

A G E N D A
CITY OF AZTEC
CITY COMMISSION WORKSHOP
February 27, 2018
201 W. Chaco, City Hall
5:00 p.m.

5:30-6:00 p.m.

Clean Water State Revolving Fund 09 Wastewater Treatment Plant

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

Note: A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

Staff Summary Report

MEETING DATE:	February 27, 2018
AGENDA ITEM:	WORKSHOP
AGENDA TITLE:	CWSRF 09 Wastewater Treatment Plant Loan

ACTION REQUESTED BY:

ACTION REQUESTED:	No action; discussion
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

Wastewater Plant Loan Proceeds:	\$5,000,000
Wastewater Plant Loan Balance:	\$3,233,766 (as of 1/2018, 12 years remaining on loan)
Current Loan Term:	20 years
Interest Rate:	2%
Interest Over Life of Loan:	\$1,115,671.81 (includes administrative fee)
Annual Payment:	\$ 305,783.59 (first payment June 2010)
Debt Service Reserve:	\$ 305,783.59 (equal to one annual payment)
R&R Reserve:	\$ 250,000.00 (5% of loan proceeds)
Prepayment Restrictions:	None
Interest Paid on Loan to date:	\$ 680,034.54

NMED has advised the City has an opportunity to refinance this loan. EPA is offering interest rate of 1.2%. Refinancing fee is 2% of loan proceeds or \$64,675.32 and is payable within two weeks of the execution of the amended loan agreement. City will have the ability to prepay loan at any time during the term of the loan.

Loan Term:	12 years
Interest Rate:	1.2%
Interest on Refinanced Loan:	\$ 257,747.95 (includes administrative fee)
Total Interest (Original & Refinance)	\$ 937,782.49
Interest Savings Result of Refinance:	\$ 113,214.01 (net of refinancing fee)
Annual Payment:	\$ 290,959.48
Prepayment Restrictions:	None

Interest Rate on Investments NM Local Government Investment Pool (LGIP as of 2/7/18):	1.292%
Interest Rate on Investments (One Year CD Citizens Bank as of 1/24/18):	1.35%

A G E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
February 27, 2018
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NEW MEXICO PLEDGE

I Salute The Flag Of The State Of New Mexico And The Zia Symbol Of Perfect Friendship Among United Culture's.

V. ROLL CALL

VI. AGENDA APPROVAL

VII. CITIZEN RECOGNITION

VIII. EMPLOYEE RECOGNITION

IX. CONSENT AGENDA

- A. Commission Workshop Meeting Minutes February 13, 2018
- B. Commission Meeting Minutes February 13, 2018
- C. Agreement for Mosquito Control with San Juan County
- D. Volunteer Firefighters Annual PERA Reporting
- E. RFP 2018-632 City Attorney Contract Award
- F. Resolution 2018-1075 Surplus

Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "items from Consent Agenda"

X. ITEMS FROM CONSENT AGENDA

XI. CITIZENS INPUT (3 Minutes Maximum)

(Citizens who wish to speak will sign up prior to the meeting. This is for items not otherwise listed on the agenda)

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XII. LAND USE HEARING

- A. 2017 Hilcorp Inc. Drill Site Permit
- B. ZC (OLZ) 18-01 North Main Overlay Zone District, City of Aztec

XIII. BUSINESS ITEMS

- A. Intent to Adopt Ordinance 2018-469 Amending Chapter 26 Land Use Regulations, Article II Zone District and Overlay Regulations to Include the North Main Overlay Zone District
- B. Final Adoption of Ordinance 20-468 Amending Chapter 26, Sections 2-56, 2-66, and 2-76 Eliminating Certain Conditional Use Requirements for Offices In the O-1 District and Personal Services in the C-1 And C-2 District.

XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XV. DEPARTMENT REPORTS

(When this item is announced, all Department Heads who wish to give a report will move to the podium)

XVI. ADJOURNMENT

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

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1 CITY OF AZTEC
2 WORKSHOP MEETING MINUTES
3 February 13, 2018
4

5 **I. CALL TO ORDER**

6 Mayor Burbridge called the Workshop to order at 5:05 pm at the Aztec
7 City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
8

9 MEMBERS PRESENT: Mayor Sally Burbridge; Commissioner Austin
10 Randall; Commissioner Sheri Rogers;
11 Commissioner, Katee McClure
12

13 MEMBERS ABSENT: Mayor Pro-Tem Sipe
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15 OTHERS PRESENT: Interim City Manager Steve Mueller; City
16 Attorney Larry Thrower; Community
17 Development Director Steven Saavedra;
18 Project Manager, Ed Kotyk; City Clerk, Karla
19 Saylor
20

21 **A. North Main Overlay**
22

23 Mayor Burbridge called the meeting to order at 5:05 pm and mentioned that this
24 is for discussion on North Main Overlay. Community Development Director Steven
25 Saavedra mentioned that this was presented to commission in 2017 and is now being
26 brought back to commission to get direction so it can go to commission for approval
27 possibly on the next commission meeting. He mentioned that Russell Engineering
28 created the original designs and there have been some edits done to them. Steven
29 mentioned that the North Main Overlay is intended to provide standards that encourage
30 development of an active, pedestrian oriented retail and mixed use district. The Overlay
31 affects only C1 zoned parcels meaning that there might need to be a discussion about
32 needing to rezone the agricultural parcels to C1 zones. Steven reviewed with
33 commission the jurisdiction and the allowed uses. There was review of conditional uses
34 prohibited uses and general design principles, street network design principles, parking,
35 landscaping and architectural standards. Commissioner McClure asked is there could
36 be residential allowed in the NMOD and Steven stated that it is allowed in C1 districts
37 now but that it is restricted in the overlay. Mayor Burbridge asked is metal buildings
38 were allowed and Steven said no because they do not meet the architectural standards.
39 There was discussion on the types of signage for the project. EDAB Member John
40 Faverino and land owner mentioned that he liked the restriction for the types of
41 businesses and the architectural standards proposed for the NMOD.
42

43 **B. Clean Water State Revolving Fund 21 Sewer Outfall Line Loan**
44

45 Mayor Burbridge pulled from agenda.
46

1 **II. ADJOURNMENT**

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3 Moved by Mayor Burbridge to adjourn the meeting at 5:55 p.m.

