data on outdoor lighting.

Planning Manager Escobar mentioned the Hallmark Study from Flagstaff, Arizona, and would present more data on this topic.

#### **COMMISSION ACTION**

The Commission directed staff to bring the proposed changes to lighting requirements back to the Commission for further discussion.

#### **Changes to regulations related to Mobile and Manufactured homes:**

Section 2.4.32.D.f: Allow existing setbacks to be retained when older mobile/manufactured homes are replaced. This would apply to replacement units in zoning districts other than SF-MH (Single family manufactured housing). This change would allow units to be replaced to the same setbacks as the existing unit that is being removed from the propety. Has minimal impact on neighbors since it would replace an existing unit. This would facilitate an updgrade to a housing unit.

#### **COMMISSION ACTION:**

The Commission stated they support this revision

Section 5.2.11.C.1 & 5.3.3. A.3: Suggested changes would waive the requirement for paved parking areas and driveways for replacement units. A paved apron where the driveway connects with a City street would be required.

Vice Chair Freeman asked if this was considered on a neighborhood by neighborhood bases.

Planning Manager Escobar stated that it was.

Commissioner Smouse asked when this requirement had become part of the code.

Planning Manager Escobar stated that it was back from 2007 and asked if the Commission would like to have Engineering present their reasoning on this portion of the code.

Commissioner Smouse said that he would like to hear from Engineering.

**COMMISSION ACTION:**

The Commission directed staff to schedule this proposed change for further discussion and input from the engineering department.

Planning Manager Escobar called for questions. There were no questions. Ms. Escobar stated that she would schedule upcoming discussion from Engineering and any further issues to be presented at the first October meeting.

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

**Business from Staff:** There was no business from Staff.

**Adjournment:** With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Waldroup, the Planning and Zoning Commission meeting of September 10, 2020 was adjourned at 4:43 p.m. A roll call vote was taken and this motion was approved by a 6-0 vote.

  
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Clint Freeman  
Vice Chair

  
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Elizabeth Sandoval  
Administrative Assistant