AGENDA
Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
March 14, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</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 28, 2019 P&amp;Z Meeting</td>
</tr>
<tr>
<td>4</td>
<td>Petition No. SUP 19-08 – a request from Joel Hunt with Thatcher Chemical, represented by Nathan Bergal, for outside storage of hazardous materials in the IND, Industrial District, for property located at 3111 Bloomfield Highway. (Helen Landaverde)</td>
</tr>
<tr>
<td>5</td>
<td>THIS PETITION HAS BEEN CANCELLED AT THE REQUEST OF THE PETITIONER. Petition No. ZC 19-12 – a request from Francisco Gutierrez for a zone change from GC, General Commercial, to MU, Mixed Use, to allow for residential units to continue and to allow for new residential construction. (Gary Leikness)</td>
</tr>
<tr>
<td>6</td>
<td>Business from:</td>
</tr>
<tr>
<td></td>
<td>Floor:</td>
</tr>
<tr>
<td></td>
<td>Chairman:</td>
</tr>
<tr>
<td></td>
<td>Members:</td>
</tr>
<tr>
<td></td>
<td>Staff:</td>
</tr>
<tr>
<td>7</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, March 26, 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.
COMMITTEE DEVELOPMENT

STAFF REPORT

Petition SUP 19-08 – Special Use Permit for Storage of Hazardous Materials at 3111 Bloomfield Highway in the IND, Industrial District

A. STAFF REPORT - March 14, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Thatcher Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Nathan Bergal</td>
</tr>
<tr>
<td>Date of Application</td>
<td>January 31, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Special Use Permit for the Storage of Hazardous Materials</td>
</tr>
<tr>
<td>Location</td>
<td>3111Bloomfield Highway (R0035290)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Industrial</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>IND Industrial</td>
</tr>
</tbody>
</table>

Surrounding Zoning & Land Use

| North: IND Industrial/ Commercial |
| South: IND Industrial/ Commercial and SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District/ Residential |
| East: IND Industrial/ Commercial and SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District/ Residential |
| West: IND Industrial/ Commercial |

Notice

Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Farmington Daily Times on Sunday, February 24, 2019. Property owners within 100 feet were sent notice by certified mail Wednesday, February 20, 2019 and a sign was posted on Friday, March 1, 2019.

Staff Planner

Helen Landaverde, Associate Planner

1. STAFF ANALYSIS

Project Description

The applicant, represented by Nathan Bergal, is requesting a special use permit for the storage of hazardous materials for property located at 3111Bloomfield Highway, previously Baker Hughes Process and Pipeline Services, in the IND Industrial District.

Pursuant to Table 2.3 of the Unified Development Code (UDC) the storage of hazardous materials is only permitted in the IND district with an approved special use permit. The storage of hazardous materials shall comply with the following standards (UDC 2.4.53):
A. Screening shall be provided in accordance with the requirements of section 5.5.7, screening standards; and section 5.10, residential protection standards, if applicable.

B. Hazardous materials use generation and disposition shall be operated in accordance with the requirements of section 5.11, operational performance standards (noise, smoke and particulate matter, odorous matter, fire and explosive hazard material).

C. The site shall be kept in an orderly manner, free of litter and debris.

D. Storage of explosives shall be prohibited, unless stored in accordance with the applicable fire code.

E. Flammable liquids or gases in quantities greater than 660 gallons shall be stored underground, unless otherwise permitted by the city.

F. Hazardous materials shall not be allowed in regulatory floodplain. (See section 5.6.2).

Surrounding Properties

The surrounding properties are zoned IND, Industrial District. The following businesses previously operated at 3111 Bloomfield Highway:

- Baker Hughes Process and Pipeline Services (not registered with the City).

This part of the City was annexed in 1984 after the original subdivision regulations were adopted (June 22, 1971). The oldest deed found for the subject property is from 1972 (see attached deed). The subject property is not a lot of record and is considered to be a nonconforming lot. A summary plat will be required for building permits if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

There are no adjacent household dwellings. The closest dwellings are approximately 369 - 644 feet southwest of the subject property (see Figure 2) and in the SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District (see Figure 3. City of Farmington Zoning Map).

Consistency with the Comprehensive Plan

The Comprehensive Plan, 2020 Future Land Use Plan, calls 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.
Figure 1. 2020 Future Land Use Plan

Figure 2. Household living near proposed use
Figure 3. City of Farmington Zoning Map

Site Plan Proposal
The applicant, Thatcher Company, recently purchased the subject property and would like to relocate their operations and inventory from Aztec, New Mexico to 3111 Bloomfield Highway in phases; possibly two (2) phases (see Site Proposal). The property is approximately 2.940 acres. Thatcher Company intends to store chemicals and distribute materials to customers in and around Farmington. Therefore, the applicant is requesting a special use permit for the storage of various hazardous materials, such as Hydrochloric Acid, on the subject property (see Figure 4 and List of Products):
Figure 4. Project Description (Phase I)

**Products and Materials**

A map of our chemical storage areas is provided as part of our SUP request.