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Mayor, Sally Burbridge

11 ATTEST:

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14 _____
Karla Sayler, City Clerk

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16 MINUTES PREPARED BY:

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19 _____
Karla Sayler, City Clerk

1 CITY OF AZTEC
2 COMMISSION MEETING MINUTES
3 February 13, 2018
4

5 **I. CALL TO ORDER**

6 Mayor Sally Burbridge called the Meeting to order at 6:02 pm at the Aztec City
7 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
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9 **II. INVOCATION**

10 The Invocation was led by Commissioner Austin Randall
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13 **III. PLEDGE OF ALLEGIANCE**

14 The Pledge of Allegiance was led by Commissioner Sheri Roger's
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17 **IV. NEW MEXICO PLEDGE**

18 The New Mexico Pledge was led by Commissioner Sheri Roger's
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21 **V. ROLL CALL**

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23 Members Present: Mayor Sally Burbridge; Commissioner Austin Randall;
24 Commissioner Sheri Rogers; Commissioner Katee
25 McClure
26

27 Members Absent: Mayor Pro-Tem Sipe
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29 Others Present: City Attorney Larry Thrower; City Clerk Karla Saylor;
30 Project Manager Ed Kotyk (see attendance sheet)
31

32 **VI. AGENDA APPROVAL**

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34 MOVED by Commissioner Randall, SECONDED by Commissioner Katee
35 McClure to Approve the Agenda
36

37 All Voted Aye; Motion Passed Four to Zero
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39 **VII. PRESENTATION**

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41 Aztec Museum Report Activities Report 2017/ Plans 2018
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43 Michelle Lindsey presented for the Aztec Museum Association. She mentioned
44 that they applied for a grant from the NM Historical Society and they received \$7,865.00
45 which allowed them to digitize over 9000 records. They received a grant from the City of
46 Aztec which allowed them to extend their 2017 season by 1 month and they were also

47 able to do some major repairs on the building. She mentioned that in 2017 they had
48 2334 visitors which is down from previous years because of closures due to
49 construction. They completed numerous projects; Facebook and Trip advisor reviews
50 are good and increasing.

51
52 Brian Hagarty provided the financial review. He mentioned that it costs about
53 \$250 a day to run the facility when they are open and \$100 to run when they are closed.
54 He mentioned that they usually have about an \$18,000 deficit a year. He mentioned that
55 this year they would be requesting \$20,000 from the City of Aztec to continue
56 improvements, to help improve quality of life in community and improve tourism. The
57 museum wants to create more revenue.

58
59 Michelle finished the presentation by thanking the City of Aztec for the past grant
60 awards and support for building and ground maintenance. She mentioned that the goals
61 for next year are to increase programming, increased visitor experience, extend business
62 days and hours.

63
64 **VIII. CITIZEN RECOGNITION**

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66 None

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68 **IX. EMPLOYEE RECOGNITION**

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70 Chief Mike Heal swore in new Police Officer Matthew Bedonie. He introduced
71 newly appointed Corporal William Anderson and his wife Mia Anderson.

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74 **X. CONSENT AGENDA**

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76 MOVED by Commissioner Randall, SECONDED by Commissioner Rogers to
77 Approve the Consent Agenda as given

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79 A. Commission Workshop Meeting Minutes January 23, 2018
80 B. Commission Meeting Minutes January 23, 2018
81 C. Resolution 2018-1074 Surplus

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83 All Voted Aye: Motion Passed Four to Zero

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86 **XI. ITEMS FROM CONSENT AGENDA**

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88 None

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91 **XII. CITIZENS INPUT**

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None

XIV. BUSINESS ITEM

A. Clean Water State Revolving Fund 21 (CWSRF) Outfall Line Loan Closing

Kathy Lamb, Finance Director explained that the construction was completed several months ago. Kathy mentioned that the loan paperwork has be filed to close the loan which the closing date was January 8, 2018. Kathy mentioned that in the process NMED advised that through a rural change and some changes in regulations within the EPA which is the funding agency for this loan there were some opportunities for the City one being that the EPA had lowered the interest rates that NMED changed how they were calculating income for the community and also extended the terms of the loan length. The original terms were 3% for 20 years and the new terms are 1.2% for up to 30 years on the loan. She mentioned that the discussion during the workshop it was determined that the City would go with the 30 year term with the understanding that this loan can be prepaid at any time without any penalties and extra payments can be made at any time. Kathy mentioned that this loan is secured by the net utility revenues and the savings with the new terms is approximately \$500,000.

MOVED by Commissioner Rogers, SECONDED by Commissioner Randall to Approve Clean Water State Revolving Fund 21 Outfall Line Loan Closing

All Voted Aye: Motion Passed Four to Zero

XV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Mayor Burbridge mentioned that she had an invitation for the San Juan County Office of Emergency Management Homeland Security Orientation on March 14th and said she would extend it to anyone who is interested.

Commissioner Rogers mentioned that it was nice to attend the Municipal Day conference and also touch base with our senators and representatives on the arterial route. She mentioned that they were already ahead of us and had already insured that the funds were guaranteed to move onto this next year. She said they were all very receptive and supportive. She mentioned that she stayed for the PNM hearing which failed but now there is an alternative.

Commissioner McClure mentioned that early voting begins February 14th and runs through March 2nd and reminded people to get out and vote.

131 City Attorney, Larry Thrower mentioned that he would be out of town on February
132 22-24 for a seminar in Albuquerque.

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134 **XVI. DEPARTMENT REPORTS**

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136 Judge Gray mentioned that the House Bill for automation fees will be going on
137 the house floor which will increase fees from \$6 to \$10.

138

139 Senior Center Director, Cindy Iacovetto mentioned the Streamer's and Dreamers
140 event will be on February 24th and invited everyone to attend. She mentioned that they
141 got new carpet and thanked the General Services Department for their help.

142

143 Community Development Director, Steven Saavedra mentioned that the MRA
144 study is still taking place and are looking for suggestions and input. Steven said that it is
145 better to get ideas now instead of later.

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148 **XVII. ADJOURMENT**

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150 Moved by Mayor Burbridge, **SECONDED** by Commissioner Austin Randall to
151 adjourn the meeting at 6:45 p.m.

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Mayor, Sally Burbridge

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ATTEST:

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Karla Saylor, City Clerk

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MINUTES PREPARED BY:

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Sherlynn Morgan, Administrative Assistant

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Staff Summary Report

MEETING DATE:	February 27, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (C)
AGENDA TITLE:	San Juan County Agreement for Mosquito Control

ACTION REQUESTED BY:	City Manager
ACTION REQUESTED:	Approve Agreement for Mosquito Control
SUMMARY BY:	Sherlynn Morgan

PROJECT DESCRIPTION / FACTS

The City will purchase chemicals for mosquito control and the County will spray the chemicals as directed. The City will purchase 7 (seven) 55 gal drums of BVA 13 Formulating Oil, 30 (thirty) gallons of Biomist 30+30 ULV, and 30 (thirty) gallons of Fyfanon ULV (Malathion 95%) or equivalent for the 2018 season.

This agreement is for 1 (one) year from: January 1, 2018 – December 31, 2018.

SUPPORT DOCUMENTS:	Agreement for Mosquito Control
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DEPARTMENT'S RECOMMENDED MOTION:	Move to Approve the Agreement for Mosquito Control
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Margaret McDaniel
Chairman

Jack L. Fortner
Chairman Pro Tem

John T. Beckstead
Member

Wallace Charley
Member

Jim Crowley
Member



100 South Oliver Drive
Aztec, New Mexico 87410-2432
Phone: (505) 334-9481 Fax: (505) 334-3168
www.sjcounty.net

Mr. Kim J. Carpenter
County Executive Officer

February 7, 2018

Steve Mueller, Interim City Manager
City of Aztec
201 W. Chaco
Aztec, NM 87410

RE: Letter Agreement for Mosquito Control

Dear Mr. Mueller:

This will confirm that San Juan County ("County") and the City of Aztec ("City") have entered into an agreement for mosquito control. The City will purchase chemicals for mosquito control and the County will spray the chemicals as directed by the City. Specifically, the City will purchase 7 (seven) 55 gal drums of BVA 13 Formulating Oil, 30 (thirty) gallons of Biomist 30 + 30 ULV, and 30 (thirty) gallons of Fyfanon ULV (Malathion 95%) or equivalent for the 2018 season.

