

**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
  - a. Hazardous Materials General Provisions chapter
  - 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.

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 permitting 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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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  
Acting Chair



Karen Walker  
Administrative Assistant

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