**AGENDA**

Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
February 28, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call Meeting to Order</td>
</tr>
<tr>
<td>2</td>
<td>Approval of the Agenda</td>
</tr>
<tr>
<td>3</td>
<td>Approval of the Minutes of the February 14, 2019 P&amp;Z Meeting</td>
</tr>
<tr>
<td>4</td>
<td>Election of Officers</td>
</tr>
<tr>
<td>5</td>
<td><strong>Petition No. ZC 19-06</strong> – a request from the City of Farmington to rezone 6.13 acres contained in San Juan Tax Assessor Parcel’s 2078172275037 and 2078172239020 from RE-20, Residential Estate District, to GC, General Commercial for property located south along W. Main St., southeast of Deer Trail, and north of the intersection of W. Apache St. and Westland Park Dr. (Gary Leikness)</td>
</tr>
</tbody>
</table>
| 6 | Business from:  
   Floor:  
   Chairman:  
   Members:  
   Staff: |
| 7 | Adjournment |

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, March 12, 2019.

**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.
A. STAFF REPORT, February 24, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>City of Farmington.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Julie Baird</td>
</tr>
<tr>
<td>Date of Application</td>
<td>January 30, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Zone Change Request from RE-20, Residential Estate 20 to GC, General Commercial District</td>
</tr>
<tr>
<td>Location</td>
<td>The subject properties are located south along W Main St/US 64, southeast of Deer Trail St and north of the intersection of W Apache St and Westland Park Drive.</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant Land</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>RE-20, Residential Estate 20</td>
</tr>
</tbody>
</table>

**Surrounding Zoning**

- **North:** GC, General Commercial and RE-20, Residential Estate 20
- **South:** LNC, Local Neighborhood Commercial, MFM, Multifamily Medium Density, and GC, General Commercial
- **East:** RE-20, Residential, and GC, General Commercial/Commercial
- **West:** Westland Park, San Juan River, and RA, Rural Agricultural

**Notice**

Publication of Notice for public hearing of the Planning and Zoning Commission and City Council appeared in the Farmington Daily Times on Sunday, February 10, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, February 6, 2019 and a sign was posted at the site on Friday, February 15, 2019.

**Staff Planner**

Gary Leikness, AICP, CFM Planning Manager

STAFF ANALYSIS

**Project Description**

The petitioner (City of Farmington) is requesting a zone change, for the subject properties (R6000854, and R0023528), from the RE-20, Residential Estate 20 to GC, General Commercial. The petitioner is proposing the zone change to allow commercial land uses on the subject properties.
The land owners contacted the city to determine what the properties are zoned as. It was determined that the properties had multiple zoning designations. Specifically, the street frontage on West Main Street, for both properties, is zoned RE-20, while the interior of the properties has a GC zoning designation. The split zoning resulted from a past annexation (Ordinance No. 2006-1172), which created a new city boundary line that then became the existing zoning boundary. The map that accompanied the Ordinance (See figure 4), shows that the annexation extended from the north, then through W. Main Street, then 200 feet south of W. Main Street, running parallel to it.

As the properties are “split zoned,” the Director of Community Development initiated a zone change request\(^1\). Split zoning is allowed in the UDC\(^2\), but is not a preferred best practice. The split zone, in this case, inhibits the development of new land uses, as the street frontage (W. Main Street) is zoned RE-20, not commercial.

San Juan County Tax Assessor’s records list the size of the western parcel to be 2.85 acres (124,146 ft.\(^2\)), while eastern property is listed as 3.28 acres (8759.83 ft.\(^2\)). The properties are currently vacant.

**Figure 1. Aerial of subject properties.**

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\(^1\) Unified Development Code Section. 8.7.2C Initiation of rezoning  
\(^2\) Unified Development Code Section. 2.23 Multiple Zoning Districts
Proposal
The petitioner is requesting a zone change for the subject properties, from the RE-20, Residential Estate 20 to GC, General Commercial. Rezoning the two parcels to GC will allow the land to develop appropriately with commercial land uses.
Consistency with the Farmington Comprehensive Plan
The 2020 Future Land Use Plan Map supports commercial land uses for these two parcels. The area in red on Figure 3 is designated as Commercial.

