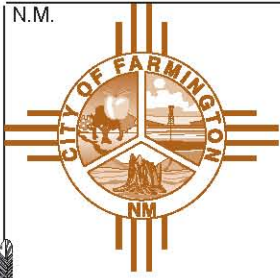


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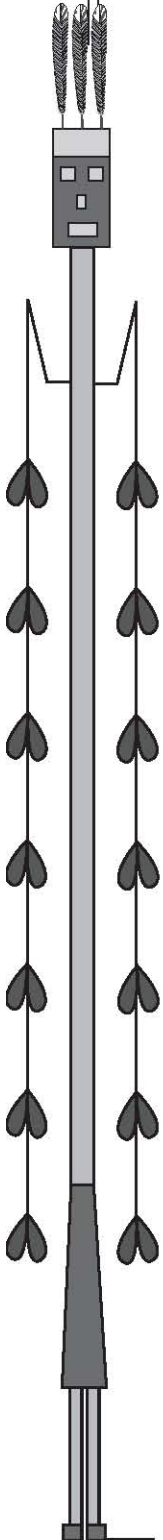


A G E N D A

City of Farmington

Planning and Zoning Commission

January 27, 2011



A G E N D A

Planning & Zoning Commission

January 27, 2011 at 2:00 p.m.

Item No.		Page No.
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes from the P&Z January 13, 2011 Meeting	1
4	<u>PETITION NO. SUP 10-18</u> a request from Edward and Kimberly Maurin for a special use permit to keep chickens at their home, located at 8495 Hood Mesa Trail in the RE-2, Residential Estate District.	10
5	Business from: Floor: Chairman: Members: Staff:	
6	Adjournment	

PLEASE NOTE:

Unless otherwise announced, all Agenda items forwarded to the City Council will be heard at its next regular meeting, to be held on **Tuesday, February 8, 2011 at 7:00 p.m.**, in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico. The next regular Planning and Zoning Commission meeting will be held in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico on **February 10, 2011.**

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.

MINUTES
PLANNING AND ZONING COMMISSION
January 13, 2011

The Planning and Zoning Commission met in a regular session on January 13, 2011 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Chairman:	Dennis Ivie
	Commissioners:	Bruce Buchanan
		John Byrom
		Joyce Cardon
		Clint Freeman
		Kristin Langenfeld
		Del Washburn (Alt)
		Amy Ziesmer (Alt)

P&Z Members Absent:	Commissioners:	Rory Jaques
		Kate Kuchera
		Patricia L. Simpson

Staff Present:	Mary Holton
	Margaret Ambrosino
	Fran Fillerup
	Cindy Lopez
	Dee Dee Moore

Others Present:	Tim Christensen
	Jim Dennis

Call to Order:

The meeting was called to order at 2:01 p.m. by Chairman Ivie and there being a Planning & Zoning Commission quorum present the following proceedings were duly had and taken.

Presentation of the Agenda:

The Agenda was approved as presented.

Approval of Minutes, December 30, 2010 P&Z Meeting

Commissioner Cardon motioned to approve the minutes from the December 30, 2010 P&Z Commission Meeting. The motion was seconded by Commissioner and passed by unanimous vote of 8-0

<p>COMMUNITY DEVELOPMENT PETITION REPORT Zone Change from GC to MU Petition ZC 10-14 – Clawson Zone Change @ 406 W. Cedar Street</p>