In exchange for spraying the chemicals, the County may retain approximately half of the purchased chemicals for its own use. This agreement will begin January 1, 2018 and will terminate after one year, unless terminated sooner by either party.

If this letter agreement is acceptable, please sign below and return one (1) original to the San Juan County Legal Department, 100 S. Oliver, Aztec NM 87410.

Sincerely,

Kim J. Carpenter
County Executive Officer

CITY OF AZTEC

By: _____
Steve Mueller, Interim City Manager

cc: Fran Fillerup, San Juan County Public Works Administrator

APPROVED AS TO FORM
SAN JUAN COUNTY ATTORNEY

Staff Summary Report

MEETING DATE: February 27, 2018

AGENDA ITEM: IX. CONSENT AGENDA (D)

AGENDA TITLE: Volunteer Firefighters Annual PERA Report

ACTION REQUESTED BY: Kevin Simpson, Fire Chief

ACTION REQUESTED: Approve the Mayor's Signature on the Volunteer Firefighters Annual PERA Report

SUMMARY BY: Karla Saylor

PROJECT DESCRIPTION / FACTS

- All affiliated Certified Volunteer Firefighter Departments must submit all required reports to the Public Employees Retirement Association by March 31, 2018 (deadline set by State Statute)
- The attached report shows the number of members with prior service reported for the year =10; New Member Enrollments=0; totaling 10 member volunteer firefighters reported for the year.

SUPPORT DOCUMENTS: 1) Reporting Guidelines
2) Volunteer Firefighters Annual Report Form

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Mayor's Signature on the Volunteer Firefighters Annual Report

Staff Summary Report

MEETING DATE:	February 27, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (E)
AGENDA TITLE:	RFP 2018-632 City Attorney Contract Award

ACTION REQUESTED BY:	Finance Department
ACTION REQUESTED:	Approval to Award City Attorney Contract
SUMMARY BY:	Kris Farmer

PROJECT DESCRIPTION / FACTS

- The current City of Aztec Municipal Legal Services agreement with Larry Thrower will expire on February 28, 2018.
- A Request for Proposal (RFP) was issued in December 2017. Through the proposal evaluation process, Larry T. Thrower was determined to be the most qualified and experienced to provide legal services to the City. Scope of services to be provided are identified in Exhibit 1 and compensation is included as Exhibit 2 in the contract.

PROCUREMENT / PURCHASING

- Issued a formal Request for Proposal – RFP 2018-632 Municipal Legal Services on December 20, 2017. Proposals were opened on January 18, 2018.
- Three proposals were received and evaluated. Proposals were received from Risley Law Firm, Larry T. Thrower, and Tucker Burns & Hatfield Law Firm. The evaluation committee included Chief of Police, Community Development Director, Utility Administration MVD Director and the Project Management Director. Proposal Evaluation summary is attached.
- The evaluation committee recommended approval of the Professional Services Contract to Larry T. Thrower in the amount of \$5,216 (includes tax)/monthly retainer fee.
 - Any additional in-house time over 40 hours a month will be billed at \$172/hr.
 - This amount reflects an increase of 4.2% from previous years.
- Mr. Thrower will continue to be available at City Hall Commission Room every Wednesday from 1:00 pm to 3:00 pm for City business and to meet with Department Heads and Staff as needed.
- If approved, the new contract will become effective March 1, 2018, for a term of one (1) year and will be subject to renewal for three (3) additional one-year terms. Under the terms of Section 13-1-50, NMSA contracts may be subject to extension not to exceed four (4) years.

FISCAL INPUT / FINANCE DEPARTMENT

- **\$62,592.00** yearly including tax (base contract). Hours over 40 per month will be billed at **\$172.00**.
- The FY18 budget includes sufficient funds to meet this contractual obligation to June 30, 2018 and the FY19 Preliminary budget includes funds for the remaining obligation of the contract and 1st year renewal.

SUPPORT DOCUMENTS: RFP 2018-632 Proposal Evaluation Summary
2018 Professional Services Contract

**DEPARTMENT'S
RECOMMENDED MOTION:** Move to Approve RFP 2018-632 City Attorney Contract Award



**City of Aztec
RFP 2018-632
Municipal Legal Services
Scored Evaluation Tabulation**

Evaluation Criteria>

**Organizational Experience
Max Points: 500**

**Organizational References
Max Points: 150**

**Qualifications
Max Points: 250**

**Affiliations
Max Points: 50**

Evaluator # >

	1	2	3	4
The Risley Law Firm	100	400	250	500
Tucker, Burns, & Hatfield Law Firm	150	250	200	500
The Thrower Law Firm	400	400	400	500

	1	2	3	4
The Risley Law Firm	50	150	150	150
Tucker, Burns, & Hatfield Law Firm	0	0	0	0
The Thrower Law Firm	150	145	150	150

	1	2	3	4
The Risley Law Firm	100	200	200	250
Tucker, Burns, & Hatfield Law Firm	50	50	125	250
The Thrower Law Firm	200	250	175	250

	1	2	3	4
The Risley Law Firm	10	35	50	10
Tucker, Burns, & Hatfield Law Firm	0	20	50	50
The Thrower Law Firm	40	40	50	50

Evaluation Criteria>

**Cost Proposal
Max Points: 50**

NM Preference

**Score Totals From Each
Evaluator**

**Proposal Evaluation
Score Average**

Evaluator # >

	1	2	3	4
The Risley Law Firm	10	45	30	30
Tucker, Burns, & Hatfield Law Firm	30	10	40	40
The Thrower Law Firm	40	45	50	50

	1	2	3	4
The Risley Law Firm	50	50	50	50
Tucker, Burns, & Hatfield Law Firm	0	0	0	0
The Thrower Law Firm	0	0	0	0

	1	2	3	4
The Risley Law Firm	320	880	730	990
Tucker, Burns, & Hatfield Law Firm	230	330	415	840
The Thrower Law Firm	830	880	825	1000

Rank

591.88	3
668.75	2
883.75	1

**Proposal Evaluation
Score Average
w/o Evaluator 4**

Rank

643.33	2
325.00	3
845.00	1

CITY OF AZTEC

PROFESSIONAL SERVICES CONTRACT #2018-632 MUNICIPAL LEGAL SERVICES

THIS AGREEMENT is made and entered into by and between the **CITY OF AZTEC**, hereinafter referred to as the "City," and **Larry T. Thrower**, hereinafter referred to as the "Contractor," and is effective as of **March 1, 2018**, "Effective Date".

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work.