Figure 3. Comprehensive Plan, Land Use Map
The following goal and objectives are from the 2020 Comprehensive Plan:

**Land Use and Development**

Goal: Plan and facilitate land use and development that is consistent, orderly, functional, in harmony with the natural environment, and promotes a progressive, vibrant, scenic, and safe community.

“Objective 4.5.2: Locate new commercial developments near existing commercial areas and buffer from residential.”

“Objective 4.5.3: Ensure appropriate zoning to support the viability of old as well as new commercial development.”

**Surrounding Land Uses**

North: Generally vacant Land.
South: Residential (four plex structures), storage units, and City park land.
East: Vacant land, and W. Main Street
West: Parkland and a fire station.

**STAFF ANALYSIS**

A. **Is the proposed zoning consistent with the Farmington Comprehensive Plan?**

The zone change request for GC, General Commercial, is consistent with the provided sections of the Comprehensive Plan, goals and objectives listed previously. The request is consistent with the Comprehensive Plan Map (see figure 3), in that the request is for GC, and the Comprehensive Plan designates the future land use of the properties as Commercial. This criterion is satisfied.

B. **Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?**

To the north and to the east of the properties there is vacant land as well as W. Main Street ROW, Right of Way. Surrounding Zoning includes, GC, and RE-20. The areas separated by W Main St (100 ft. right of way), will generally be unaffected by a GC zone. The property to the south includes, LNC, MFM, and GC zoning. The land uses include storage units, and residential (four plexes, single family homes, and a mobile home). To the west, there is Westland Park, and a fire station.

The proposed zoning for the subject properties is generally compatible with the present zoning and character of the neighborhood. However, as part of any

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3 Farmington Comprehensive Plan (2002). *Chapter 4 Land Use and Development*, pp. 4-11 – 4-12.
future development of the land sufficient buffers between the subject properties and the neighborhood to the south will be needed. This criterion is met.

C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

There could be some incompatibility issues between the homes to the south and a zoning designation of GC. Providing adequate buffering to those homes will be essential. Lighting, noise, odor, and other potential negative externalities will be addressed as part of any development proposal. This criterion is met.

D. Is the proposed density and intensity of use permitted in the proposed zoning district?

The zone change request for GC permits a wide range of commercial land uses. There is no specific proposal associated with this zone change request. This criterion is met.

E. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?

Public services have been provided and City services such as Police and Fire would be able to serve existing and new developments to this area.

Water, Sewer, and Electric are available at the subject properties. Future developments may necessitate the need for upgrade infrastructure. However, that will depend on future proposed land uses. This criterion is met

F. Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?

Article 11 defines “spot zoning” as “where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan.”

The proposed GC is appropriate for W. Main Street, because GC zoning is a continuation of other GC zones to the north, and to the east (across the W. Main St./W. Apache St.). Also, the properties are identified as Commercial on the 2020 Comprehensive Plan Land Use Map.

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The proposed zone change would therefore not constitute spot zoning. This criterion is met.

STAFF COMMENTS
There were no staff comments for this petition.

STAFF CONCLUSION
Staff concludes that the requested ZC 19-06 meets all six required criteria for approval.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-06, a requested zone change from the RE-20, Residential Estate, to GC, General Commercial, for parcel numbers R6000854, and R00233528, located on W. Main Street.