A. STAFF REPORT, January 13, 2011

PROJECT INFORMATION

Applicant	M&H Construction
Representative	Mike Clawson
Date of Application	December 13, 2010
Requested Action	Zone change from the GC General Commercial District to the MU Mixed Use District.
Location	406 West Cedar Street, Lots 7-8, Block 2 of the West Broadway Addition, south of Animas Street, north of Cedar Street between Locke Avenue and Auburn Avenue
Existing Land Use	Residence, legal nonconforming use
Existing Zoning	GC General Commercial District
Surrounding Zoning & Land Use	North: GC General Commercial District / Commercial South: IND Industrial District / Industrial with outdoor storage East: GC General Commercial District / Vacant West: GC General Commercial District / Residence
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Wednesday, December 29, 2010. Property owners within 100 feet were sent notice by certified mail on Friday, December 30, 2010 and a sign was posted on Wednesday, December 22, 2010.
Staff Planner	Cynthia Lopez, Senior Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a zone change from the GC General Commercial District to the MU Mixed Use District for a 0.14-acre lot with a residence located at 406 W. Cedar Street, legally described as Lots 7 and 8 Block Two (2) of the West Broadway Addition. The petitioner owns the six lots to the east of this property and was approved by City Council for a zone change (ZC 10-10) on those lots on November 9, 2010. The petitioner secured a purchase agreement on these two lots after applying for the previous zone change for the six lots he already owns.

The petitioner is proposing to construct an apartment complex on the properties. He has an application in to the Administrative Review Board (ARB) for a variance to the front yard setback from 10 feet to zero on both Locke Avenue and Animas Street and for a variance to the residential protection requirement of a 30 foot setback to 10 foot setback on the west property line. ARB 10-19 is scheduled for the January 6, 2011 ARB meeting (see attached preliminary sketch site plan).

The property of this petition has an existing house, which is currently inhabited. The petitioner has not had the opportunity to inspect the existing residence and therefore has not determined if he will renovate or demolish the structure. The Community Development Department has received phone calls from the current resident of the property with questions regarding the zone change.

ISSUES

City Engineer: Nica Westerling – 599-1316

- Sight triangles need to be submitted in accordance with Section 5.3.6 of the City of Farmington Unified Development Code (UDC). There are current sight obstructions in the downtown area due to buildings at lot lines.
- Street improvements, including street widening, curb and gutter and sidewalk are required on Locke Avenue. Sidewalk and curb and gutter is required where missing on Cedar Street and Animas Street. All streets require 5-foot sidewalks.

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

- The existing sewer main is along Cedar Street and the water main is along Animas Street.
- If these lots are consolidated into one lot, there should be no further issues with water and sewer lines crossing property lines.

Planning Division: Fran Fillerup – 599-1282

- In November 2010, the petitioner received approval for a similar zone change from the GC to the MU district for the adjacent property to the east (ZC 10-10). This is an expansion of the petitioner's proposed multi-family residential project.
- The requested zone change meets the goals of the Metropolitan Redevelopment Area (MRA) Plan. According to the MRA Plan, the vision for the Animas District is to "Redevelop the Animas Neighborhood as a mixed-use development with new types of affordable housing, expanded medical and cultural facilities linking Downtown to the Riverwalk."
- The requested zone change is also in accordance with the Farmington Comprehensive Plan. The 2020 Future Land Use Plan shows the subject property as mixed use.
- Development of the project shall be in accordance with the requirements of the UDC. The site plan will be reviewed at the time of application is made for building permits for the subject parcel. If the subject property is developed as multi-family residential, it shall conform to the Residential Protection standards of Section 5.10 of the UDC, including screening, dumpster location 20 feet from the adjacent residential property, building setback and outdoor lighting. The petitioner has applied for variances to setbacks on the north and west property lines. A single-family home is located to the west at 409 West Animas Street.
- With the adoption of the UDC in January 2008, two new zoning districts were created: the LNC and MU districts. Section 12.5.8 of Farmington City Code does not contain receiving sound levels for these two districts. Staff is addressing this matter as an amendment to City Code. Presently, staff interprets the maximum permissible sound level to correspond to the sound levels for commercial receiving districts until City Code is amended.

STAFF CONCLUSION

Staff concludes that approval of ZC 10-14 is appropriate. The requested zone change is in accordance with the Farmington Comprehensive Plan and the MRA Plan.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition ZC 10-14, a request from M&H Construction, represented by Mike Clawson, for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.14 acres, Lots 7 and 8 Block 2 of the West Broadway Addition located at 406 West Cedar Street.