Contractor agrees to perform the services as set forth in Scope of Services RFP 2018-632 MUNICIPAL LEGAL SERVICES, Exhibit 1, attached hereto, "Services", in a timely manner and in accordance with the terms and conditions of this Agreement and applicable laws. Contractor shall furnish, at its own expense, all labor, transportation, materials, consumables, qualified supervisory personnel, tools, equipment and facilities, to properly perform the Services, except as otherwise provided in the Services.

2. Compensation.

A. For performance and completion of the Services, the City shall pay the Contractor based on Compensation Schedule, Exhibit 2, attached hereto, "Compensation", excluding gross receipts tax. The New Mexico gross receipts tax levied on the amounts payable under this Agreement shall be paid by the City to the Contractor. **The monthly retainer fee payable to the Contractor under this Agreement, including gross receipts tax, shall not exceed \$5,216.00/month, hours in excess of the 40 (included in monthly retainer) will be compensated at \$172.00/hr for the period through February 28, 2019.**

B. Payment is subject to availability of funds pursuant to the Appropriations Paragraph set forth below and to any negotiations between the parties from year to year pursuant to Paragraph 1, Scope of Work, and to approval by the City. All invoices MUST BE received by the City no later than fifteen (15) days after the termination of the Fiscal Year (June 30) in which the services were delivered. Invoices received after such date WILL NOT BE PAID.

C. Contractor must submit a detailed statement accounting for all services performed and expenses incurred. If the City finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception explaining the defect or objection to the services, and outlining steps the Contractor may take to provide remedial action. Upon certification by the City that the services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the City shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.

3. Term.

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY. This Agreement shall terminate on **February 28, 2022, subject to all parties written approval annually**, unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations). In accordance with Section 13-

1-150 NMSA 1978, no contract term for a professional services contract, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

4. Termination.

A. This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the City's sole liability upon such termination shall be to pay for acceptable work performed prior to the Contractor's receipt of the notice of termination, if the City is the terminating party, or the Contractor's sending of the notice of termination, if the Contractor is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor if the Contractor becomes unable to perform the services contracted for, as determined by the City or if, during the term of this Agreement, the Contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of city funds or due to the Appropriations paragraph herein. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE CITY'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

B Termination Management. Immediately upon receipt by either the City or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the City; 2) comply with all directives issued by the City in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the City shall direct for the protection, preservation, retention or transfer of all property titled to the City and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the City upon termination and shall be submitted to the City as soon as practicable.

5. Appropriations.

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City of Aztec for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate immediately upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the City proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

6. Status of Contractor.

The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of city vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax. The Contractor agrees not to purport to bind the

City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. Assignment.

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

8. Subcontracting.

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the City.

9. Release.

Final payment of the amounts due under this Agreement shall operate as a release of the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

10. Confidentiality.

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

11. Product of Service -- Copyright.

All materials developed or acquired by the Contractor under this Agreement shall become the property of the City and shall be delivered to the City no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Contractor.

12. Conflict of Interest; Governmental Conduct Act.

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978. Without in anyway limiting the generality of the foregoing, the Contractor specifically represents and warrants that:

1) in accordance with Section 10-16-4.3 NMSA 1978, the Contractor does not employ, has not employed, and will not employ during the term of this Agreement any City employee while such employee was or is employed by the City and participating directly or indirectly in the City's contracting process;

2) this Agreement complies with Section 10-16-7(A) NMSA 1978 because (i) the Contractor is not a public officer or employee of the City; (ii) the Contractor is not a member of the family of a public officer or employee of the City; (iii) the Contractor is not a business in which a public officer or employee or the family of a public officer or employee has a substantial interest; or (iv) if the Contractor is a public officer or employee of the City, a member of the family of a public officer or

employee of the City, or a business in which a public officer or employee of the City or the family of a public officer or employee of the City has a substantial interest, public notice was given as required by Section 10-16-7(A) NMSA 1978 and this Agreement was awarded pursuant to a competitive process;

3) in accordance with Section 10-16-8(A) NMSA 1978, (i) the Contractor is not, and has not been represented by, a person who has been a public officer or employee of the City within the preceding year and whose official act directly resulted in this Agreement and (ii) the Contractor is not, and has not been assisted in any way regarding this transaction by, a former public officer or employee of the City whose official act, while in City employment, directly resulted in the City's making this Agreement;

4) in accordance with Section 10-16-13 NMSA 1978, the Contractor has not directly participated in the preparation of specifications, qualifications or evaluation criteria for this Agreement or any procurement related to this Agreement; and

5) in accordance with Section 10-16-3 and Section 10-16-13.3 NMSA 1978, the Contractor has not contributed, and during the term of this Agreement shall not contribute, anything of value to a public officer or employee of the City.

C. Contractor's representations and warranties in Paragraphs A and B of this Article 12 are material representations of fact upon which the City relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the City and notwithstanding anything in the Agreement to the contrary, the City may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this Article 12(B).

13. Amendment.

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the City proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article 4 herein, or to agree to the reduced funding.

14. Merger.

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Penalties for violation of law.

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. Equal Opportunity Compliance.

The Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

17. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a San Juan County, New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

18. Insurance

Prior to commencement of the Services, Contractor shall obtain the insurance required by this Agreement and all insurance that may be required under the applicable laws, ordinances and regulations of any governmental authority. Each insurance policy of the Contractor shall provide, either in its printed text or by endorsement, that it shall be primary with respect to the interest of the City, and any insurance maintained by the City is in excess and not contributory to Contractor's insurance policies regardless of any like insurance coverage that the City may have. Contractor shall furnish to City a completed certificate of insurance coverage which references City's project number and project title for the Services and which specifically requires thirty (30) days prior notice to City of cancellation, termination or any material change of any such insurance policy. Review of the Contractor's insurance by City shall not relieve or increase the liability of Contractor. Where applicable, all insurance policies shall provide for waiver of subrogation in favor of the City, include cross liability provisions, and all policies, except Workers' Compensation and professional liability (a/k/a errors and omissions insurance), shall name the City as additional insured.

Without limiting any of the liabilities or other obligations of Contractor under this Agreement, Contractor shall obtain and maintain in effect, at its sole cost and expense, with forms and insurers acceptable to City, until all the obligations under this Agreement are satisfied, insurance policies providing coverage protecting against claims for personal and bodily injury or death, as well as claims for property damage which may arise from operations in connection with the Services whether such operations are by Contractor or any subcontractor for at least the following minimum coverage:

(a) Worker's Compensation Insurance. The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply

with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the City.

(b) Commercial General Liability Insurance, or the equivalent, with a minimum limit of One Million Dollars (\$1,000,000) per occurrence. The policy shall include coverage for bodily injury liability, broad form property damage liability, blanket contractual, Engineer's protective, products liability and completed operations. Where applicable, the policy shall include coverage for the hazards commonly referred to as "XCU." The policy shall be endorsed to include City as an additional insured only to the extent the City is vicariously liable for the negligence, acts or omissions of Contractor.

(c) Business Automobile Liability Insurance, or the equivalent, with limit of not less than One Million Dollars (\$1,000,000) per accident with respect to Contractor's vehicles whether owned, hired, or non-owned, assigned to or used in the performance of any Services required to be performed by Contractor pursuant to the Agreement.