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4 The concept of “spot zoning” is addressed in the definition section, UDC:12, “Where a particular tract within a larger area is specifically zoned so as to impose on it restrictions not imposed upon the surrounding lands, or grant to it special privileges not grants generally, not done in pursuance of the Comprehensive Plan.”
Figure 4. Map for Ordinance No. 2006-1172
PLANNING MEMO COMMENTS SUMMARY

ZC 19-06 APACHE & MAIN
Deadline: 2/6/19

City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director – M. Holton</td>
<td>Comments will be incorporated into the Petition Report.</td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
<td></td>
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<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
<td>No comment</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>MPO</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
<td></td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
<td></td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
<td></td>
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<tr>
<td>ELEC</td>
<td>Electrical Engineering – L. Aligabes</td>
<td>No conflict</td>
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<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – D. Doudy</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
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</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakel</td>
<td>No comment</td>
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<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
<td></td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
<td>No comment</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
<td></td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
<td></td>
</tr>
<tr>
<td>PRCA</td>
<td>ORII – C. Syron</td>
<td>No comment</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westering</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
<td>No comment</td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
<td>No comment</td>
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Other Entities

<table>
<thead>
<tr>
<th>Company</th>
<th>Contact</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico Gas Company</td>
<td>R. Castillo</td>
<td>No comment</td>
</tr>
<tr>
<td>CenturyLink</td>
<td>D. Wilato</td>
<td>No comment</td>
</tr>
<tr>
<td>Enterprise Field Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comcast Cable</td>
<td>M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2M HILL OMI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP</td>
<td>M. Vezzara</td>
<td></td>
</tr>
<tr>
<td>Farmington School District</td>
<td>C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
# Petition Application

Incomplete applications will not be accepted. Return completed application to:

<table>
<thead>
<tr>
<th>PROJECT TYPE (Check Those Applicable)</th>
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<tbody>
<tr>
<td>☐ Annexation and/or Zoning</td>
</tr>
<tr>
<td>☐ Preliminary Plat</td>
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<tr>
<td>☐ Final Plan</td>
</tr>
<tr>
<td>☐ Summary Plat</td>
</tr>
<tr>
<td>☐ Special Use Permit</td>
</tr>
<tr>
<td>☐ Variance (ARB)</td>
</tr>
<tr>
<td>☐ Zone Change to GC District</td>
</tr>
<tr>
<td>☐ Temporary Use Permit</td>
</tr>
<tr>
<td>☐ Proposed Length of Use</td>
</tr>
<tr>
<td>☐ Well site equipment modification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Name: City of Farmington</td>
</tr>
<tr>
<td>Address: 800 Municipal Drive</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:jbaudor@farmington.org">jbaudor@farmington.org</a></td>
</tr>
<tr>
<td>Telephone: 505-599-1100</td>
</tr>
<tr>
<td>Relationship to Property Owner:</td>
</tr>
<tr>
<td>Employee, Representative</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Location: 6.13 Acres</th>
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<tbody>
<tr>
<td>Existing Use: Underdeveloped</td>
</tr>
<tr>
<td>Proposed Use: Commercial (GC)</td>
</tr>
<tr>
<td>Current Zoning: Re-20</td>
</tr>
<tr>
<td>Assessor's Parcel ID and/or Tax I.D. Number: 2078172275087, 2078172239020</td>
</tr>
</tbody>
</table>

Legal Description of Subject Property: See Title Certificates

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes ☐ No ☐ If Yes, please provide copy with application.

<table>
<thead>
<tr>
<th>REPRESENTATIVE / CONTACT PERSON (if other than applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: N/A</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>E-Mail:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OWNERSHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation, President and Secretary, specify type of ownership interest, fee, rent, lease, contract, option to purchase): N/A</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>MORTGAGE HOLDERS (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
</tbody>
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<table>
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<tr>
<th>OWNER CERTIFICATION</th>
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<tbody>
<tr>
<td>(Physical and Verbal)</td>
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</tbody>
</table>

Certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I waive my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their next regular session following the P.Z review.