B. PLANNING AND ZONING COMMISSION PUBLIC HEARING, January 13, 2011

The Planning and Zoning Commission held a public hearing on Thursday, January 13, 2011. The petitioner was present at the hearing and spoke in favor of the zone change.

FINDINGS OF THE PLANNING AND ZONING COMMISSION

1. The requested zone change meets the goals of the Metropolitan Redevelopment Area (MRA) Plan by providing for mixed use development in the Animas District. The stated future use of the property is multi-family housing which will bring more activity to the area of the MRA.
2. The requested zone change is also in accordance with the Farmington Comprehensive Plan as the 2020 Future Land Use Plan shows the subject property as mixed use.
3. The subject property will be required to comply with Residential Protections required by Section 5.10 of the UDC for a single-family residence to the west.
4. The site plan provided by the applicant requires revision in accordance with the UDC, including safe sight triangles at the driveways, parking and circulation standards and setbacks required under residential protections.

DISCUSSION

Associate Planner Fran Fillerup presented the staff report to the commission and stated that the zone change for the six adjacent lots to the east of these two lots was approved in November 2010. In addition to the zone change, the petition for variances to the setbacks for these two lots was approved at the January 6, 2011 Administrative Review Board meeting.

Mr. Jim Dennis, Architect, representing M&H Construction stated that, while trying to redesign the site plan to best fit the original six lots, his client noticed that the adjoining properties were listed for sale. His client now has a purchase agreement with the owner for those two lots. These additional two lots will allow for more flexibility in the site design when added to the original six lots to the east.

Chairman Ivie questioned if the 10-foot setback variance was approved for the west side of the original six lots or the west side of the two lots being purchased. Ms. Lopez stated that if the purchase is completed, then the setback would be on the west property line of all eight lots; if the purchase falls through, the setback would be on the west property line of the original six lots.

Commissioner Langenfeld mentioned that some of the east end, of the original six lots, is being used for parking for The Well and the construction would cause an increase in the vehicles parking along Animas Street.

PLANNING AND ZONING COMMISSION ACTION of January 13, 2011:

A motion was made by Commissioner Cardon, seconded by Commissioner Byrom, to **approve** Petition ZC 10-14, a request from M&H Construction, represented by Mike Clawson, for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.14 acres, Lots 7 and 8, Block 2 of the West Broadway Addition located at 406 West Cedar Street.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Cardon, Freeman, Langenfeld, Washburn (Alt.) and Ziesmer (Alt.)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Jaques, Kuchera and Simpson

THE MOTION PASSED 8-0

COMMUNITY DEVELOPMENT PETITION REPORT
 Certificate of Appropriateness
 Petition SUP 10-17 COA – Sacred Heart Parish
 January 13, 2011

A. STAFF REPORT, January 13, 2011

PROJECT INFORMATION

Applicant	Sacred Heart Parish
Representative	Timothy Christensen
Date of Application	December 9, 2010
Requested Action	Certificate of Appropriateness to demolish and replace an existing structure in a Residential Protection Overlay District
Location	204 W. Ross Avenue
Existing Land Use	Institutional (youth center)
Existing Zoning	MU/RPO, Mixed-Use with a Residential Protection Overlay
Surrounding Zoning & Land Use	North: MU/RPO, Mixed Use with Residential Protection Overlay South: MU/RPO, Mixed Use with Residential Protection Overlay East: MU/RPO, Mixed Use with Residential Protection Overlay West: MU/RPO, Mixed Use with Residential Protection Overlay

Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Monday, December 27, 2010. Property owners within 100 feet were sent notice by certified mail on Tuesday, December 28, 2010, and a sign was posted on Wednesday, December 23, 2010.
Staff Planner	Margaret Ambrosino

STAFF ANALYSIS

Project Description

The petitioner is requesting a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District. The subject property is located within the MRA Civic Center District. Within this particular zone district, approval is required to demolish or alter a structure, with replacement structures to be in the character of the Civic Center neighborhood. There is currently a small house that the Sacred Heart Parish uses for a youth center. The petitioner is planning to replace the existing home with a larger, more modern structure that would accommodate all of the participants and program activities that the current center cannot. Along with this petition is a variance to be heard by the Administrative Review Board on January 6, 2011 for the request to encroach entirely in to the required 15-foot rear yard setback in order to accommodate for both parking and the expanse in square footage of the new proposed structure.