(d) Errors and Omissions Insurance, or the equivalent, with limit of not less than One Million Dollars (\$1,000,000).

19. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the City. The City shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments

20. Indemnification.

The Contractor shall defend, indemnify and hold harmless the City from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Contractor resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement. In the event that any action, suit or proceeding related to the services performed by the Contractor or any officer, agent, employee, servant or subcontractor under this Agreement is brought against the Contractor, the Contractor shall, as soon as practicable but no later than two (2) days after it receives notice thereof, notify the legal counsel of the City by certified mail.

21. Invalid Term or Condition.

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

22. Enforcement of Agreement.

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

23. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the City: CITY OF AZTEC
 Attn: Purchasing Office
 201 W Chaco
 Aztec NM 87410

To the Contractor: Larry T Thrower
 411 N Auburn
 Farmington NM 87401

24. Authority.

If Contractor is other than a natural person, the individual(s) signing this Agreement on behalf of Contractor represents and warrants that he or she has the power and authority to bind Contractor, and that no further action, resolution, or approval from Contractor is necessary to enter into a binding contract.

IN WITNESS WHEREOF, the Contractor and City have executed this Agreement on their behalves by their duly authorized representatives as of the Effective Date set forth above.

By: _____
Sally Burbridge, Mayor

Date: _____

(SEAL)

ATTEST:

By: _____
Karla Sayler, City Clerk

Date: _____

By: _____
Contractor : Larry T. Thrower

City Attorney
Title

85-0463630
Federal Taxpayer Identification or
Social Security Number

Date: _____

Phone: 505-325-6810

NM Taxpayer Identification
Number

EXHIBIT #1
SERVICES

The legal firm will be primarily responsible for, but not limited to the following on site and/or all other means of communication:

- a) Advise the City Commission, City Staff, and all appointed boards on legal matters including but not limited to matters of civil liability, City finances, public property and personnel. Municipal services may include land use, franchises and franchise fees, annexation, public purchasing and contracting, and government ethics.
- b) Advice and consultation, including preparation of oral and written opinions to City Officials, Commissioners and Staff.
- c) Legal representation of the City, its political subdivision, as well as individual commissioners and other municipal employees who may be named as parties in their official capacities in any legal action.
- d) Participate in negotiations with other municipalities or government agencies.
- e) Preparation, review and analysis of any and all ordinances, resolutions and proposed legislation.
- f) Preparation, review and analysis of newly created legal documents and interpretation of existing legal documents, including (but not limited to) such instruments as contracts/agreements, easements, joint powers agreements, annexation documents, City Ordinances, Resolutions, Legislation, etc for the City of Aztec.
- g) Interpretation of existing laws and ordinances.
- h) Analysis and handling of City legal issues.
- i) Preparation of legal opinions and other legal matters that may come before the City.
- j) Answer specific requests made concerning City issues, i.e. complaints from the public and legal opinions on various City issues.
- k) Legal resource for all departments through City administration.
- l) Draft letters and requests for compliance on violations of City Ordinances. Represent City of Aztec in preparation and prosecution of ordinance violations in Municipal Court and in District Court as required.
- m) Represent the City of Aztec for Court, Administrative Hearings, Planning and Zoning matters and Personnel matters.
- n) Attend City Commission Meetings and Workshops and other meetings required by the City Commission.

- o) Be available for office hours at City Hall for a preferred fifteen (15) to twenty five (25) hours per month (including required meetings).
- p) Submission of a monthly status report of all legal activity to City Manager.
- q) Submit a monthly detailed statement with billing, said statement to include the date and length of time of services rendered. These statements shall be subject to inspection by the designated agent for the City.

EXHIBIT #2
COMPENSATION

COMPENSATION FOR SERVICES

DESCRIPTION	TYPE	QUANTITY	COST PER ITEM	TOTAL
Monthly retainer fee (Based on 40 hrs)	Hrs	40	\$5,216.00	\$5,216.00
Hourly fee for hours exceeding 40	Hrs		\$172.00	\$172.00

Staff Summary Report

MEETING DATE: February 27, 2018
AGENDA ITEM: IX. CONSENT AGENDA (F)
AGENDA TITLE: Resolution 2018-1075 Surplus

ACTION REQUESTED BY: Library
ACTION REQUESTED: Approval of Resolution 2018-1075
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The Library, during the normal course of operations, reviews circulation of all materials. Materials which are not circulating or are out of date are pulled from the shelves and become surplus material. These items would have been purchased with city or state library funds or donated to the library. Materials pulled include a large collection of adult and youth books, several DVDs and music CDs.
- Approved library surplus items will be disposed of in a variety of ways to best serve the library and the community. Materials which may have use to Good Sam's, local schools, and/or veteran's programs will be donated. Materials which may have public interest will be packaged and available for sale at the library. Other materials may be packaged and sent to book outlets at no cost to the city. The Public Surplus website has not resulted in interest for library materials, although it will continue to be utilized as well.
- If the items are not sold they will be donated or disposed of according to NM Statute Section 3-54-2 and Procurement Statute 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

FISCAL INPUT / FINANCE DEPARTMENT

- Revenues from auction to be applied to General Fund / Joint Utility Fund

SUPPORT DOCUMENTS: Resolution 2018-1075
Surplus List

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2018-1075 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

**CITY OF AZTEC
SURPLUS LIST
RESOLUTION 2018-1075
FEBRUARY 27, 2018**

the berenstain Bears go out for the team	Stan & Jan Berenstain
the berenstain Bears go To Camp	Stan & Jan Berenstain
the berenstain Bears Forget Their Manners	Stan & Jan Berenstain
the berenstain Bears and Too Much Junk Food	Stan & Jan Berenstain
the berenstain Bears AND THE Stinky Milk Mystery	Stan & Jan Berenstain
the Berenstain Bears Get In a Fight	Stan & Jan Berenstain
the Bear Scouts	Stan & Jan Berenstain
the berenstain Bears Learn about Strangers	Stan & Jan Berenstain
the berenstain Bears Trouble At School	Stan & Jan Berenstain
the berenstain Bears go To School	Stan & Jan Berenstain
the berenstain Bears almanac	Stan & Jan Berenstain
The Wild Thornberrys: The Cat's Meow	Adam Beechen
The Wild Thornberrys: Lost and Found	Adam Beechen
The Wild Thornberrys: The Best Valentine	Adam Beechen
The Wild Thornberrys: My Book of Inventions	Adam Beechen
Barney Goes To The Pet Shop	Mark Bernthal
Barney and Baby Bop Go To School	Mark Bernthal
Barney and BJ Go To The Zoo	Mark Bernthal
Baby Bop's A B C Book	Mark Bernthal
Barney and BJ Go To The Police Station	Mark Bernthal
Barney's Big Balloon	Mark Bernthal
Barney's Outer Space Adventure	Mark Bernthal
Barney Goes To the Farm!	Mark Bernthal
Secret At Dolphin Bay	Marie Birkinshaw
Trouble At The Bridge	Marie Birkinshaw
Hawk, I'm Your Brother	Byrd Baylor
Everybody Needs A Rock	Byrd Baylor
The Way To Start A Day	Byrd Baylor
One Brown Bunny	Marion Dane Bauer
One Brown Bunny	Marion Dane Bauer
Moon Song	Byrd Baylor
The Five Chinese Brothers	Claire Huchet Bishop
Journey	Aaron Becker
Move Over Rover	Karen Beaumont
I Like Myself	Karen Beaumont
How Georgina Drove the car very carefully from Boston to New York	Lucy Bate
The Chicks Trick	Jeni Bassett
Little Rabbit's Loose Tooth	Lucy Bate
Farm Flu	Teresa Bateman
A Better View For Gordan	Britt Allcroft
What Shall I Be Tomorrow	Peggy Blakeley
Lottie's Circus	Joan W. Blos
Cockatoos	Quentin Blake
Clown	Quentin Blake