<table>
<thead>
<tr>
<th>Name: N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner's Signature:</td>
</tr>
</tbody>
</table>

| Phone / Email: |

<table>
<thead>
<tr>
<th>RECEIVED STAFF USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue line copies of plans:</td>
</tr>
<tr>
<td>Ownership report (subject and surrounding properties):</td>
</tr>
<tr>
<td>Legal description:</td>
</tr>
<tr>
<td>Detailed statement of proposed use:</td>
</tr>
</tbody>
</table>

10
P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC19-06 - a request from the City of Farmington to rezone 6.13 acres from RE-20, Residential Estate District, to GC, General Commercial contained in San Juan Tax Assessor as Parcel's R0023528 and R00000854, located south along W. Main St., southeast of Deer Trail, and north of the intersection of W. Apache St. and Westland Park Dr., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, Book 1638, page 478; Book 1392, page 319 and 320; Book 1627, page 370; and Book 1638, page 478, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, Otherwise located at West Main & Apache St.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, February 28, 2019 at 3:00 p.m. in the City Council Chambers at City Hall, 600 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, March 12, 2019 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 19-06

February 6, 2019

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from the City of Farmington to rezone 6.13 acres contained in San Juan County Tax Assessor Parcel’s 2078172275037 and 2078172239020 from RE-20, Residential Estate District to GC, General Commercial for property located south along W. Main St., southeast of Deer Trail and north of the intersection of W. Apache St. and Westland Park Dr., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, Book 1538, page 478, Book 1392, page 319 and 323, Book 1627, page 379, and Book 1538, page 478, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise known as West Main & Apache St.

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on Thursday, February 28, 2019 at 3:00 p.m., in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on Tuesday, March 12, 2019 at 6:00 p.m., in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Mary Holton at 505-599-1285 or mholton@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet (excluding roadways and easements) of the Following Described Property

Referenced as TRACT 1:

A tract of land situate in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW/4SW/4SE/4) of Section Seven (7), Township Twenty-Nine (29) North, Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, lying and being all that portion of said Subdivision situate West and South of the West right-of-way line of Highway #550 Shiprock Highway West of Farmington, NM, and being more particularly described as follows:

BEGINNING at the Southwest corner of the SW/4SE/4 of said Section 7;
THENCE North 0°50’ East 469.5 feet, more or less, to the West right-of-way of Highway #550;
THENCE along said Highway right-of-way Southeasterly to the intersection of said line with the South line of said Section 7, a distance of 768.6 feet, more or less;
THENCE South 89°53’ West 589.3 feet, more or less to the point of beginning.

AND

A tract of land situate in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW/4SW/4SE/4) of Section Seven (7), Township Twenty-Nine (29) North, Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, lying and being all that portion of said Subdivision situate West and South of the West right-of-way line of Highway #550 Shiprock Highway West of Farmington, NM, and being more particularly described as follows:

BEGINNING at the Southwest corner of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M.;
THENCE South 89°53’ West 10 feet;
THENCE North 0°50’ East 470 feet, more or less, to the West right-of-way line of Highway #550;
THENCE Southeasterly along said right-of-way line to the intersection of said line with the West line of the SW/4SE/4 of said Section 7;
THENCE South 0°50’ West 469.5 feet more or less, to the point of beginning.
The same being a tract of land some 10 feet wide East and West and some 470 feet long North and South and being that land conveyed to J.H. Pruitt by J.E. Eugene MacDonald.

AND

That part of the Southeast Quarter of the Southwest Quarter (SE/4SW/4) of Section Seven (7), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, described as follows:

BEGINNING at a point on the East line of said SE/4SW/4 which is North 1°16’ East 100 feet from the South Quarter corner of said Section 7;
THENCE North 1°16’ East 375 feet along said East line to the South right-of-way line of U.S. Highway 550;
THENCE North 49°34’ West 200 feet along said Highway right-of-way line;
THENCE South 23°13’10” West 646.41 feet to South side of said SE/4SW/4;
THENCE South 88°18’ East 136.62 feet along said South line to the Southwest corner of the tract described in instrument recorded in Book 735, page 23, records of said County;
THENCE North 1°30’ East 113.5 feet;
THENCE South 85°35’ East 260 feet to the Point of Beginning.
EXCEPT, HOWEVER, the East 10 feet of the North 375 feet of the said SE/4SW/4.
TRACT 1
Lucy's Luck LLC
P.O. Box 537
Blanco, NM 87412

That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1638, page 478

AND

Bosko Krivokapick and Annie Jo Krivokapich Revocable Trust and El Rancho Holdings LLC
P.O. Box 1393
Farmington, NM 87499