Primary storage of hazardous material products will be outdoors in IBC (Intermediate Bulk Container) Totes within IFC-complaint containment control areas. Products will be loaded and unloaded from flatbed and van trucks via a forklift to service customers in the local area.

Thatcher will store limited quantities of non-flammable raw materials and finished products in drums, bags and boxes per customer specifications in our warehouse.

Our operation will also include 1 - 21,000-gallon, mobile frac tank within an IFC-compliant containment area for 28% Hydrochloric Acid storage. We will pump load bulk tanker trucks with this product. Loading operations will be conducted in a closed-loop circuit manner with an integrated air recovery scrubber unit.

We will also have 4 - 21,000-gallon mobile frac tanks for storage of a non-hazardous liquid. We will pump load bulk tanker trucks with this product.

Raw materials and finished products will be brought into and out of the facility using local trucking carriers, as well as Thatcher of Farmington, NM employees.

All products have Safety Data Sheets available.

Figure 5. Layout of subject property.
Figure 6. Proposed chemical storage.
Figure 7. General Traffic Flow.

Site Security

The subject property’s perimeter is fenced with a 6-foot to 8-foot tall chain link fence. 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.

Staff Issues:

Community Director – M. Holton: 599-1285 and mholton@fmtn.org
The petitioner must work closely with the Fire Marshal and Building Inspections on this petition.

Chief Building Official – D. Childers: 599-1305 and dchilders@fmtn.org
Building permits will be required for all remodeled and new control areas.

Fire Marshall – Brandy Vega: 599-1439 and bvega@firenet.org
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
   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.
   b. An updated EAP.

**Code Compliance – M. Romero: 599-1318 and mromero@fmtn.org**
A valid City of Farmington business license must be obtained before any business can be conducted.

**Engineering – T. Sitta: 505-599-1399 and tsitta@fmtn.org**
Please provide proof of coverage under the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial uses. A copy of the Notice of Intent (NOI) and Site Map showing structures, storage areas, and stormwater discharge points needs to be submitted to the City for review.
Special Use Permit Criteria – Section 8.9.4 of the UDC

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

A. Effect on environment: The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

   The surrounding properties are zoned IND and the storage of hazardous material is permitted with an approved special use permit. The storage of hazardous materials is compatible with the industrial uses of this area.

   The size of the subject property is approximately 2.940 acres and should be sufficient for the storage of hazardous chemicals. Additionally, there are no adjacent household dwellings. The nearest dwellings are approximately 369 - 644 feet southwest of the subject property.

   Best management practices need to be implemented as well as adherence to the City’s building, fire, and engineering standards. In addition, adherence to conditions associated with City and/or other agency permits must be implemented.

   The subject property is suitable for the continuation of industrial use as proposed by the applicant with proposed conditions for this Special Use Permit petition. It is not expected for the proposed use to cause significant detriment or injury to the public, adjacent properties, or surrounding area.

   All operating characteristics will remain the same and should not affect the surrounding neighborhood or the neighboring property.

B. Compatible with surrounding area: The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

   Most of the surrounding properties are zoned IND District, and the storage of hazardous chemicals is an allowed use with the approval of a Special Use Permit in IND District.

   The applicant has submitted a site plan showing the proposed location of the hazardous materials. The subject property is fenced with a 6-foot to 8-foot tall chain link fence. The proposed storage of hazardous chemicals will be located within the fenced area of the subject property.
The proposed storage of hazardous chemicals on the subject property is compatible with the surrounding area and is in harmony with the industrial character of this area.

C. **External impacts minimized**: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

The applicant and/or new property owner is required to mitigate any adverse impacts to the area. Improvements and/or development on the subject property will require submission of 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 improvements and/or development.

D. **Infrastructure impacts minimized**: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

The proposed use will not have a negative impact on existing uses in the area and/or negative impacts on public infrastructure. Adequate facilities and services are currently provided.

E. **Consistent with the UDC and Comprehensive Plan**: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan, 2020 Future Land Use Plan, calls 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.

F. **Parcel size**: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

The subject property has already been developed. The request is for light industrial and should not generate more traffic than what is associated with industrial uses in the IND District.

Any future demolition and redevelopment will need to meet the established requirements of the zoning district.

G. **Site Plan**: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.
The petitioner provided a site plan that conforms to the standards of Section 8.5 (see attachment).

STAFF CONCLUSION
Staff concludes that approval of Petition SUP 19-08 is appropriate with conditions. The applicant needs to mitigate impacts to the area. Improvements and/or development on the subject property will require submission of building plans, which are consistent with all of the City’s current building and fire standards and/or other agency permits, for review and approval prior to any site improvements and/or development. Adhering to best management practices will minimize any potential negative impacts on existing uses in the area.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition SUP 19-08, a request from Thatcher Company, represented by Nathan Bergal, for the storage of hazardous materials for property located at 3111 Bloomfield Highway in the IND, Industrial District, with conditions:

1. The applicant will be required to submit a summary plat application for building permits, if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

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.

