

**MINUTES  
PLANNING AND ZONING COMMISSION  
February 11, 2010 - 2:00 P.M.**

The Planning and Zoning Commission met in a regular session on February 11, 2010 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

**Members Present:** Chairman: Ken Shields  
Commissioners: Scott Bird  
Bruce Buchanan  
Joyce Cardon  
Dennis Ivie  
Lonnie Moffett

**Members Absent:** Commissioners: John Byrom  
Kate Kuchera  
Patricia Simpson  
Joretta Williams

**Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Shields and there being a quorum present the following proceedings were duly had and taken.

**Presentation of the Agenda:** Ms. Cynthia Lopez stated there has been a request from the petitioner to table Petition SUP 10-02 until the next meeting.

**Approval of Minutes:** Motion was made by Commissioner Cardon, seconded by Commissioner Ivie to approve the minutes of the January 28, 2010 Planning & Zoning Commission meeting.

<p><b>COMMUNITY DEVELOPMENT STAFF REPORT Zone Change from SF-7 to RA Petition No. ZC 10-01 – Lloyd M. Crews-Schmitt February 11, 2010</b></p>
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**1. PROJECT INFORMATION**

<b>Applicant</b>	Lloyd Michael Crews Schmitt
<b>Representative</b>	Lloyd Michael Crews Schmitt
<b>Date of Application</b>	January 11, 2010
<b>Requested Action</b>	Zone change from the SF-7, Single-Family Residential District to the RA, Rural Agricultural District
<b>Location</b>	5112 Schmitt Road
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	SF-7, Single-Family Residential

<b>Surrounding Zoning / Land Use</b>	<b>North:</b> GC, General Commercial <b>South:</b> SF-7, Single-Family Residential <b>East:</b> SF-7, Single-Family Residential <b>West:</b> SF-7, Single-Family Residential
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Wednesday, January 27, 2010. Property owners within 100 feet were sent notice by certified mail on Friday, January 29, 2010, and a sign was posted on Friday, January 29, 2010
<b>Staff Planner</b>	Margaret Ambrosino, Associate Planner

## 2. STAFF ANALYSIS

### Project Description

Community Development has received a request from Lloyd Schmitt for a zone change from the SF-7, Single-Family Residential District to RA, Rural Agricultural District. The main purpose at this time, as the petitioner states, is to stock game fish in a 40-foot x 70-foot x 10-foot-deep pond for his own recreational fishing use. Rural zoning is required by the State of New Mexico Fish and Game Department for the necessary "Class A" Lake & Park Permit as per their standard. Additionally, the property contains 50 producing fruit trees, a vineyard, a garden plot, and pasture, and does meet the minimum one-acre for RA zoning, with an overall character suited to this use. Though it is winter, upon observation of the site, the fruit trees, vineyard and pasture have not been verified.

The property and its surrounding properties, despite the zoning, appear to be rural in character due to the appearance of farming, large animal corrals and larger (one acre and up) lot sizes. However with the Schmitt property, there is an extensive case history of code compliance issues, of which many have been resolved but some are still under investigation. One particular complaint concerning raw sewage odor from an open cesspool is presently under investigation through the New Mexico Environmental Division. An agricultural use with a pond or other water source is clearly not compatible due to the obvious biohazard a cesspool creates and the threat of cross-contamination. An agricultural district has the potential to compound this issue even though the petitioner may have the necessary acreage for the district. If the zone change were ever approved, specific agricultural uses will need to be verified, such as quantity and type of animals, for example, or other proposed uses. Community Development received three phone calls and two letters from neighboring property owners complaining of odor as well as environmental violations. Community Development has been in contact with the NMED who has verified a violation of an open cesspool and has issued a Notice of Violation (NOV) to Mr. Schmitt.

