

MINUTES**PLANNING & ZONING COMMISSION****March 14, 2019**

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

P&Z Members Present:

Vice Chair-Clint Freeman
 Ryan Brown
 Kristin Langenfeld
 Joseph Mangum
 Cody Waldroup

P&Z Members Absent:

Joyce Cardon
 Shay Davis
 Elizabeth Lockmiller
 Cheryl Ragsdale
 Mitch Sewell

Staff Present:

Gary Leikness
 Toni Sitta
 David Sypher
 Karen Walker

Others Who Addressed the Commission:

Nathan Bergal

Call to Order

Vice 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 28, 2019 P&Z Meeting. This motion was approved unanimously by a 5-0 vote.

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 19-08****Special Use Permit for outside storage of hazardous materials****3111 Bloomfield Highway****Planning & Zoning Commission Discussion of Petition SUP 19-08 on March 14, 2019**

Planning Manager Gary Leikness presented the staff report for SUP 19-08, a request from Joel Hunt with Thatcher Company, represented by Nathan Bergal, for outside storage of hazardous materials for property in the IND, Industrial District located at 3111 Bloomfield Highway.

Mr. Leikness said the storage of hazardous materials is only allowed in the IND District with a Special Use Permit. The Comprehensive Plan designates the subject property as IND.

Housing is approximately 369 - 644 feet southwest of the subject property. Those are the closest residents.

Mr. Leikness noted a map of the Comprehensive Plan on page 4 of the Planning & Zoning Agenda Book.

The applicant, Thatcher Company, would like to relocate their operations and inventory from Aztec to 3111 Bloomfield Highway. Thatcher Company intends to store chemicals and distribute materials to customers.

Site security is a big issue and the property is fenced with a 6-foot to 8-foot tall chain link fence around the property. The yard area will be locked during non-operation hours and will be monitored during operation hours.

An analysis of the criteria is provided on page 9 of the Agenda Book. As for the effect on the environment, Thatcher Company needs to adhere to the City building codes, fire codes, and engineering standards, as well as other agencies. It is not expected that the proposed use will cause detriment or injury to the public or adjacent properties in the surrounding area. On page 10 of the Agenda Book, under 'External impacts minimized', if conditions are followed, there should not be a problem.

Under 'Consistency with the UDC and Comprehensive Plan', the subject property is designated as Light Industrial.

Staff concludes that the required submission of building plans, which are consistent with all of the City's current building and fire agency permits, for review and approval prior to any site improvements, and adhering to best management practices will minimize any potential negative impacts on existing uses in the area.

Staff 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 listed in the Agenda Book.

Commissioner Mangum asked what the history was for the subject property. Mr. Leikness said it was IND and was used for chemical storage in the past.

Commissioner Freeman asked if the property has changed owners. Mr. Leikness said it was previously owned by Baker Hughes Process and Pipeline Services.

Commissioner Waldroup asked if the engineering plans in the Agenda Book have been approved by an engineer. Mr. Leikness said the plans must be submitted with the building permit. He did not know if the plans have been finalized.

Nathan Bergal, 1811 NM 170, represents Thatcher Company. The company is a family owned chemical company from Salt Lake City, UT. It has been in Aztec for the last 4 years. The company needs more space and would like to move from Aztec to the location on Bloomfield Highway. Currently, only offices are located at the Bloomfield Highway location, said Mr. Bergal.

Vice Chair Freeman asked if Thatcher Company has had any reports from the EPA, Environmental Protection Agency. Mr. Bergal said there have not been any reports.

Mr. Bergal said an engineering group in Salt Lake City has reviewed the conditions and they do not foresee any problems. Mr. Bergal said the company stores hazardous corrosive, and flammable materials, but all chemicals are in proper containers. The company wishes to be good stewards and good neighbors, said Mr. Bergal.

Commissioner Brown asked if any other security measure will be used. Mr. Bergal said the fence has wire on top and the company has discussed using cameras in the future.

Planning & Zoning Commission Action of Petition SUP 19-08 on March 14, 2019

A motion was made by Commissioner Waldroup and seconded by Commissioner Mangum to approve Petition SUP 19-08, a request from Joel Hunt with Thatcher Company, represented by Nathan Bergal, for outside storage of hazardous materials for property in the IND, Industrial District located at 3111 Bloomfield Highway with the following 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.
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, 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.

AYE: Vice Chair Freeman, Commissioners Brown, Langenfeld, Mangum, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Davis, Lockmiller, Ragsdale and Sewell.

Motion passed 5-0

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: There was no business from Staff.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Langenfeld, the Planning and Zoning Commission meeting of March 14, 2019 was adjourned at 3:16 p.m.



Clint Freeman
Vice Chair



Karen Walker
Administrative Assistant

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