The MRA Board heard the request at their December 16, 2010 meeting. The board indicated that some architectural modifications should take place to the proposed design to fit in better with the Sacred Heart campus and/or Civic Center area of the MRA. They passed a unanimous decision to approve the COA to include a condition to alter the architecture to match the design on other buildings in the area.

ISSUES

City Engineer: Nica Westerling – 599-1316

- The parking lot needs to be paved, as gravel is currently being dragged onto Ross causing safety issues

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

- The subdivision map shows two separate lots. There is an existing house on the west lot. If development occurs on the east lot, the sewer main may need to be extended or sewer mainline fees will be due for this lot.
- There appears to be at least two water meters on these lots. The owner will need to verify the size and location of meter cans on the properties.
- There is no water or sewer main within the access road fronting the southern boundary of these properties. However, there's a sewer manhole at southwest corner of the property – the existing house sewer lateral probably connects close to this manhole. The sewer main heads due south through an alleyway or easement area to W. La Plata Dr.

Planning Division: Margaret Ambrosino – 599-1333

- The petitioner has proposed to pave the front yard in the current site plan and build the new proposed structure to 0' rear yard setback per the variance

(ARB 10-18) associated with this petition. However, Section 4.4.5 B. requires that all parking shall be located in the rear yard to the extent practical, and paving of the front yard for parking shall be prohibited. Due to the topographical constraints presented in the aforementioned variance, that prohibit sitting the building in the front and allowing parking in the rear, the *variance shall serve to waive this condition*. Ultimately, the architect (petitioner) will be required to work through any engineering issues with the City Engineer and to provide paved parking where necessary and practical for the site.

- Any subsequent revisions to the architectural design as presented to and approved by the MRA Board on December 16, 2010, shall be brought back to the board for final review and approval to ensure adherence to Section 4.4.5 C.

Parks, Recreation and Cultural Affairs: Roger Drayer – 599-1405

- PRCA would like to work with the church and the architect to create a positive interaction between the youth center and U.S. West Park to the direct north.
- In particular, PRCA would like to preserve the existing mature trees on the south edge of the park property and coordinate with the architect on the significant grade change between the two properties.

STAFF CONCLUSION

Staff concludes that approval of SUP 10-17 is appropriate with conditions. The requested COA is generally in accordance with the UDC. However, any revisions or enhancements to the architecture as proposed should be brought before the MRA Board for final review.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 10-17, a request from Sacred Heart Parish, represented by Timothy Christensen, for a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District with the following conditions:

- a. The petitioner shall submit any revisions to the architectural design as proposed to the Metropolitan Redevelopment Area Board for review.
- b. The petitioner shall coordinate the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department to create the best interaction between the youth center and the U.S. West Park.

DISCUSSION FROM THE PLANNING & ZONING COMMISSION

Ms. Ambrosino presented the staff report to the Commission including a handout of a revised building design with changes to the window design and the addition of a porch to match the neighborhood. Staff recommends approval with conditions “a and b” as stated above and informed the commission that the conditions have been discussed with the architect.

Chairman Ivie questioned if there were conditions to the type of windows or the rendering of the portico. Commissioner Byrom mentioned that if the Sacred Heart

Parish was trying to match existing architecture within the MRA Civic Center District there are too many types represented to pick just one. Ms. Ambrosino added that the design will be in line with the current church campus. Commissioner Langenfeld asked about the height of the building. Ms. Lopez added that there are height restrictions within this zone and that currently properties to the west have two-story homes and this building will be lower than that.