1. Develop an Emergency Action Plan (EAP).

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

3. 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

4. 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, Thatcher Company 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. 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 19-08 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.
Petition Report - SUP 19-08
Page 15

3.04 acres, more or less, in the Northeast Quarter of the Northeast Quarter (NE ¼) of Section Twenty-Three (23) in Township Twenty-nine (29) North of Range Thirteen (13) West, N.M.P.M., described as follows:
BEGINNING at a point in the South line of State Highway No. 17, which point is South 89° 47' East 1866.4 feet and thence South 40 feet from the Northeast corner of the NE ¼ of said Section 23;
THENCE South 89° 47' East 208.2 feet along the said South line of State Highway No. 17;
THENCE South 623 feet;
THENCE South 82° 33' West 209.8 feet;
THENCE North 651 feet to the point of beginning;
EXCEPT, HOWEVER, that part conveyed to the State Highway Commission of New Mexico as recorded in book 589, page 196 of the Records of said County, more particularly described as follows:
BEGINNING at a point for the Northeast corner of the property of the Grantor, a point on the present (1964) Southerly right of way line of State Road 17, from which point the Northeast corner of Section 23 bears North 89° 47' East a distance of 568.49 feet;
THENCE Westerly along the present (1964) Southerly right of way line of State Road 17 a distance of 210.43 feet to the Northeast corner of the property of the Grantor;
THENCE Southerly along the Westerly line of said property a distance of 19.46 feet to a point on the Southerly right of way line of NMP P-623-216, San Juan County, New Mexico;
THENCE South 89° 02' East along said Southerly right of way line a distance of 210.3 feet to a point on the Easterly line of the property of the Grantor;
THENCE Northerly along said Easterly property line a distance of 19.48 feet to the point and place of beginning;

SUBJECT TO the taxes for the year 1972 and thereafter; reservation and/or conveyance of all oil, gas and other mineral interests heretofore made; easements filed for record or in existence;

WITNESS the hand and seal this 12th day of October, 1972.

ATTORNEY

J. L. Mitchell
President

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

The foregoing instrument was acknowledged before me this 16th day of October, 1972.

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

The foregoing instrument was acknowledged before me this 16th day of October, 1972.

President of MITCHELL CONSTRUCTION CO., INC.

By: J. L. MITCHELL
# PLANNING MEMO COMMENTS SUMMARY

**SUP 19-08 THATCHER CHEMICAL, 3111 BLOOMFIELD HWY**  
**Deadline: 2/8/19**

<table>
<thead>
<tr>
<th>City of Farmington Departments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CD</strong> Director – M. Holton</td>
<td>The petitioner must work closely with the Fire Marshal and Building Inspections on this petition.</td>
</tr>
<tr>
<td><strong>CD</strong> Addressing – Planning Division</td>
<td></td>
</tr>
</tbody>
</table>

**CD**

<table>
<thead>
<tr>
<th>1- Before any hazardous materials can be stored.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> - Provide engineered plans for review and approval for each control area to include:</td>
</tr>
<tr>
<td>1- Code analysis (IFC, IBC) for each control area with the chemicals stored there.</td>
</tr>
<tr>
<td>2- Site layout with new and existing control areas.</td>
</tr>
<tr>
<td>3- Material data sheets.</td>
</tr>
<tr>
<td>4- Construction plans if a building permit is needed.</td>
</tr>
<tr>
<td><strong>B</strong> - Provide a copy of the National Pollutant Discharge Elimination System (NPDES) Muti Use General Permit for review.</td>
</tr>
<tr>
<td><strong>C</strong> - Develop a Master Emergency Action Plan with the City of Farmington Fire Department.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2- Any new hazardous material stored or addition of a new control areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> - Provide engineered plans for review and approval for each new control area to include:</td>
</tr>
<tr>
<td>1- Code analysis for each control area with the chemicals stored there.</td>
</tr>
<tr>
<td>2- Site layout with new and existing control areas.</td>
</tr>
<tr>
<td>3- Material data sheets.</td>
</tr>
<tr>
<td>4- Construction plans if a building permit is needed.</td>
</tr>
<tr>
<td><strong>B</strong> - Provide a code analysis for the control area that any new hazardous materials are stored in.</td>
</tr>
</tbody>
</table>

| 3- Maintain the National Pollutant Discharge Elimination System (NPDES) Muti Use General Permit. |

| 4- Maintain the current City of Farmington adopted International Fire Code, hazardous materials storage requirements. |

| 5- Maintain the Master Emergency Action Plan. |

| 5- If the City of Farmington Fire Department implements a Hazardous Material Storage Permit, you will be required to obtain a permit and maintain it. |

| 6- This Special Use Permit can be revoked if any of the above conditions are not met. |