That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1392, page 319
Book 1392, page 323
Book 1627, page 379

TRACT 2 & 3
Lucy's Luck LLC
P.O. Box 537
Blanco, NM 87412

That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1638, page 478

AND

TRACT 4 & 5
City of Farmington
800 Municipal Drive
Farmington, NM 87401

That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1193, page 688

AND

That part of the SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1193, page 688
TRACT 6
Michael L. Thomason and Jacqueline Thomas
Living Trust
851 Deer Trail Street
Farmington, NM 87401

That part of the SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1521, page 69

TRACT 7
Michael L. Thomason
851 Deer Trail Street
Farmington, NM 87401

That part of the NE/4SE/4SW/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1592, page 632

TRACT 8 & 15
Mary Ann Parker, John Lee Pruitt and Aubrey Michael Pruitt
2704 West Apache Street
Farmington, NM 87401

That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1474, page 531

AND

That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1474, page 531

TRACT 9
Frederick G. Medina and Maria C Medina
24 Road 6070
Farmington, NM 87401

That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1556, page 47

TRACT 10
Mary Ann Parker and Ronald A. Kronig
2704 West Apache Street
Farmington, NM 87401

That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1474, page 531
Book 1636, page 310
Book 1636, page 314
Book 1636, page 318
TRACT 11
Margery Pruitt
2501 Glad Road
Farmington, NM 87401
That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1598, page 182

TRACT 12
Ronald A. Kronig
401 Cerrillos Drive
Farmington, NM 87401
That part of the SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1636, page 317

TRACT 13 & 14
Clayton Investment Company
501 Airport Drive, Suite 100
Farmington, NM 87401
That part of the SE/4SW/4SE/4 of Section 7, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1218, page 879

TRACT 16
Western Refining Southwest, Inc.
1250 West Washington, Suite 101
Tempe, AZ 85281
That part of the NW/4NE/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1590, page 276

TRACT 17
Norman H. Faver and Martha K. Faver Revocable Trust
P.O. Box 417
Aztec, NM 87410
That part of the E/2NW/4NE/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1386, page 100

TRACT 18
James E. Malone, Deborah Ann Malone, and Ryan Kelly Malone
301 McDonald Road
Farmington, NM 87401
That part of the NW/4NE/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1417, page 267
TRACT 19 & 20
Mary F. Joines
c/o Robert H. Durbin and A. Michelle Durbin
P.O. Box 358
Farmington, NM 87499
Lot 4, in Block 1, of the WESTLAND PARD SUBDIVISION NO. 7, in the City of Farmington, San Juan County, New Mexico, filed for record July 17, 1981.
Book 1547, page 176
Book 1547, page 400

AND

Lot 4, in Block 1, of the WESTLAND PARD SUBDIVISION NO. 7, in the City of Farmington, San Juan County, New Mexico, filed for record July 17, 1981.
Book 1547, page 176
Book 1547, page 400

TRACT 21 & 22
Hodges Living Trust
65 Casa Linda Court
Farmington, NM 87401
That part of the NE/4NW/4 and NW/4NE/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1269, page 762

AND

That part of the NE/4NE/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1244, page 272

TRACT 23
Farmington Investment Company, Inc.
P.O. Box 229
Farmington, NM 87499
That part of the NE/4NW/4 of Section 18, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1527, page 465

TO: January 15, 2019, 4:30 p.m.
LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstracter
MINUTES
PLANNING & ZONING COMMISSION
February 14, 2019

The Planning and Zoning Commission met in a regular session on February 14, 2019 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present: Acting Chair-Clint Freeman
                      Shay Davis
                      Kristin Langenfeld
                      Elizabeth Lockmiller
                      Wayne Mangum
                      Cheryl Ragsdale
                      Mitchell Sewell

P&Z Members Absent: Ryan Brown
                    Joyce Cardon
                    Cody Waldroup

Staff Present: Derrick Childers
              Helen Landaverde
              Gary Leikness
              Toni Sitta
              David Sypher
              Karen Walker

Others Who Addressed the Commission: Manuel Garcia
                                     Vade Hollingsworth
                                     David Kasnoff

Clint Freeman was elected Acting Chair for the February 14, 2019 Planning & Zoning meeting. The vote was 7-0.