No known business is occurring on this property and no current business license exists for a home occupation of any kind. As the legal department has indicated, there are several uses that are permitted with RA zoning that could be very adverse to the surrounding neighborhood. Such uses permitted by right might include farmers markets, kennels, animal training facilities, and riding stables. Although these uses would require meeting setbacks and land

area for the number of animals to the amount of land and parking required, the acreage of this property is too minimal for such uses to be seriously considered.

### **3. ISSUES**

#### **Community Development**

- The 2020 Future Land Use Plan that encompasses the subject property and neighboring residential properties is designated as Residential Single-Family Urban, defined as: less than 1.0-acre lot but greater than 20,000 square-foot lots. Neither this home nor others on adjacent properties appear to meet these criteria as they are almost all larger than 20,000 square feet.
- The petitioner is required to have Rural Agricultural zoning to have a fishing pond. In order to recommend approval for this use, the appropriate NMED permits, if applicable, will be required.
- The existing fencing consists of wire on wood posts approximately six feet in height, and does not fully enclose the property. There is an approximate six-to ten-foot deep hole in the ground where the proposed pond will be, which may have some associated environmental issues. Community Development has inquired about this property to the New Mexico Environmental Division to see if any environmental problems, complaints, or if a proposed remediation plan is currently on file.
- Business registration has confirmed that no license exists for a home occupation.

#### **Building Inspection**

- Dan Garcia Building Inspector and Leo Hardie, Chief Inspector, visited with the owner at 5112 Schmitt Road on January 29, 2010. The owner has since pulled a building permit to repair his roof.

#### **Legal Department**

- There are 35 or so uses in the RA, Rural Agricultural district. Sixteen are permitted, and ten might impact neighbors; what use is planned for this RA 2.22AC other than 2800 square-foot pond? Appropriate fencing should be considered.

#### **City Manager's Office**

- It appears that the petitioner will utilize the ditch to fill the lake and maintain an adequate water level. This may add to the neighborhood dispute. The petitioner's water rights should first be verified to ensure that they are adequate.

#### **Code Compliance**

- Numerous issues; see attached memo.

### **4. CONCLUSION**

Staff concludes that approval of ZC 10-01 is not appropriate due to several outstanding environmental issues. The petitioner would otherwise require a letter from the New Mexico Environmental Division verifying that there are no hazardous conditions that exist on the property to allow RA zoning for the purpose of stocking a fish pond and maintaining a small orchard, the only immediate uses he proposes. The presence of an NMED letter, however, does not ensure recommendation of a zone change if a future request were submitted.

## **5. RECOMMENDATION**

The Community Development Department recommends **denial** of Petition ZC 10-01 from Lloyd Schmitt, for a zone change from the SF-7, Single-Family Residential District to the RA, Rural Agricultural District at 5112 Schmitt Road.

## **DISCUSSION**

Ms. Margaret Ambrosino, Associate Planner presented the Staff Report.

Chairman Shields stated that he has never seen an area go from Single-family (SF) to Rural Agricultural (RA). This is a very unusual request. Chairman Shields' concern is that if the petition was a request for a fish pond only that would be fine, but there are so many other things that are allowed on an RA property should it be sold to someone else. He asked if it would be spot zoning.

Ms. Ambrosino stated that on paper it would appear as spot zoning. However, the character of the surrounding properties in the area are rural agricultural.

Chairman Shields stated that for the proposed fish pond are there any safety constraints, like fencing, to keep curious children or adults out. Ms. Ambrosino stated that if this zoning was approved that Staff would add a condition to the zone change for some fencing.

Commissioner Ivie asked if they would require fencing around the property or just around the pond. Ms. Ambrosino stated that her understanding it would be adjacent to the house, all around the property. Commissioner Ivie asked if the properties to the east were Rural Agriculture. Ms. Ambrosino stated that all the surrounding property except for what is adjacent to Main Street is SF-7, Single-family Residential. Commissioner Ivie asked if SF-7 allows animals. Ms. Ambrosino stated that it depends on the kind of animal and lot size; and in a SF-7 zoning district, a special use permit is required. Chairman Shields asked so it is the State Game and Fish Department that is requiring the RA zoning. Ms. Ambrosino stated that is correct.