**Chief Building Official – D. Childers**
<table>
<thead>
<tr>
<th>CD</th>
<th>Long Range Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>MPO</td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrical Engineering – L Algarbes</td>
</tr>
<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – D. Doudy</td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
</tr>
<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
</tr>
</tbody>
</table>

**Other Entities**

- New Mexico Gas Company – R. Castillo: No comment
- CenturyLink – D. Willato: No comment
- Enterprise Field Services
- Comcast Cable – M. Johnson
- CH2MHILL OMI
- Surface Land Negotiator for BP – M. Venzara
- Farmington School District – C. Lyons
Farmington Fire Department
Requirements for facilities storing and using Hazardous Materials

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
   
   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
   b.  An updated EAP.
**PETITION APPLICATION**

In complete applications will not be accepted. Return completed application to:  

Planning Division  
Community Development Department  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317  
(305) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**
- ☐ Annexation and/or Zoning
- ☐ Preliminary Plat
- ☐ Final Plan
- ☐ Summary Plat  
  - Special Use Permit  
  - Variance (ARB)
- ☐ Zone Change to _______ District
- ☐ Temporary Use Permit
- ☐ Proposed Length of Use: _______
- ☐ Well site equipment modification

**INFORMATION**

Applicant's Name: **JOE HUNT**  
Address: **311 Bloomfield Hwy**  
E-Mail: **joe.heytes@chem.com**  
Telephone: **805-645-6682**  
Relationship to Property Owner: **EMPLOYEE / PROJECT ENGINEER**  
Legal Description of Subject Property:

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

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: **NATHAN**  
E-Mail: **NATHAN.DEFLA@CHEM.COM**  
Phone: **355-588-9784**  
Address: **311 Bloomfield Hwy**

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)  

MORTGAGE HOLDERS (If any)

Name:  
Phone:  
Name:  
Phone:  
Address:  

**OWNER CERTIFICATION**

I 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 give 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 first regular session following the P&Z review.

Name:  
Owner's Signature:  
Phone / Email:  

**STAFF USE ONLY**

Received By  
Date  
Fee Received  
Project File No.  
Date of Hearing/Meeting  

☐ BlueLine Copies of Plans  
☐ Ownership Report (subject and surrounding properties)  
☐ Legal Description  
☐ Detailed Statement of Proposed Use
## PETITION APPLICATION

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

<table>
<thead>
<tr>
<th>Planning Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development Department</td>
</tr>
<tr>
<td>City of Farmington</td>
</tr>
<tr>
<td>800 Municipal Drive</td>
</tr>
<tr>
<td>Farmington, NM 87401</td>
</tr>
<tr>
<td>(505) 599-1317</td>
</tr>
<tr>
<td>(505) 599-1299 (fax)</td>
</tr>
</tbody>
</table>

### PROJECT TYPE (Check Those Applicable)

- [ ] Annexation and / or Zoning
- [ ] Preliminary Plat
- [x] Final Plan
- [ ] Summary Plat
- [ ] Special Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to __________ District
- [ ] Temporary Use Permit
  - Proposed Length of Use: __________
- [ ] Well site equipment modification

### INFORMATION

**Applicant's Name:** Thatcher Company, Inc.

**Project Location:** 3111 Bloomfield Hwy., Farmington, NM 87401

**Address:** 3111 Bloomfield Hwy., Farmington, NM 87401

**E-Mail:** joel.hunt@tchem.com

**Telephone:** (801) 645-6682

**Relationship to Property Owner:** Employee / Project Manager

**Existing Use:** Truck yard

**Proposed Use:** Chemical storage

**Current Zoning:** Industrial Zone

**Assessor's Parcel I.D. and/or Tax I.D. Number:**

### Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? **Yes [ ] No [x]**

If Yes, please provide copy with application.

### REPRESENTATIVE / CONTACT PERSON (if other than applicant)

**Name:** Nathan Bergal

**E-Mail:** nathan.bergal@tchem.com

**Phone:** (505) 386-9189

**Address:** 3111 Bloomfield Hwy., Farmington, NM 87401

### OWNERSHIP

**PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary, Specific type of ownership Interest, Fee, Real Estate Contracts, Option to Purchase):** Thatcher Company, Inc.

**Phone:** (801) 972-4587

**Name:**
**Address:** P. O. Box 27407, Salt Lake City, UT 84127-0407

**MORTGAGE HOLDERS (If any):**

**Name:**
**Phone:**

**Address:**

### OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge and that without the consent of all persons in interest I understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give 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 first regular session following the P&Z review.