The petitioners' representative, Mr. Tim Christensen, addressed the commission and stated that the Sacred Heart Parish has been redoing their campus and that they would like to utilize these two pieces of property as a youth center. Chairman Ivie asked if there were design concerns for the south facing building and the ability to make it more energy efficient. Mr. Christensen said that they were taking that into account and that the building is only a one story, but will use the windows to create heat. They have indicated a porch to match other designs in the area. He stated that he was willing to meet with the MRA Board to discuss design details. During this process the site has shifted because of the 15 foot setback on the west side and he is proposing to move the building south to accommodate the drainage issue on the north.

Commissioner Byrom motioned to approve SUP 10-17 COA as recommended by staff. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 8-0.

PLANNING AND ZONING COMMISSION ACTION of January 13, 2011:

A motion was made by Commissioner Byrom, seconded by Commissioner Buchanan, to approve Petition SUP 10-17, a request from the Sacred Heart Parish, represented by Tim Christensen, for a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District with the following conditions:

- a. The petitioner shall submit any revisions to the architectural design as proposed to the Metropolitan Redevelopment Area Board for review.
- b. The petitioner shall coordinate the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department to create the best interaction between the youth center and the U.S. West Park.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Cardon, Freeman, Langenfeld, Washburn (Alt.) and Ziesmer (Alt.)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Jaques, Kuchera and Simpson

THE MOTION PASSED 8-0

Business from the Floor

There was no business from the Floor

Business from the Chairman

There was no business from the Chairman

Business from the Members

There was no business from the Members.

Business from the Staff

The commission was informed that City Council passed both of the petitions presented to them, and that the condition added during the motion from the P&Z Commission for zoning of the ANX 10-03 petition to be GC along Twin Peaks frontage property will remain zoned as staff recommended, which was IND.

Adjournment

With no further business the meeting was adjourned at 2:31 p.m.

Dennis Ivie
Chairman

Dee Dee Moore
Office Manager

COMMUNITY DEVELOPMENT PETITION REPORT
Special Use Permit
Petition SUP 10-18 – Kimberly Maurin

A. STAFF REPORT, January 27, 2011

PROJECT INFORMATION

Applicant	Edward and Kimberly Maurin
Representative	Kimberly Maurin
Date of Application	December 27, 2010
Requested Action	Approval of a Special Use Permit to raise and keep chickens at home.
Location	8495 Hood Mesa Trail
Existing Land Use	Residential
Existing Zoning	RE-2, Residential Estate
Surrounding Zoning & Land Use	North: RE-2, Residential Estate / Residential South: RE-2, Residential Estate / Residential East: RE-2, Residential Estate / Residential West: RE-2, Residential Estate / Residential
Notice	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 12, 2011. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 12, 2011 and a sign was posted on Friday, January 14, 2011.
Staff Planner	Margaret Ambrosino, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a special use permit to house between four and twelve chickens on their property of five acres located at 8495 Hood Mesa Trail. The chicken keeping is for hobby purposes and no commercial activity is proposed. According to Section 2.4.7 (A) 2 of the UDC, the keeping of animals or fowl, defined under the recommended animal unit capacity shall require a special use permit for all districts outside of RA, Rural Agricultural. This section refers to the Animal Unit Capacity detailed in Section 11 for Animal Unit as follows:

A unit of measurement used to determine the animal capacity of an animal feeding operation containing one or more species of animals. The animal unit capacity (in acres or fraction thereof) of an operation is determined by multiplying the number of animals proposed by the appropriate equivalency factor from the following:

Chickens: 0.02 (equivalency factor) times proposed number of chickens (12 max.) = 0.24.

Therefore 0.24 acres are needed for the proposed maximum number of chickens on this property.

As conveyed to staff, the chicken keeping is currently in operation and the purpose of the special use permit is to bring the use into compliance. Four phone calls were received from neighbors by the Community Development Department regarding this petition. Of those, two were within the required notification zone. In all cases, the inquiries were for further information to be assured that the chicken keeping was for hobby vs. commercial purposes and expressed opposition if this was a commercial operation. The animals are presently being kept behind a temporary 6-foot chain link fence that will be replaced. In the winter evenings the chickens are kept in a closed, locked wood coop as shown in the attached photos, with a heat source to protect them from the elements.