Commissioner Cardon asked if this fish pond would be for commercial or private use. Ms. Ambrosino stated, to her understanding, it would not be for commercial use at this time. Commissioner Ivie noted that the document Mr. Schmitt handed out to the Commission reads that he intends to try and do some commercial uses for this property. Ms. Ambrosino stated that any potential uses that would occur with RA zoning would need to be verified through the Planning and Zoning Department as far as the appropriateness of use.

Commissioner Buchanan stated that this location is on stumple soil, which is very sandy and has severe limitations for ponds and reservoirs. He further stated that it poses an environmental hazard from water coming in, being stored and then seeping out towards the river and would affect any properties between there and

the river. He asked where does the water come from and does the petitioner have water rights.

Mr. Lloyd Crews-Schmitt, the petitioner addressed the Commission. He stated that he wanted the staff report read into the record or that the audience have copies of the staff report. Chairman Shields stated that he does not believe that will be necessary. Mr. Schmitt stated that there are a number of items in the Staff report that are erroneous. He stated that the land use on the south is zoned RA but the staff report indicates that it is SF-7. Commissioner Buchanan asked who is the property owner to the east. Mr. Schmitt stated the property belonged to Ms. Laurie Foutz.

**(Mrs. Hooper stood up in the audience and stated that she owned the property to the east and it was zoned Single-family).**

Mr. Schmitt re-addressed the Commission and discussed the handout he gave the Commissioners regarding the zoning of the surrounding properties. Chairman Shields asked if he was saying that Staff statement's about the property located to the South is incorrect and is not SF-7. Chairman Shields asked who is the property owner to the south. Mr. Schmitt stated it was Ms. Laurie Foutz. Chairman Shields then asked what her property was zoned and did Mr. Schmitt know that for a fact. Mr. Schmitt stated that it was zoned RA and that is what Ms. Foutz told him. Chairman Shields re-asked Mr. Schmitt if he knew for a fact that the Foutz' land was zoned RA. Mr. Schmitt replied that he assumed it was zoned RA because they have horses and a pasture. Chairman Shields stated that horses are permitted with a special use permit.

Ms. Ambrosino interjected that all the surrounding properties are zoned SF-7.

Ms. Lopez addressed the Commission. She stated that Ms. Foutz has had horses prior to this area being zoned to SF-7 so her horses were grandfathered (non-conforming).

Mr. Schmitt stated that he wanted to state for the public record that he believes that the City has him in their sights to condemn his property. Chairman Shields asked if he believed it had to do with an open septic tank. Mr. Schmitt stated that it has to do with the continual harassment because of the family feud that has been ongoing with the Hoppers. Chairman Shields stated that was not pertinent to this hearing. Mr. Schmitt further stated that he sees no sense in continuing because Chairman Shields will not be logical or fair. Chairman Shields stated that he is only asking Mr. Schmitt to explain to the Commission why he should be allowed to put a fish pond on his property and get RA zoning.

Commissioner Buchanan asked Mr. Schmitt if he was familiar with the soil. Mr. Schmitt stated yes. The soils are sandy but his intention was never to fill the pond until it is lined so that there is no seepage. He further stated that it would be an issue for the Environmental Department and not with this Commission. Commissioner Buchanan asked how he would be getting water to the site to fill the pond. Mr. Schmitt stated that he has water rights and the water would come from the ditch that runs through the middle of his property. Commissioner Buchanan restated that these soils have severe limitations because of a high seepage and if water is stored in a container or pond, that water is concentrated and will seep and eventually go to the water table. But to get there, it will have to

go across the properties to the south and will increase the water content in those soils.

Chairman Shields asked Mr. Schmitt to continue with his next point. Mr. Schmitt stated that his point is that this is an unfair hearing.

There was no one else present who addressed the Commission.