**CITY OF AZTEC
SURPLUS LIST
RESOLUTION 2018-1075
FEBRUARY 27, 2018**

When I Go Camping With Grandma	Marion Dane Bauer
Flora's Very Windy Day	Jeanne Birdsall
How Big Is God?	Lisa Tawn Bergren
Charlie Hits It Big	Deborah Blumenthal
The Nutcracker	Anthea Bell
Just Say Thank You	Sheryl Berk
Madeline's Rescue	Ludwig Bemelmans
Madeline In London	Ludwig Bemelmans
The Story Of A Box	Joshua Belter
Oscar Otter	Nathaniel Benchley
What's In A Box	Kelly Boivin
A Horse Called Starfire	Betty D Boegehold
The Banshee Train	Odds Bodkin
Michael Recycle	Ellie Bethel
While I Slept	Gary Bilezikian
Frozen: A Day In The Sun	Frank Berrios
What Marion Taught Willis	Brook Berg
Thunder Bunny	Barbara Helen Berger
Nightsong	Ari Berk
The Empanadas that Abuela Made	Diane Gonzales Bertrand
Disney's 102 Dalmatians	C Bazaldua
The Terrible Thing That Happen At Our House	Marge Blaine
A New Dress For Maya	Malorie Blackman
Disney's Monster University	C Bazaldua
A Pig Parade is a Terrible Idea	Michael Ian Black
Joe On Sunday	Tony Blundell
A Splendid Friend Indeed	Suzanne Bloom
Aunt Clair's Yellow Beehive Hair	Deborah Blumenthal

CITY OF AZTEC RESOLUTION 2018-1075

A RESOLUTION DECLARING CERTAIN MUNICIPAL PROPERTY NOT ESSENTIAL FOR MUNICIPAL PURPOSE AND DIRECTING IT BE SOLD, OR IF THE PROPERTY HAS NO VALUE, DONATE THE PROPERTY TO ANY ORGANIZATION DESCRIBED IN SECTION 501(c)3 OF THE INTERNAL REVENUE CODE OF 1986 OR DISPOSED.

- WHEREAS,** Sections 3-54-2 and 13-6-1 of NMSA, 1978 Compilation authorizes municipalities to sell personal property which is not essential for a municipal purpose or if the property has no value, donate the property to any organization described in Section 501(c)3 of the Internal Revenue Code of 1986; and
- WHEREAS,** the City of Aztec owns certain personal property which is obsolete and/or surplus and no longer needed or useful to the City; and
- WHEREAS,** the Governing Body wishes to declare this property not essential for a municipal purpose so that it can be sold or donated according to statute.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico that the personal property described on the attached list which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 27th day of February 2018.

MAYOR SALLY BURBRIDGE

ATTEST:

CITY CLERK KARLA SAYLER

Staff Summary Report

MEETING DATE: February 27, 2018
AGENDA ITEM: XII. LAND USE HEARING (A)
AGENDA TITLE: 2017 Hilcorp Inc Drill Site Permit

ACTION REQUESTED BY: Keri Hutchins
Hilcorp San Juan, L.P.
#9A Road 5793
Farmington, NM 87401

ACTION REQUESTED: OG 18-01 Oil & Gas Modification of an existing gas well to in SWNE of Section 16, T30N, R11W 1470 FNL, 1770 FEL San Juan County
Tax ID No. R4008347

SUMMARY BY: Steven M. Saavedra, CFM

PROJECT DESCRIPTION / FACTS

This request seeks approval to modify an existing gas well to be installed at the above location. The site is situated within Aztec's municipal limits on private property. According to San Juan County Assessors, the First Baptist Church of Aztec owns the parcel of property. The proposed site is in the city's eastern area, south of Aztec's High School.

The technical location can be derived from the form submitted by the applicant titled 'State of New Mexico Energy, Minerals & Natural Resources Department
The well site information is as follows:

Well Name:	Gonzales State Com #1
Lease No.	B-10796
Existing Pad Area:	0.69 acres
New Pad Area:	N/A
Total Parcel Area:	76 acres
Building Info:	N/A
Floodplain:	No
Arroyo:	Setback 2,038 linear
Access:	Existing right-of-way easement No. 24182

The Keir Hutchins submitted the application on behalf of Hilcorp San Juan, L.P., located at #9A Road 5793 in Farmington, NM. The information submitted with the application adheres to Chapter 15 'Oil and Gas Wells' adopted as Chapter 15 in Aztec's City Code (August 2013). The application includes the State of New Mexico OCD approvals, a copy of the oil and gas lease agreement, certificate of insurance, dust mitigation plan, noise mitigation plan, and weed mitigation plan. The visual mitigation plan is incomplete and needs to adhere to screening requirements pursuant to COA § 15-25(6). The application materials are attached to this report. Application information is retained within the OG 18-01 file and available for inspection upon written public records request.

The submittal indicates the well location is approximately 683 feet from the nearest residential parcel property line. The well is approximately 485 feet from the nearest well. Access to the location will utilize existing access easements. A road maintenance plan was not submitted as part of the application. During drilling and subsequent operations, all equipment and vehicles need to be confined to the well site and cannot obstruct the access easement.

Aztec and surrounding areas are subject to heavy rains and flooding during monsoon season. Though the review process is the same for all wells, it seems imperative that this report includes a discussion of the staff review for the location of any waterways, arroyos, and other natural geographic features. The nearest arroyo identified on Aztecs GIS is approximately 2,038 linear feet. However, the well site and parcel of property is not located in a designated FEMA Flood Zone (FEMA Zone X).