**Name:** Craig N. Thatcher

**Address:** P. O. Box 27407, Salt Lake City, UT 84127-0407

**Owner's Signature:**

**Phone / Email:** (801) 972-4587; craig.thatcher@tchem.com

### STAFF USE ONLY

- [x] Blueprints Copies of Plans
- [ ] Ownership Report (subject and surrounding properties)
- [ ] Legal Description
- [ ] Detailed Statement of Proposed Use

**Received By:**

**Date:**

**Fee Received:**

**Project File No.:**

**Date of Hearing/Meeting:**
Phase I

Thatcher Company
Special Use Permit Application
Section D: Project Description

Thatcher Company requests a Special Use Permit to conduct our business of chemical storage and distribution to customers in and around Farmington, NM. We provide a valuable service to industry and to our community.

Values
Thatcher Company has core values that underscore all our business and community decisions. Please refer to our Statement of Values, herein attached.

Products and Materials
A map of our chemical storage areas is provided as part of our SUP request.

Primary storage of hazardous material products will be outdoors in IBC (Intermediate Bulk Container) Totes within IFC-compliant containment control areas. Products will be loaded and unloaded from flatbed and van trucks via a forklift to service customers in the local area.

Thatcher will store limited quantities of non-flammable raw materials and finished products in drums, bags and boxes per customer specifications in our warehouse.

Our operation will also include 1 - 21,000-gallon, mobile frac tank within an IFC-compliant containment area for 28% Hydrochloric Acid storage. We will pump load bulk tanker trucks with this product. Loading operations will be conducted in a closed-loop circuit manner with an integrated air recovery scrubber unit.

We will also have 4 - 21,000-gallon mobile frac tanks for storage of a non-hazardous liquid. We will pump load bulk tanker trucks with this product.

Raw materials and finished products will be brought into and out of the facility using local trucking carriers, as well as Thatcher of Farmington, NM employees.

All products have Safety Data Sheets available.

Employee Facilities
Adjacent to our warehouse facility is our branch office for personnel to utilize office space, eating and meeting areas, and common use areas. These areas include 1 reception area, 4 personnel office spaces, a common lunch room, two unisex bathrooms, and a driver’s common area. Parking is provided for within our facility.
IFC Code was interpreted to classify, store, located, and contain approx. 61 different materials on the Farmington New Mexico address 3111 Bloomington Highway. This informal letter is to describe the steps taken to interpret and implement IFC code.

Each material planned to be on the mentioned site was classified as Flammable, Toxic, Highly Toxic, or Non-Hazardous.

Flammable Materials

According to IFC (Chapter 2) flammables are classified according to their flash and boiling point temperatures, shown in the table below.

<table>
<thead>
<tr>
<th>IFC Classification system (chapter 2 general def)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Combustible Liquid Classification</strong></td>
<td></td>
</tr>
<tr>
<td>Class II</td>
<td>Liquids having a closed cup flash point at or above 100F and Below 140F</td>
</tr>
<tr>
<td>Class IIIA</td>
<td>Liquids having a closed cup flash point at or above 140F and Below 200F</td>
</tr>
<tr>
<td>Class IIIB</td>
<td>Liquids having a closed cup flash point at or above 200F</td>
</tr>
<tr>
<td><strong>Flammable Liquid Classification</strong></td>
<td></td>
</tr>
<tr>
<td>Class IA</td>
<td>Liquids having a flash point below 73F and a boiling point below 100F</td>
</tr>
<tr>
<td>Class IB</td>
<td>Liquids having a flash point below 73F and a boiling point above 100F</td>
</tr>
<tr>
<td>Class IC</td>
<td>Liquids having a flash point at or above 73F and a boiling point below 100F</td>
</tr>
</tbody>
</table>

Storage Requirements for the corresponding classified materials were given in table 5704.4.2 and is shown below.

<table>
<thead>
<tr>
<th>Storage Requirements 5704.4.2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (gal)</td>
<td>Class IA</td>
</tr>
<tr>
<td>Height (ft)</td>
<td>1100</td>
</tr>
<tr>
<td>Minimum Distance between piles (ft)</td>
<td>10</td>
</tr>
<tr>
<td>Minimum Distance to property line (ft)</td>
<td>50</td>
</tr>
<tr>
<td>Minimum Distance to street or public way (ft)</td>
<td>10</td>
</tr>
</tbody>
</table>

Toxic Materials

According to IFC (Chapter 2 under toxic) Toxic materials are classified according to timed animal exposure. In order to classify a material as toxic it must fall within 1 or more of the 3 guidelines.

1. Has a median lethal dose (LD50) of more than 50mg/kg, but not more than 500 mg/kg, by body weight of rat (orally administered).
2. A median lethal concentration (LC50) in air of more than 200ppm, not more than 2000ppm, of gas vapor, or more than 2mg/L, but not more than 20mg/L of mist, fume or dust, with continuous inhalation for 1hr for rats
3. A median lethal dose (LD50) of more than 200mg/kg, but not more than 1000mg/kg, of body weight with continuous skin contact for 24hrs for rabbits.

**Highly Toxic Materials**

According to IFC (Chapter 2 under highly toxic) Highly Toxic materials are classified according to timed animal exposure. In order to classify a material as Highly Toxic it must fall within 1 or more of the 3 guidelines.