**PLANNING AND ZONING COMMISSION ACTION of February 11, 2010:**

Motion was made by Commissioner Moffett, seconded by Commissioner Ivie, to **deny** Petition ZC 10-01, a request from Lloyd Michael Crews Schmitt, for a zone change from the SF-7, Single-family Residential District, to the RA, Rural Agricultural District, on a 2.22-acre parcel located at 5112 Schmitt Road.

**AYE:** Chairman Shields, Commissioners Bird, Buchanan, Ivie, Cardon and Moffett.

**NAY:** None.

**ABSTAINED:** None.

**ABSENT:** Commissioners Byrom, Kuchera, Simpson and Williams.

**THE MOTION PASSED 6-0**

**COMMUNITY DEVELOPMENT STAFF REPORT  
Economy Mobile Home Park  
Petition No. SUP 10-01  
February 11, 2010**

**1. PROJECT INFORMATION**

<b>Applicant</b>	Jesus Gonzalez
<b>Representative</b>	Jesus Gonzalez
<b>Date of Application</b>	December 17, 2009
<b>Requested Action</b>	A Special Use Permit for a mobile home park
<b>Location</b>	1120 Randolph
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay
<b>Surrounding Zoning and Land Use</b>	<b>North:</b> MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay <b>South:</b> MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay <b>East:</b> MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay <b>West:</b> MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay

<b>Notice</b>	Publication of Notice for this hearing appeared in the Daily Times on Wednesday, January 27, 2010. Adjoining property owners were sent notice by certified mail on Friday, January 29, 2010, and a sign was posted on Friday, January 29, 2010.
<b>Staff Planner</b>	Margaret Ambrosino

## 2. STAFF ANALYSIS

### Project Description

The petitioner is requesting a Special Use Permit to allow a mobile home park located at 1120 Randolph Avenue, between Randolph and Bowen in the MF-L/SMHAO, Multi-family Low Density Residential and Special Mobile Home Area Overlay District. The property is 0.913 acres with a home, an apartment building, a garage, shed, and outdoor storage. As shown in the preliminary site plan, there is sufficient square footage to allow the home, apartment and garage to remain, with the addition of five new mobile homes to include all parking and required separation from one another. The petitioner understands that the existing shed and outdoor storage will need to be cleared to make room for the proposed development.

The City Engineer has identified some erosion issues on the Randolph Avenue side where a retaining wall or other slope stabilization needs to be performed. The attached photo shows where this erosion has taken place. Additionally, a more detailed site plan showing electrical utility access must be approved.

### Issues

#### **Planning**

- *Petitioner will abide by the following Sections of the UDC:*  
-2.4.31 / Mobile and Manufactured Home Parks
- A revised site plan showing all utilities must be approved prior to the issuance of building permits.

#### **Electrical Engineering**

- Mobile homes cannot be parked under a supply conductor (Dusk to Dawn light supply wire) and service drop conductors. Please call City of Farmington Electric Engineering.

#### **Water/Wastewater**

- This property is surrounded by an existing 6" looped watermain and also an 8" sewermain along S. Bowen and Randolph Streets.

#### **City Engineer**

- Sidewalk, curb and gutter should be installed along Randolph. A retaining wall or other slope stabilization method needs to be done along Randolph. Only emergency access to Bowen should be allowed due to the narrowness of Bowen.

#### **Fire Department**

- Fence and mobile home must be separated by at least five feet on Bowen.

#### **Police Department**

- The Police Department requests safeguards are placed upon the petition to prevent resident parking or storage of vehicles between the fence line and Bowen Lane and unrestricted pedestrian access to the East of the property line (no parking of vehicles on Bowen Lane, no uncontrolled pedestrian access to Bowen Lane through the fence line).

#### **Code Compliance**

- Since June 18, 2008, there have been two weed violations and one non-operating vehicle violation at this address. June 18, 2008 is the date Mr. Gonzalez assumed responsibility for the utilities. Mr. Gonzalez complied on time in each matter.