Call to Order
Acting 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 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 Davis to approve the minutes of the January 24, 2019 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.

Commissioner Sewell declared a conflict of interest with Petition SUP 18-100 and left the room.

Swearing in of Witnesses
All parties that wished to speak on behalf of any agenda items were sworn in by Karen Walker.

CONSIDERATION & RECOMMENDATION
SUP 18-100
Special Use Permit for outside storage of hazardous materials
3250 Southside River Road

Planning & Zoning Commission Discussion of Petition SUP 18-100 on January 24, 2019
Associate Planner Helen Landaverde presented the staff report for SUP 18-100, a request from David Kasnoff with Halliburton, represented by Vade Hollingsworth, for outside storage of hazardous materials in the IND, Industrial District, for property located at 3250 Southside River Road.

This part of the City was annexed in 1984 after the original subdivision regulations were adopted June 22, 1971. The subject property is not a lot of record and is considered to be a nonconforming lot. A summary plat, Petition SP 19-04, is currently under review to come into compliance.

Runoff from the subject property has caused flooding on Southside River Road. It appears that the existing retention ponds on the west side of the property have not been maintained in the past. As a result, the ponds have silted and have contributed to the runoff that leaves the property and runs onto Southside River Road during storm events.

The applicant, Halliburton, recently purchased the subject property and would like to relocate their operations and inventory from 4109 East Main Street to 3250 Southside River Road. The property is approximately 20.55 acres.

Halliburton is proposing to have 14 outdoor storage locations. The details are on pages 4-5 in the February 14, 2019 Planning & Zoning agenda book.
The subject property’s perimeter is fenced with a 6-foot tall chain link fence. The property has push button access control devices for the entrance/exit gates. The proposed storage of hazardous chemicals will be located within the fenced area of the subject property and the yard area will be locked during non-operation hours and will be monitored continuously during operation hours. In addition, the applicant proposes to have more automated access control and security cameras on the property.

The applicant has also employed the services of TRC Environmental Corporation to evaluate and assist with the application of environmental permits, authorizations and plans for the subject property. Ms. Landaverde noted a table in the Planning & Zoning agenda book summarizing the current status of the required environmental permits for stormwater, emergency planning, spill prevention, air quality, etc.

The surrounding properties are zoned IND and there are no adjacent household dwellings. The closest dwellings are approximately 135-feet to the northwest and approximately 639-feet southwest of the subject property.

Petition SUP 18-100 is consistent with the 2020 Future Land Use Plan. This plan recommends for this area to be Light Industrial. A Special Use Permit for the storage of hazardous materials in the IND District is consistent with the UDC and the Comprehensive Plan. SUP 18-100 also meets the criteria listed in Section 8.9.4 of the UDC for a Special Use Permit.

The Community Development Department recommends approval with conditions as provided by Community Development, the Fire Department, and Public Works:

1. The applicant is to finalize the summary plat that has already been submitted.
2. Prior to any construction for the storage of hazardous material, the applicant shall submit building plans that are consistent with all of the City’s current building and fire standards and/or other agency permits for review and approval prior to site work.
3. All required federal, state and local permits and approvals shall be obtained by the applicant and submitted to the City of Farmington prior to any construction or commencement of any work. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Director.
4. The following minor amendments shall be reviewed and approved by the director:
   (1) Changes that result in a decrease or intensity for the storage of hazardous materials.
(2) Change in the designation/location of the storage of hazardous materials on the subject property.
(3) Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) for the subject property.

5. Major amendments. All other proposed amendments not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 8.9.3 Special use application process.

The following conditions are requirements of the Fire Department, which shall be responsible for determining compliance with these conditions:
As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use. (IFC 2003 - 105.1.2, 2003 IFC - 105.2)

Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
   c. Scalable with all distances for each control area from all lot lines, buildings and other control areas.
   d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.
   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
   b. An updated EAP.