1. Has a median lethal dose (LD50) of more than 50mg/kg, or less by body weight of rat (orally administered).
2. A median lethal concentration (LC50) in air of more than 200ppm or less of gas vapor, or more than 2mg/L or less of mist, fume or dust, with continuous inhalation for 1hr for rats.
3. A median lethal dose (LD50) of more than 200mg/kg or less of body weight with continuous skin contact for 24hrs for rabbits.

**Outdoor Storage in amounts exceeding the maximum allowable quantity per pile**

5004.2 Spill control and secondary containment for liquid and solid hazardous waste. Rooms, buildings or areas used for storage of liquid or solid shall be provided with spill control and secondary containment in accordance with 5004.2.1-5004.2.3

5004.2.1. Spill control for hazardous material liquids. Rooms, buildings or areas used for the storage of hazardous material liquids in individual vessels having a capacity of more than 55 gallons, or in which the aggregate capacity of multiple vessels exceeds 1000 gallons shall be provided with spill control to prevent the flow of liquids to adjoining areas.

Floors in indoor locations and similar surfaces in outdoor location shall be constructed to contain a spill for the largest single vessel by one of the following methods.

1. Liquid tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid tight floors in indoor locations or similar areas in outdoor locations provided with liquid tight raised or recessed sills or dikes.
3. Sumps and collection systems
4. Other approved engineered systems.

5004.2.2.4. Outdoor design. Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24 hour rainfall as determined by a 25 year storm and provisions shall be made to accumulations of groundwater and rain water.

5004.2.2.5. Monitoring. An approved monitoring method shall be provided to detect hazardous materials in the secondary containment system. The monitoring method is allowed to be visual inspection of the primary or secondary containment, or other approved means. Where secondary containment is the subject to the intrusion of water, a monitoring method for detecting water shall be provided.
Containment calculation

Class 1 A-total of 2200 gallon storage
12' x 12' x 4" containment with 2 piles with 1100 gallons storage separated by at least 5'

Class 1 B-total of 8500 gallon storage
15' x 32' x 4" containment with 4 piles with 2200 gallons storage each separated by at least 5'

Class 1 C-total of 8800 gallon storage
15' x 32' x 4" containment with 2 piles with 4400 gallons storage separated by at least 5'

Class 2-total of 8800 gallon storage
12' x 20' x 4" containment with 1 pile with 3500 gallons storage

Class 3-total of 8250 gallon storage
12' x 30' x 4" containment with 1 pile with 8250 gallons storage

Corrosives-total of 27,500 gallon storage
20' x 50' x 4" containment with 1 pile with 100 totes

28% HCl storage in Lined Frac Tank (21000 gal)
55' x 55' x 1' leveled area lined/welded with HDPE to fully contain tank (22,627 gal)
Phase II

THATCHER COMPANY, INC.
3111 Bloomfield Hwy.
Farmington, NM 87401
Telephone 801-972-4587
Fax 801-972-4606

Process Description – 3111 Bloomfield Hwy, Farmington, New Mexico

The HCl transloading process in Farmington, New Mexico will be comprised of the following safety and loading equipment:

• Thatcher HCl transloading facility:

  Thatcher is planning to install a containment structure for storage of two (2) HCl storage tanks and two - four (2-4) solvent tanks. Product will be transferred from tank trailers to the storage tanks using the best available technology (BAT). Material from the storage tanks will be loaded along with additives as required by our customers on a case by case basis. The permanent secondary containment structure will be designed to hold 110% of the largest tank.

  The containment structure will also contain one or more HCl pumps, solvent pumps, level controllers and alarms, a scrubber for collection of fugitive emissions, an air compressor and air dryer, lighting, catwalk and loading platforms.

• Recirculation / Recovery Scrubber unit

  The recirculation / recovery scrubber unit selected for our HCl transloading process will collect and return product to a scrubber sump tank using either a high energy venturi or packed bed scrubber. This unit increases the process efficiency by enhancing process conversion and reducing waste. The recovery unit operation is integrated with that of the sump tank to capture fugitive emissions during the transloading of HCl.

For our initial start-up activity (5-6 months while permanent structure is built), we will use a 21,000-gal lined acid tank for storage of HCl, along with an integrated loadout/scrubber transloader, both placed upon containment pads.
• Truck scale

Thatcher will employ a truck scale to measure for trade all finished products, HCl, solvents and raw materials. The scale will be installed and maintained per local regulations. All trucks will be scaled in and out upon arrival and after loading. A tare, gross and net weight will be kept for each transaction.

• UL-142 Solvents

Thatcher will install the solvent tanks within regulations as listed in the UL-142 code employing grounding and loading provisions therein. All tanks, piping and loading/unloading facilities for solvent tanks will be properly grounded.

• Warehousing facilities

Thatcher will store and warehouse raw materials and finished products in drums and totes as required to manufacture and provide customer sales. All products will have SDS available and be stored in provisions as required by code.