ISSUES

Planning Division: Margaret Ambrosino – 599-1333

- Proper containment against the elements is required. Enclosure(s) of chickens shall comply with Sections 6-1-5 and 6-1-6 of the Farmington City Code.
- Other issues or complaints from neighbors, if necessary, may need to be addressed, such as noise mitigation or containment.
- A 35-foot street side (yard) setback is required for any accessory structure.

STAFF CONCLUSION

Staff concludes that approval of SUP-18 is appropriate with conditions. The Maurin's have more than sufficient acreage to keep up to 12 chickens on their property as demonstrated in the calculation.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 10-18, a request from Kimberly and Ted Maurin, for a special use permit to keep up to 12 chickens on their residential property of five acres located at 8495 Hood Mesa Trail in the RE-2, Residential Estate District, subject to the following:

- a. The applicant will obtain a building permit to replace the temporary chain link fence with a permanent one.

PETITION NO. SUP 10-18
8495 HOOD MESA TRAIL
Deadline: 1/13/11

City of Farmington Departments

CD - Director – Mary L. Holton	Comments are incorporated in the staff memo.
CD – Addressing – Jay Peterman	No Comments
CD - Chief Building Inspector – Leo Hardie	No Comments
CD - MPO - Joe Delmagori	No MPO comments
City Manager’s Office – Bob Campbell	No objections
ELEC - Customer Care Manager - Lara Ratliff	No Comments
ELEC - Engineering - Luwil Aligarbes	No conflict with chicken
ELEC - T & D - Steve Henson	No Response
FIRE – Fire Marshall – Bob Popa	No comment on the chicken petition
LEGAL – Assistant City Attorney - Brigitte Thomas	No Comments
POLICE - Code Compliance Supvr – Todd Johnston	No Response
POLICE -Captain McPheeters	The Police Department does not envision an adverse impact to Police Operations or to Public Safety by the proposed request for chickens.
PRCA - Roger Drayer	No Comments from PRCA
PW - Engineering- Virginia King	No Response
PW - Streets Superintendent - Jim Couch	No Response
PW - Traffic Engineering Admin – Steve Krest	No Issues
PW - Water/ Wastewater Admin – Ruben Salcido	No Comments

Other Entities

CH2MHILL OMI	No Response
Comcast Cable-Mark Johnson	No Response
El Paso Natural Gas – Steve Shafer	No Response
Enterprise Field Services	No Response
Farmington School District	No Response
New Mexico Gas Company	No Response
Qwest Communications	No Response
U.S. Post Office	No Response
Williams Field Services-Lloyd Bell	No Response

Sec. 6-1-4. Unlawful acts.

It shall be a violation of this chapter for any person to do any of the following:

- (1) Willfully abandon an animal within the city limits.
- (2) Allow a dog or other animal, except cats, to run at large within the city.
- (3) Allow an animal, except guide dogs for the visually or hearing impaired or dogs used by peace officers in the prevention of crime, to be in a public place or building where food or drink is sold or served.
- (4) Own a dog or cat over the age of three months that has not been vaccinated as required by state law.
- (5) Own a dog or cat that does not have a tag affixed to a collar or harness indicating the date of the most recent rabies vaccination of that animal.
- (6) Own or harbor a dog that annoys others by constant or consistent loud or frequent barking, howling, yelping or other similar noise.
- (7) Own, harbor or maintain an animal that is a nuisance. For purpose of this subsection, an animal nuisance shall be an animal that:
 - a. Scratches or digs about any flower bed, garden, tilled soil, shrubbery or small plants;
 - b. Habitually prowls around, on or through premises which do not belong to its owner;
 - c. Overturns garbage cans or scatters the contents of garbage cans;
 - d. Chases or kills any domesticated animals or domesticated birds; or
 - e. Habitually chases motor vehicles, bicycles or other vehicles.
- (8) Own, harbor or maintain a female dog in heat (estrus) that is not confined in a building or secure enclosure in such manner as to avoid contact with a male dog, except for intentional breeding purposes.
- (9) Allow a dog or other animal, except cats, to run at large and while at large to attack or bite any animal or person without provocation or legal justification.
- (10) (a) No owner or caretaker of any dog shall cause or allow such dog to defecate on any public property or upon any street, sidewalk, public way, school yard, play area, or upon private property other than that of the owner or caretaker, unless such owner or caretaker immediately removes and disposes of all feces deposited by such dog by the following methods:
 1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 2. Removal of such bag or container to the property of the dog owner or caretaker and disposition thereafter in a manner as otherwise may be permitted by law.
- (b) Animal excrement shall not be placed in storm sewers or street gutters, but shall be disposed of in a sanitary manner as provided in subparagraph (a) above.
- (c) A sightless person who has the charge or control of a guide dog, or a police dog in the performance of law enforcement duties shall be exempt from the provisions of this section.