### **3. CONCLUSION**

Staff concludes approval of Petition SUP 10-01 is appropriate with conditions.

### **4. RECOMMENDATION**

The Planning Division recommends *approval* of Petition No. SUP 10-01, a request from Jesus Gonzalez, for a special use permit to allow a mobile home park in the MF-L/SMHAO, Multi-family Low-Density Residential/Special Mobile Home Area Overlay District, subject to the following conditions:

- a. A revised site plan showing all utilities is required prior to issuance of a building permit.
- b. A retaining wall on the Randolph Avenue side shall be installed, along with sidewalk, curb and gutter.
- c. Access to Bowen Lane will be restricted to emergency use only. No parking will be allowed on Bowen Lane.
- d. The mobile homes will be located at least five feet from the fence on Bowen.

### **DISCUSSION**

Ms. Margaret Ambrosino, Associate Planner presented the Staff Report.

Commissioner Cardon asked if the petitioner would be doing landscaping with the retainer wall without the sidewalk. Ms. Ambrosino stated the retaining wall will be where the fence line is currently but was not definite and there is no landscaping proposed there.

Discussion was made between Ms. Ambrosino and Commissioner Ivie regarding the access to and from this property.

Commissioner Moffett asked if there was still a viable business there. Ms. Ambrosino stated that use will be ceased and all the trucks and equipment will be moved.

Mr. Jesus Gonzales, the petitioner addressed the Commission. He has read staff recommendations and is requesting a waiver to the sidewalk, curb and gutter. He stated that the trucks and equipment will be moved to Crouch Mesa if this petition is approved.

Mr. Peter Berriman, a neighbor addressed the Commission. His only question was if the business was going to stay and since there will be more dwellings coming in to that area, he would like a request to have speed bumps put on

Randolph. Chairman Shields stated that staff would pass that request along to the correct department.

There was no one else present who addressed the Commission.

**PLANNING AND ZONING COMMISSION ACTION of February 11, 2010:**

Motion was made by Commissioner Cardon and seconded by Commissioner Byrd to **approve** Petition No. SUP 10-01, a request from Jesus Gonzalez, for a special use permit to allow a mobile home park at 1120 Randolph in the MF-L/SMHAO, Multi-family Low-Density Residential and Special Mobile Home Area Overlay/Residential District, with a waiver to the City Engineers' request to install sidewalk, curb, and gutter on the Randolph Avenue side, and along with the following conditions:

- a. A revised site plan showing all utilities is required prior to issuance of a building permit.
- b. A retaining wall on the Randolph Avenue side shall be installed up to the entrance.
- c. Access to Bowen Lane will be restricted to emergency use only. No parking will be allowed on Bowen Lane.
- d. The mobile homes will be located at least five feet from the fence on Bowen Lane.

**AYE:** Chairman Shields and Commissioners Moffett, Buchanan, Ivie, Bird, and Cardon

**NAY:** None

**ABSTAINED:** None

**ABSENT:** Commissioners Byrom, Kuchera, Simpson, and Williams

**THE MOTION PASSED 6-0**

**PETITION NO. SUP 10-02 WAS REQUESTED BY THE PETITIONER TO BE TABLED UNTIL THE FEBRUARY 25, 2010 MEETING BEFORE THE STAFF REPORT WAS WRITTEN.**

**DISCUSSION**

Mr. Fran Fillerup, Associate Planner asked that Petition No. SUP 10-02 be tabled until the next Planning and Zoning Commission meeting per the request of the petitioner.

Chairman Shields entertained a motion to table this petition to the February 25, 2010.

**PLANNING AND ZONING COMMISSION ACTION of February 11, 2010:**  
 Motion was made Commissioner Cardon, seconded by Commissioner Moffett to table Petition No. SUP 10-02 until the next Planning and Zoning meeting of February 25, 2010.