• Polymer Transloading

Thatcher will be storing and transloading polymer at this facility...bulk loads in and bulk loads out. We will likely have 5-21,000 gal Frac tanks in use for this nonhazardous material.
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. SUP 19-08 - a request from Joel Hunt with Thatcher Construction, represented by Nathan Bernal, for a conditional use permit to allow for the construction of a new industrial facility, located at 3111 Bloomfield Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NW1/4 of Section 23, Township 29 North, Range 13 West, NM P.M., in the City of Farmington, San Juan County, New Mexico, described as follows:

Otherwise located at 3111 Bloomfield Highway

Petition No. SUP 19-12 - a request from Francisco Gutierrez for a zone change from DC, General Commercial, to MU, Mixed Use, to allow for residential units to continue and to allow for new residential construction for property located at 849 W. Murray Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SE1/4SW1/4 of Section 15, Township 29 North, Range 13 West, NM P.M., San Juan County, New Mexico, otherwise known as 849 E. Murray Drive

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978Compilation, 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, March 14, 2019, at 6:00 p.m., in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, March 26, 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. SUP 19-08

February 20, 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 Joel Hunt with Thatcher Chemical, represented by Nathan Bergal, for outside storage of hazardous materials for property located at 3111 Bloomfield Highway, in the IND, Industrial District, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NE/4NE/4 of Section 23, Township 29 North, Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, Book 1638, page 196.

Otherwise known as 3111 Bloomfield Highway

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, March 14, 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 26, 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 Helen Landaverde at 505-599-1282 or hlandaverde@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:

That part of the Northeast Quarter of the Northeast Quarter (NE/4NE/4) of Section Twenty-Three (23) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, described as follows:
BEGINNING at a point in the South line of State Highway No. 17, which point is South 89°47' East 1866.4 feet and South 40 feet from the Northwest corner of the NE/4 of said Section 23;
THENCE South 89°47' East 208.2 feet along the said South line of State Highway No. 17;
THENCE South 623 feet;
THENCE South 82°33' West 200.8 feet;
THENCE North 651 feet to the point of beginning;
EXCEPT, HOWEVER, that part conveyed to the State Highway Commission of New Mexico as recorded in Book 589, page 196 of the Records of said County, described as follows:
BEGINNING at a point for the Northeast corner of the property of the Grantee, a point on the present (1964) Southerly right of way line of State Road 17, from which point the Northeast corner of Section 23
forms North 87°06'43" East a distance of 568.49 feet;
THENCE Westerly along the present (1964) Southerly right of way line of State Road 17 a distance of
210.43 feet to the Northwest corner of the property of Grantee;
THENCE Southerly along the Westerly line of said property a distance of 19.96 feet to a point on the
Southerly right of way line of NMP F-033-2(6) San Juan County, New Mexico;
THENCE South 89°02' East along said Southerly right of way line 210.3 feet to a point on the Easterly
line of the property of the Grantee;
THENCE Northerly along said Easterly property line 19.48 feet to the point of beginning.

TRACT 1
Thatcher Company, Inc
1905 Fortune Road
Salt Lake City, UT 84104

That part of the NE/4NE/4 of Section 23,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.

Book 1638, page 196

TRACT 2
William F. Clark
P.O. Box 1979
Farmington, NM 87499

That part of the NE/4NE/4 of Section 23,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.

Book 1549, page 426

TRACT 3
GO International Inc.
Assessed as Gearhart Industries Inc.
P.O. Drawer 1431
Duncan, OK 73536

That part of the SE/4SE/4 of Section 14,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.

Book 720, page 551
TRACT 4
San Juan College
4601 College Boulevard
Farmington, NM 87401

That part of the SE/4 of Section 14, Township 29
North, Range 13 West, N.M.P.M., San Juan
County, New Mexico.

Book 1625, page 863

TRACT 5
James Tabet
10110 East Paradise Drive
Scottsdale, AZ 85260

That part of the NE/4NE/4 of Section 23,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.

Book 1499, page 1

TO: January 18, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstractor
The Planning and Zoning Commission met in a regular session on February 28, 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
Ryan Brown
Shay Davis
Kristin Langenfeld
Wayne Mangum
Mitchell Sewell
Cody Waldroup

P&Z Members Absent: Joyce Cardon
Elizabeth Lockmiller
Cheryl Ragsdale

Staff Present: Gary Leikness
Toni Sitta
David Sypher
Karen Walker

Others Who Addressed the Commission: Mike Atchison
Richard Hodges
Denny Krivokapich

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 Waldroup and seconded by Commissioner Mangum to approve the minutes of the February 14, 2019 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.
**Election of Officers**
A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to elect Joyce Cardon as the Planning & Zoning Chair. The vote was 7-0.

A motion was made by Commissioner Davis and seconded by Commissioner Brown to elect Clint Freeman as the Planning & Zoning Vice Chair. The vote was 7-0.