(Code 1969, § 4-3-1; Ord. No. 2003-1145, § 2, 6-10-03; Ord. No. 2003-1146, § 1, 6-10-03; Ord. No. 2004-1155, § 1, 1-13-04)

Sec. 6-1-5. General cleanliness of premises where animals are kept; spraying of enclosures.

(a) No person who is the owner, tenant or person in possession and control of any stable, corral, lot, pasture, stall, shed, apartment, yard or premises in the city in which any animal, including but not limited to horses, cows, livestock, domestic fowl, dogs, cats and all other animals, is

kept or maintained shall allow the accumulation of manure, water, moisture, animal droppings, or liquid discharges of such animal which create a stench or emit offensive odors or which are otherwise injurious to the public health and safety. However, nothing in this section shall be construed to include temporary manure deposits upon any private property for the purpose of fertilizing or composting.

(b) Stalls or stables, corrals, lots or pastures shall be kept sprayed with disinfectant to kill germs and to prevent the premises from becoming a breeding place for flies, mosquitoes or other insects.

(c) The park ranger-animal control supervisor and all park ranger-animal control officers are authorized to go into or upon and inspect the premises of kennels and pet stores, during regular business hours, to determine compliance with this section. Failure to comply is a petty misdemeanor.

(Code 1969, § 4-3-4)

Sec. 6-1-6. Care and shelter required.

(a) It shall be unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food and drink, and adequate shade and shelter. It shall also be unlawful to carry any animal in or leave any animal in a vehicle in a cruel or inhumane manner or to fail to provide necessary medical care.

(b) Adequate shade and shelter means a structurally sound, adequately ventilated, weather-proof, insulated structure that is comprised of nontoxic materials and interior solid floors that minimize injury and discomfort to the animal. The structure must be clean and of a suitable size to maintain the animal's normal body warmth and to limit overcrowding by properly accommodating the specific animal or animals. The structure must protect the animal from extreme heat or cold conditions and must allow the animal to get out of wet conditions and keep dry. The animal must be able to lie down fully and rise to its feet, in a natural manner, consistent with the animal's species.

(c) Proper food means food served in a clean receptacle, dish or container and of a quantity and wholesome foodstuff suitable for the species' physical condition and age to maintain an adequate level of nutrition. Proper drink means constant access to a supply of clean, fresh, potable water provided in a sanitary manner and at suitable intervals for the species and in no event at less than 24-hour intervals.

(d) If temperatures and conditions exist which cause unnecessary suffering by the animal, at the discretion of the park-ranger animal control supervisor or park-ranger animal control officers, a violation of this section may result in the immediate impoundment of the animal pursuant to sections 6-1-2 and 6-2-2 of the Farmington City Code.

(Code 1969, § 4-4-2; Ord. No. 2008-1197, § 1, 2-12-08)

Sec. 6-1-7. Malicious treatment and inhumane devices.