**COMMUNITY DEVELOPMENT STAFF REPORT**  
**Final Plat of Animas River Estates**  
**Petition No. FP 10-01**  
**February 11, 2010**

**1. PROJECT INFORMATION**

<b>Applicant</b>	Joe Kulesza
<b>Representative</b>	Dan Flack of DTF Engineering
<b>Date of Application</b>	January 8, 2010
<b>Requested Action</b>	Final Plat Approval
<b>Location</b>	Unincorporated, west of CR 3649 north of CR 3000, Tier 2
<b>Existing Land Use</b>	Vacant
<b>Existing Zoning</b>	Unincorporated
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> Unincorporated – Animas River <b>South:</b> Unincorporated – Residential <b>East:</b> Unincorporated – Residential <b>West:</b> Unincorporated – Animas River
<b>Notice</b>	Publication of Notice is not required for preliminary plans
<b>Staff Planner</b>	Fran Fillerup, Associate Planner

**2. OTHER INFORMATION**

<b>Number of Lots</b>	6
<b>Acres of Land</b>	10.26 acres
<b>Minimum Lot Size</b>	1.34 acres
<b>Utilities</b>	WATER: Morning Star Water Users Association, New 8-inch waterline connection proposed ELECTRIC: City of Farmington LIQUID WASTE: Septic System
<b>Access &amp; Circulation</b>	Required, constructed to County standards (condition e of preliminary plan approval, PP 08-02.
<b>Street Lights</b>	Not required.
<b>Drainage</b>	Drainage to County standards.

**3. STAFF ANALYSIS**

**Project Description**

The petitioner is requesting a 6-lot subdivision of 10.26 acres. The property is in Tier 2 of Farmington's Planning and Platting Jurisdiction (PPJ). The Animas River abuts the subdivision to the northwest. Access to the property is from CR 3649 through a 60 foot access and utility easement. This is a Class 3 subdivision; the lots of the subdivision are greater than 1 acre each.

According to Section 8.8.9.E, the final plat shall substantially conform to the preliminary plan as approved by the City Council, incorporating all changes and conditions imposed by the Council, and shall conform to the UDC. The Preliminary Plan for this subdivision was approved as Petition 08-02, subject to conditions a through f, restated below:

- a. *The approval shall be subject to any technical corrective changes or easements required by the Development Services Department.*
- b. *Construction drawings and a drainage plan shall be approved by the City Engineer prior to the submittal of the final plat and/or subdivision improvements.*
- c. *The flood way and flood plain will be shown on the drainage plan and the final plat.*
- d. *The petitioner shall relocate the fence to meet the property lines as shown on the plat, or have the neighboring property owners a party to the plat and recognize the fence line as the property line.*
- e. *The access easement from CR 3649 will be constructed to County Standards and will be dedicated as right-of-way.*
- f. *The access (right-of-way) to Lot 1 will be continued to the southern most property line for future access to the south property.*

#### **4. ISSUES**

##### **Technical Corrections: Virginia King – 599-1306**

- Please show the permanent Benchmark with elevation within the subdivision.
- Please state the total acreage of the subdivision.
- Please place the label for the adjoining LCM road with the road.
- Please use a different line type for the floodplain delineation and label the zone.
- Please clarify the dimensions on the northwestern boundary of Lots 2-6. Some of the dimensions are not labeled and others do not add up to the total.
- Please clarify the plat by fixing places with text over text, including the north arrow, bar scale, scale and several labels.
- Please provide a paper copy for review after making these corrections and prior to submitting a mylar for signature and a digital copy.

##### **Water and Wastewater O&M Manager: Ruben Salcido – 599-1284**

- The property is in Tier 2 and shall provide water and septic services for each lot in accordance with City standards.