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

---

**CONSIDERATION & RECOMMENDATION**

**ZC 19-06**

**RE-20, Residential Estate, to GC, General Commercial**

**West Main Street, north of the intersection of W. Apache Street**

**Planning & Zoning Commission Discussion of Petition ZC 19-06 on February 28, 2019**

Planning Manager Gary Leikness presented the staff report for ZC 19-06, a request from the City of Farmington to rezone 6.13 acres from RE-20, Residential Estate to GC, General Commercial for property located south along West Main Street and north of the intersection of West Apache Street and Westland Park Drive.

Mr. Leikness displayed a map for the Commissioners and explained the location of the property. The land owners are requesting a GC zoning for the entire property.

The split zoning resulted from a past annexation where the boundary lines became confused, said Mr. Leikness. The result of the annexation was two zones that were unintended. The City saw this as an opportunity to correct something that needed correcting. The Director of Community Development initiated the zone change request.

To the north is GC and RE-20. To the south is LNC, Local Neighborhood Commercial, MF-M, Multi-family Medium Density, and some GC.

The request has been reviewed against the criteria for rezoning. It is compatible with the Comprehensive Plan. The property will be required to be screened and protected when it comes through for development at a future date.
Letter D in the Staff Report states, “Is the proposed density and intensity of use permitted in the proposed zoning district?” The zone change for GC offers a wide range of commercial land uses. We have no specific proposal associated with this zone change, said Mr. Leikness.

It has adequate public facilities and services, and the proposed zone change does not constitute a spot zone. There were no comments from other staff members.

Staff concludes that the requested ZC 19-06 meets all six required criteria for approval. Community Development recommends approval.

Commissioner Davis asked for clarification as to why the City is the representative on this zone change. Mr. Leikness said the UDC, Unified Development Code, allows for the City to initiate rezoning on a property with the consent of the land owners.

Acting Chair Freeman asked for clarification on why during the annexation this section of property next to Main Street was zoned as residential rather than GC. Mr. Leikness explained that during annexation, the intent was to have everything north of West Main as RE-20. Everything south of West Main was to be GC. He explained that the boundary for the annexation line was supposed to be the same as the zoning line. Mr. Leikness confirmed that the rezoning is a correction of the zoning lines.

Commissioner Waldroup asked why the property to the northwest, which is also zoned RE-20, is not being corrected as well. Mr. Leikness said rezoning for that property has not been initiated for this petition. There is a fire station and park land in that area and there is not a need to rezone.

Commissioner Davis asked if the City was paying for the rezoning. Mr. Leikness said the property owner provided information from the title company and the City waved the application fee.

Mike Atchison, 7560 Hwy. 64, Blanco, is one of the property owners for this petition, and said he appreciates what the City has done with the zone change.

Denny Krivokapich, 4102 Skyline Drive, is also a property owner for this petition. He is in agreement with the zone change.

Ron Kronig, 401 Cerrillos Drive, said he owns property across Main Street from the property that is being rezoned. He said he recently inherited the property and said it should also be
zoned GC. He asked why his property was not included in the zone change. Mr. Leikness said the property across Main Street does not call for GC in the Comprehensive Plan.

Denny Krivokapich said he was curious as to why the north side of West Main was not also zoned GC. Acting Chair Freeman tried to explain the Comprehensive Plan to Mr. Krivokapich.

David Sypher, Public Works/Community Development Director, noted that the Comprehensive Plan is in the process of being updated. That process will take approximately 18 months.

Mr. Krivokapich expressed an interest in rezoning his property to GC. Commissioner Waldroup asked the City to make sure the property to the north of Main Street is zoned correctly.

Richard Hodges, 65 Casa Linda Court, said he has lived in the area for 30 years and would like to know what will happen to the property. Mr. Hodges said the property has a large ditch and several large trees. Acting Chair Freeman said currently there is not a clear answer on what the plan is for the property.

**Planning & Zoning Commission Action of Petition ZC 19-06 on February 28, 2019**

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to approve Petition ZC 19-06, a request from the City of Farmington to rezone 6.13 acres from RE-20, Residential Estate to GC, General Commercial for property located south along West Main Street and north of the intersection of West Apache Street and Westland Park Drive.

AYE: Acting Chair Freeman, Commissioners Brown, Davis, Langenfeld, Mangum, Sewell, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Lockmiller, and Ragsdale.

**Motion passed 7-0**

**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 noted that SUP 18-100, a request from David Kasnoff with Halliburton, represented by Vade Hollingsworth for property located at 3250 Southside River Road stayed on consent at the February 26, 2019 City Council meeting.

Adjournment: With no further business and a motion by Commissioner Mangum and seconded by Commissioner Sewell, the Planning and Zoning Commission meeting of February 28, 2019 was adjourned at 3:28 p.m.

____________________________    _____________________________
Clint Freeman        Karen Walker
Acting Chair         Administrative Assistant