After a review of the Aztec City Code requirements contained in Chapter 15 of the Oil and gas Wells standards, staff finds the application mostly complete and complies with the submission requirements. Community Development does not object to this application, OG 18-01 a request to modify an existing gas well at the prescribed location. The recommendation for approval will be contingent on the development adhering to all of the processes and performance measures described in all mitigation plans, and all other regulations whether they be federal, state or local in origin. The approval is also conditioned upon the development maintaining compliance with the industry's own Standard Best Management Practices. The Community Development Department requests a site visit from the Hilcorp San Juan L.P to ensure all mitigation plans and conditional of approval be met during and after construction

FINDINGS OF FACT

1. The proposed project is situated in the City of Aztec;
2. The closest residence is approximately 483 away and outside of the public notice requirements. Nevertheless, certificated letters were mailed and an ad in the Daily Times was placed;
3. The contractor and operator maintain a certificate of insurance;
4. The development must adhere to all of the processes and performance measures described in submitted documents, including the Surface Use Plan of Operations and Surface Reclamation Plan, as well as all other applicable regulations promulgated by federal, state or local jurisdictions;
5. The project must maintain compliance with the industry Standard Best Management Practices;
6. Equipment should not exceed the area's visual profile/horizontal plane;
7. A complete copy of the application containing all of the required reports and this submittal is available for review in the Community Development Office, and;
8. The visual mitigation plan needs to include fence screening around the well pad area pursuant to § COA 15-25(6)
9. Should any changes occur in any and all mitigation plan(s), such as the noise mitigation plan, the applicant needs to submit such changes to the Community Development Department to ensure it adheres to the requirements of COA § 15-25;

10. The Community Development Department requires a site visit from the Hilcorp San Juan L.P to ensure all mitigation plans and conditions of approval are meet during and after construction.

SUPPORT DOCUMENTS:

1. Application
 - a. Maps prepared by applicant
 - b. OCD Approvals
 - c. Mitigation Plans

DEPARTMENT'S RECOMMENDED MOTION: Move To Approve OG 18-01 an Oil & Gas Well application submitted by Keir Hutchins, LLC on behalf of Hilcorp San Juan, L.P. for permission to modify an existing well at the location indicated per the staff report.



CITY OF AZTEC OIL & GAS APPLICATION

Permit #: 0618-01 Date Started: 1/23/18 Date Approved: _____ Fees Paid: 510.00

APPLICANT CONTACT INFORMATION

Name of Operator: Hilcorp San Juan, L.P.
Address: #9A Road 5793, Farmington, NM 87401
Contact Name: Keri Hutchins
Phone: 505-564-0743
Email: khutchins@hilcorp.com
Name of Lease/Owner: _____

WELL INFORMATION

Well Name: Gonzales State Com #1
API #: 30-045-09520
Type of Lease: State
Lease Number: B-10796
Depth: 6,400'
Formation: Mesaverde
Location: Unit G, Section 16, T30N-R11W, San Juan County, NM
Type of Work: Mesaverde Recompletion
Contractor: Baywater Drilling
Proposed Work Dates: February 14-17, 2018

WELL LOCATION

Address: Unit G, Section 16, T30N-R11W, San Juan County, NM
Tax ID: R4008347
Parcel Size (acres): 76 acres
Zone District: _____
Flood Plain: _____ YES NO
Existing Pad Area: 150' x 200'
Well Pad Area (sqft) : New Pad/ Expansion: N/A
Total Pad Area: 0.69 acres
Building: N/A
Setbacks: Arroyo: 3,105 ft

WELL FEATURES

Feature	Existing	New	Removed
Compressors (specify whether electric or gas):	_____	_____	_____
Meter House:	X	_____	_____
Separators:	X	_____	_____
Valves:	X	_____	_____
Evaporative Tanks:	X	_____	_____
Production Tanks:	X	_____	_____
Reserve Pits:	_____	_____	_____
Pump Jacks:	_____	_____	_____
Sound Enclosures:	_____	_____	_____

DOCUMENTATION

	Yes	No	N/a
Owner Verification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Site Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weed/Vegetation Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electrical Load Calculation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Visual Mitigation Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife Mitigation Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise Mitigation Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dust/Access Mitigation Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Original Lease	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Damage/ROW Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
APD Sundry Notice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C-144	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevation Certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Use Hearing Application (Variance, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business License Application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPLICANT SIGNATURE

I, Keri Hutchins representing Hilcorp San Juan, L.P. hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: _____

Date: January 18, 2018

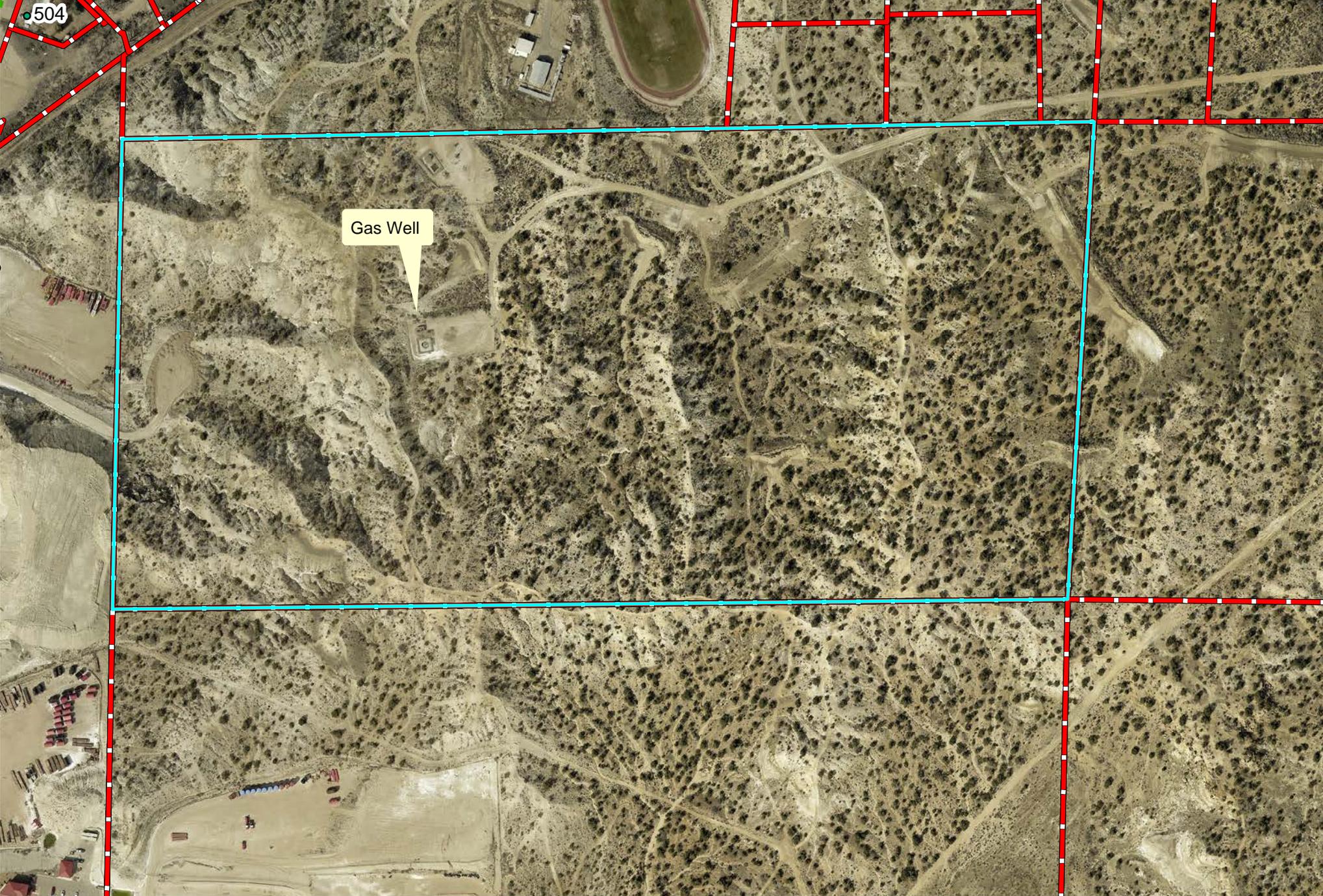
CITY of AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$500 Oil & Gas Fee = Total \$510



Gas Well

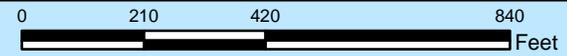
Oil & Gas Hilcorp Modification
Community Development Department



Date: 1/29/2018

Key

-  Parcels
-  Streets



1 in = 329 ft



City of Aztec, New Mexico
City Commission Meeting
February 13, 2018

OIL & GAS PERMIT

Hilcorp San Juan, L.P.