The following conditions are requirements of the Public Works - Engineering Division:

1. According to the EPA's National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses, Halliburton is required to seek coverage under this permit per Part 8, Subpart I, Sector I of the MSGP.

2. The City requires the Petitioner to submit evidence of compliance with the EPA's NPDES MSGP permit for the protection of the City's Municipal Separate Storm Sewer System (MS4) and associated surface waters within the City limits.

3. A copy of the Notice of Intent (NOI) for coverage under this permit, submitted to the EPA and a copy of the required Drainage Area Site Map, to include stormwater discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls is required to be submitted to the City for our records.

4. This City does not administer the EPA's NPDES MSGP permit. It is the responsibility of the Petitioner to still meet all additional requirements for this permit for the EPA.

5. There is a lot of stormwater runoff of that leaves the property at 3250 Southside River Road. The City requests that the petitioner take measures (cleaning any ditches or ponding areas that may have silted in) to reduce the amount of runoff that leaves this property during storm events.

6. Applicant must remove silt and restore ponds to capture and retain runoff.
7. Maintain the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.

The following recommended Operational Conditions shall be required for the life of the project:

1. If approved, the special use permit shall remain in effect provided that the use meets the conditions imposed by Petition SUP 18-100 and maintains a valid City of Farmington business license.
2. Any contamination/leaks/releases that occur on the property shall be reported immediately to the City’s Police Department, Fire Department, Community Development - Building Inspection Division and to all relevant local, state and federal authorities.
3. The City of Farmington reserves the right to revoke this special use permit approval, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment.
4. Additionally, this Special Use Permit can be revoked if any of the above conditions are not met.

Commissioner Langenfeld asked if the SUP stayed with the property if ownership changed. Ms. Landaverde said an SUP stays with the land for commercial use as long as the use of the property does not change based on the recent amendment to the code regarding SUPs.

Commissioner Freeman said the previous owners of the property, Baker-Hughes, used the property for similar uses. Mr. Freeman asked if Baker-Hughes had an SUP. Ms. Landaverde said she was not aware of an SUP for Baker-Hughes. The use for the previous company may have been a grandfathered use prior to the code. BJ Services owned the land prior to Baker-Hughes.

Vade Hollingsworth, 6 Road 6317, Kirtland, said he is the General Contractor for FCI Construction for this project. Mr. Hollingsworth said his company has been working closely with the City Building Inspection Division. He mentioned that the previous flooding issues were on the west end of the property. All of the hazardous materials will be stored on the eastern side of the property and should not be an issue with flooding.

David Kasnoff, 3199 D Road, Grand Junction, is a representative of Halliburton. He said the property has historically been used for oilfield services. Halliburton has been operating at the Main Street location since 1955. The goal for the new location is to have a safe working environment for employees as well as public safety and safety for the neighboring community. Halliburton wants to work with the current code standards, said Mr. Kasnoff. It is very
important to work hand-in-hand with building inspection, planning, and the fire department. The intent is to consolidate chemical storage to a specific area.

Acting Chair Freeman asked Mr. Kasnoff if he has had a chance to look through the list of conditions and if he had any issues with the conditions.

Mr. Kasnoff said oilfield services are trying to get away from the use of storing chemicals on site. He said he is currently looking through the long list of conditions.

Manuel Garcia, 167 S. Browning Parkway is owner of San Juan Veterinary Hospital, which adjoins the Halliburton property on the northwest side. Mr. Garcia said he is concerned about chemical leakage, especially of hydrochloric acid, and how it could affect his staff and clients.

Mr. Kasnoff reassured Mr. Garcia that Halliburton will not be reusing tanks used by Baker-Hughes and will not be storing a large volume of hydrochloric acid. The goal is to consolidate the footprint to only the chemicals necessary until distribution. Mr. Kasnoff said if hydrochloric acid is stored on the property, it will be on the far side from Mr. Garcia’s property. Containment procedures will be in place and the possibility of any runoff will be in the opposite direction. Mr. Kasnoff said Halliburton is working with environmental consultants to prevent discharge of chemicals onto other areas. The goal is to be good neighbors and have full disclosure. Mr. Kasnoff asked for clarification on condition #5 listed under Public Works.