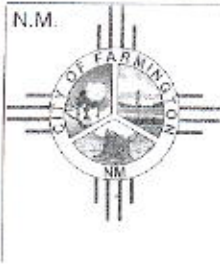
It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, overwork or otherwise cruelly set upon any animal; however, reasonable force may be employed to drive off vicious or trespassing animals. It shall be unlawful to own, possess or use leg-hold traps and similar inhumane devices intended to capture or retain animals.

(Code 1969, § 4-4-3)

Sec. 6-1-8. Judicial disposition upon finding of cruel treatment.

If a municipal or district court finds that an animal has been cruelly treated and further finds that such treatment is likely to continue, the court may order that the animal has been forfeited by the owner; the court may cause the animal to be placed with an adoptive agency or Humane Society, if such agency or society is willing to accept custody of the animal and has adequate facilities therefor; or the court may order such other disposition as is appropriate under the circumstances.

(Code 1969, § 4-4-4)



Zoning Compliance

December 13, 2010

Edward Ted Maurin III
8495 Hood Mesa Trail
Farmington, New Mexico 87402

RE: 8495 Hood Mesa Trail, Farmington, NM

Dear Mr. Edward Maurin III

It has come to the City's attention that you are raising or keeping chickens at 8495 Hood Mesa Trail. Your property is in a district which is zoned, **RE-20 (Residential Estate 20)**, a residential district.

According to the **Unified Development Code (UDC)**, implemented January 1st 2008, you are in violation of **Section 2.4.7 / Animal or Fowl**. The rising or keeping of animals or fowls is not permitted in a residential area without a Special Use Permit. If you have been granted a special use permit please contact our office and provide proof.

At this time, it is requested that you apply for a SUP (Special Use Permit) or remove the chickens. You may obtain a Special Use Permit by contacting the City of Farmington Community Development Department failure to comply may result in a legal action being filed against you.

If you have any questions, you may contact the Community Development, Planning and Zoning Department, 800 Municipal Dr. Farmington, New Mexico or call (505) 599-1317.

Thank you, for your cooperation in taking care of this matter as soon as possible.


Leona Y. Simms
Zoning Compliance Officer
(505) 599-1323

3:30
4:30
1:30



AREA UNDER CONSIDERATION
Petition No. SUP 10-18

January 27, 2011

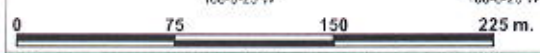
Zone: RE-2

COMMUNITY
DEVELOPMENT
DEPARTMENT

8495 Hood Mesa Trail



- ### Legend
- RIVERS
 - LAKES
 - SJC Road Status
 - Major Roads
 - Private
 - County Maintained
 - Limited County Maintained
 - City
 - Oil and Gas roads
 - ROADS**
 - SAN JUAN COUNTY
 - NAVAJO RESERVATION
 - PARCELS



Map center: 36° 48' 43.6" N, 108° 8' 18.8" W



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8495 Hood Mesa Trail

4-12 Chickens on 5 acres
chicken coop is located @ the
east end of the garden

To Whom It May Concern:

Jan. 18, 2011

Regarding Mr. and Mrs. Maurin's special use permit to keep chickens at their home at 8495 Hood Mesa Trail in the RE-2 district, please be apprised that my husband and I have no objections. We have never objected to domestic animals in our neighborhood although we have been disappointed in the past by owners who have not been responsible for their pets. We raised concerns when a neighbor's horse was severely neglected and lacked adequate shelter. We are also aware of dogs that were allowed to roam and destroyed a flock of chickens. I am sorry about the present stressors amongst neighbors and trust that we can all be responsible and respectful. I regret that threats of shooting and verbal altercations over pets have occurred. Please note that coyotes and desert foxes frequent my yard and that we also have hawks and owls. I would recommend in addition to the fencing and coop provided their chickens that the Maurins consider some sort of mesh roofing to ensure the safety of their flock from aerial predators. It is my hope that we can all be good neighbors and responsible pet owners.

Yours truly,



Sharon Cooke
8475 Foothills Dr.
324-0776

RECEIVED

JAN 20 2011

COMMUNITY DEVELOPMENT
DEPARTMENT