### **Planning Division: Fran Fillerup – 599-1282**

- The plat shows the fence which encroached on Lot 1 from the property to the south has been moved to be on the property line. This addresses condition (d) of the preliminary plan approval, PP 08-02.
- In condition (e) of the preliminary plan approval of PP 08-02, Council required the road to be constructed to County standards. According to finding 9 of the Findings of Fact for PP 08-02, the Fire Department asked for the road to extend to the end of Lot 1 as an alternative to a turn-around as shown on the plat.
- In addition to technical and corrective changes to the plat, please improve the legibility of the plat by using a variety of line weights and arranging notations and other plat elements so that they do not overlap.
- The flood plain shall be clearly labeled. The current plat note about the flood plain is obscure and does not explicitly state that portions of the properties are in the flood plain.

### **5. CONCLUSION**

The final plat for the Animas River Estates is in substantial conformance with the approved preliminary plat. Staff concludes approval is appropriate for Petition FP 10-01, subject to conditions.

### **6. RECOMMENDATION**

The Planning Division recommends approval of Petition FP 10-01 for the Animas River Estates in Tier 2 of the City of Farmington Planning and Platting Jurisdiction, a 6-lot subdivision on 10.26 acres located west of CR 3649 north of CR 3000, subject to conditions a and b:

- a. The approval shall be subject to any technical corrective changes or easements required by the Development Services Department.
- b. A plat note(s) shall be added that explicitly states that portions of the properties on this plat are in the flood plain, that the lots in the subdivision will require separate liquid waste applications for each lot and that there will be further restrictions to the liquid waste systems due to the high water table and the proximity to the Animas River.

### **DISCUSSION**

Mr. Fran Fillerup, Associate Planner presented the Staff Report.

Commissioner Bird asked if the flood plain is shown on the plat. Mr. Fillerup stated that the flood plain line does need to be clarified and more visible. Commissioner Bird asked if the building sites were behind the flood line. Mr. Fillerup stated that he would like to refer that question to Virginia King.

Ms. Virginia King, Senior Project Engineer addressed the Commission. She stated that the building sites would need to be out of the flood way and above the base flood elevations of the flood plain to County standards.

Mr. Dan Flack, representing the petitioner, addressed the Commission. He wanted to state that the fence has been moved. He also had no questions or concerns at this time.

There was no one else present who addressed the Commission.

**PLANNING AND ZONING COMMISSION ACTION of February 11, 2010:**

Motion was made by Commissioner Dennis Ivie and seconded by Commissioner Lonnie Moffett to **approve** Petition FP 10-01, a Final Plat for the Animas River Estates, a 6-lot subdivision on 10.26 acres located west of CR 3649 north of CR 3000 in Tier 2 of the City of Farmington Planning and Platting Jurisdiction, subject to conditions a and b:

- a. The approval shall be subject to any technical corrective changes or easements required by the Development Services Department.
- b. A plat note(s) shall be added that explicitly states that portions of the properties on this plat are in the flood plain, that the lots in the subdivision will require separate liquid waste applications for each lot and that there will be further restrictions to the liquid waste systems due to the high water table and the proximity to the Animas River.

**AYE:** Chairman Shields, Commissioners Bird, Buchanan (Alt.), Cardon, Ivie and Moffett.

**NAY:** None

**ABSTAINED:** None

**ABSENT:** Commissioners Byrom, Kuchera, Simpson and Williams.

**THE MOTION PASSED 6-0**

**BUSINESS FROM FLOOR: None**

**BUSINESS FROM CHAIRMAN: None**

**BUSINESS FROM MEMBERS: None**

**BUSINESS FROM STAFF:** Ms. Cynthia Lopez introduced Leona Simms to the Commission as the new Zoning Compliance Officer. She gave the City Council updates from the February 9, 2010 meeting. She also told the Commission that Nica Westerling, City Engineer will be at the next meeting to talk about TIA's.

**ADJOURNMENT**

There being no further business, the Planning and Zoning Commission meeting of February 11, 2010 was adjourned at 2:53 p.m.

\_\_\_\_\_  
Joanna L. Oliver  
Administrative Aide

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Ken Shields  
Chairman