Toni Sitta, City Public Works Engineer, clarified that condition #5 listed under Public Works to clean out ditches or ponding areas that may have silted in is intended to clean out any existing infrastructure to help mitigate any flows that leave the property. Ms. Sitta pointed to an area on the aerial where runoff has previously entered the Southside River Road area. Cleaning up any issues of drainage from practices that existed from the previous owner will be required. Additional stormwater requirements will come on a case-by-case basis during the building permit process.

Commissioner Davis asked about ramifications if dirt from a property spills onto a public right-of-way. Ms. Sitta said the issue would come under Code Compliance jurisdiction.

Mr. Kasnoff commented that working with City staff has been a very positive experience. He said everyone with the City has been willing to work with him on this project, and he appreciated the various meetings where City staff was able to give recommendations and comments.
Vade Hollingsworth clarified for Mr. Garcia that tanks or vessels built on the property will have a concrete tank below to contain the amount in the vessel if the vessel or tank would fail. There are also other containment features for excessive rain or fire to contain chemicals. Mr. Hollingsworth said there is a gas line that runs between the Halliburton property and the vet clinic. Nothing will be built near that property line. There is a 20-foot setback and Halliburton has extended that setback even further.

Planning & Zoning Commission Action of Petition SUP 18-100 on January 24, 2019
A motion was made by Commissioner Davis and seconded by Commissioner Ragsdale to approve Petition SUP 18-100, a request from David Kasnoff with Halliburton, represented by Vade Hollingsworth, for outside storage of hazardous materials in the IND, Industrial District, for property located at 3250 Southside River Road with the following conditions:

1. The applicant is to finalize the summary plat that has already been submitted.
2. Prior to any construction for the storage of hazardous material, the applicant shall submit building plans that are consistent with all of the City’s current building and fire standards and/or other agency permits for review and approval prior to site work.
3. All required federal, state and local permits and approvals shall be obtained by the applicant and submitted to the City of Farmington prior to any construction or commencement of any work. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Director.
4. The following minor amendments shall be reviewed and approved by the director:
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   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
   c. Flammable and Combustible Liquid chapter
   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter

5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
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The following conditions are requirements of the Public Works - Engineering Division:

1. According to the EPA's National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses, Halliburton is required to seek coverage under this permit per Part 8, Subpart I, Sector I of the MSGP.

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3. A copy of the Notice of Intent (NOI) for coverage under this permit, submitted to the EPA and a copy of the required Drainage Area Site Map, to include stormwater discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls is required to be submitted to the City for our records.

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The following recommended Operational Conditions shall be required for the life of the project:

1. If approved, the special use permit shall remain in effect provided that the use meets the conditions imposed by Petition SUP 18-100 and maintains a valid City of Farmington business license.

2. Any contamination/leaks/releases that occur on the property shall be reported immediately to the City’s Police Department, Fire Department, Community Development - Building Inspection Division and to all relevant local, state and federal authorities.
3. The City of Farmington reserves the right to revoke this special use permit approval, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment.
4. Additionally, this Special Use Permit can be revoked if any of the above conditions are not met.

AYE: Acting Chair Freeman, Commissioners Davis, Langenfeld, Lockmiller, Mangum, and Ragsdale.

NAY: None

Abstained: Commissioner Sewell.

Absent: Commissioners Brown, Cardon, and Waldroup.

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: There was no business from the Members

Business from Staff: Gary Leikness said Petition PFP 18-101, a request from Rebecca Digman for a preliminary final plat for property located at 501 and 505 Sandstone Avenue passed on consent at the February 12, 2019 City Council meeting.

Adjournment: With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Davis, the Planning and Zoning Commission meeting of February 14, 2019 was adjourned at 3:36 p.m.

____________________________    _____________________________
Clint Freeman       Karen Walker
Acting Chair        Administrative Assistant