Gonzales State Com #1

API# 3004509520

Dakota Recomplete to Mesaverde

SWNE of Section 16, T30N, R11W
1470' FNL, 1770' FEL
San Juan County, New Mexico



Keri Hutchins
Landman

9A CR 5793
Farmington, NM 87401

P.O. Box 4700
Farmington, NM 87499

Direct: 505/564-0743
Cell: 505/321-2434
khutchins@hilcorp.com

Submit 1 Copy To Appropriate District Office
 District I - (575) 393-6161
 1625 N. French Dr., Hobbs, NM 88240
 District II - (575) 748-1283
 811 S. First St., Artesia, NM 88210
 District III - (505) 334-6178
 1000 Rio Brazos Rd., Aztec, NM 87410
 District IV - (505) 476-3460
 1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
 Energy, Minerals and Natural Resources

Form C-103
 Revised July 18, 2013

OIL CONSERVATION DIVISION
 1220 South St. Francis Dr.
 Santa Fe, NM 87505

WELL API NO. 30-045-09520
5. Indicate Type of Lease STATE <input checked="" type="checkbox"/> FEE <input type="checkbox"/>
6. State Oil & Gas Lease No. B-10796
7. Lease Name or Unit Agreement Name Gonsales State Com
8. Well Number 1
9. OGRID Number 372171
10. Pool name or Wildcat Basin Dakota
11. Elevation (Show whether DR, RKB, RT, GR, etc.) 5720

SUNDRY NOTICES AND REPORTS ON WELLS
 (DO NOT USE THIS FORM FOR PROPOSALS TO DRILL OR TO DEEPEN OR PLUG BACK TO A DIFFERENT RESERVOIR. USE "APPLICATION FOR PERMIT" (FORM C-101) FOR SUCH PROPOSALS.)

1. Type of Well: Oil Well Gas Well Other

2. Name of Operator
HILCORP ENERGY COMPANY

3. Address of Operator
PO BOX 4700, FARMINGTON NM 87499

4. Well Location
 Unit Letter G 1470 feet from the North line and 1770 feet from the East line
 Section 16 Township 30N Range 11W NMPM County San Juan

OIL CONS. DIV. DIST. 3
 DEC 22 2017

12. Check Appropriate Box to Indicate Nature of Notice, Report or Other Data

NOTICE OF INTENTION TO:		SUBSEQUENT REPORT OF:	
PERFORM REMEDIAL WORK <input type="checkbox"/>	PLUG AND ABANDON <input type="checkbox"/>	REMEDIAL WORK <input type="checkbox"/>	ALTERING CASING <input type="checkbox"/>
TEMPORARILY ABANDON <input type="checkbox"/>	CHANGE PLANS <input type="checkbox"/>	COMMENCE DRILLING OPNS. <input type="checkbox"/>	P AND A <input type="checkbox"/>
PULL OR ALTER CASING <input type="checkbox"/>	MULTIPLE COMPL. <input type="checkbox"/>	CASING/CEMENT JOB <input type="checkbox"/>	
DOWNHOLE COMMINGLE <input type="checkbox"/>		OTHER: <input type="checkbox"/>	
CLOSED-LOOP SYSTEM <input type="checkbox"/>			
OTHER: <input checked="" type="checkbox"/> Re-Complete			

13. Describe proposed or completed operations. (Clearly state all pertinent details, and give pertinent dates, including estimated date of starting any proposed work). SEE RULE 19.15.7.14 NMAC. For Multiple Completions: Attach wellbore diagram of proposed completion or recompletion.

Plans are to recomplete the subject well in the Mesaverde formation and downhole commingle the existing Dakota with the Mesaverde. Attached is the MV plat and procedure. The DHC application will be submitted and approved before the work proceeds.

Submit CBL to the OCD for review and approval prior to perforating

Spud Date: Rig Release Date:

I hereby certify that the information above is true and complete to the best of my knowledge and belief.

SIGNATURE Christine Brock TITLE Operations / Regulatory Technician DATE 12/22/2017

Type or print name Christine Brock E-mail address: cbrock@hilcorp.com PHONE: 505-324-5155

For State Use Only
 APPROVED BY: [Signature] TITLE Deputy Oil & Gas Inspector, District #3 DATE 1/11/18
 Conditions of Approval (if any): AV

4

District I

1625 N. French Dr., Hobbs, NM 88240
Phone:(575) 393-6161 Fax:(575) 393-0720

District II

811 S. First St., Artesia, NM 88210
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District III

1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170

District IV

1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

**State of New Mexico
Energy, Minerals and Natural
Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505**

Form C-102
August 1, 2011

Permit 246480

WELL LOCATION AND ACREAGE DEDICATION PLAT

1. API Number 30-045-09520	2. Pool Code 72319	3. Pool Name BLANCO-MESAVERDE (PRORATED GAS)
4. Property Code 318890	5. Property Name GONSALES STATE COM	6. Well No. 001
7. OGRID No. 372171	8. Operator Name HILCORP ENERGY COMPANY	9. Elevation 5720

10. Surface Location

UL - Lot	Section	Township	Range	Let Idn	Feet From	N/S Line	Feet From	E/W Line	County
G	16	30N	11W		1470	N	1770	E	SAN JUAN

11. Bottom Hole Location If Different From Surface

UL - Lot	Section	Township	Range	Let Idn	Feet From	N/S Line	Feet From	E/W Line	County
12. Dedicated Acres 320.00 E/2			13. Joint or Infill		14. Consolidation Code		15. Order No.		

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

	<p style="text-align: center;">OPERATOR CERTIFICATION</p> <p><i>I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location(s) or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</i></p> <p>E-Signed By: <i>Christine Beck</i> Title: Operations/Regulatory Tech - Sr. Date: 1/2/2018</p> <hr/> <p style="text-align: center;">SURVEYOR CERTIFICATION</p> <p><i>I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.</i></p> <p>Surveyed By: James P Leese Date of Survey: 2/25/1963 Certificate Number: 1463</p>
--	--

OIL CONS. DIV DIST. 3
JAN 03 2018

Gonzales State Com #1

1470' FNL & 1770' FEL. Spot G. Section 16 -T 030N -R 011W

API# 3004509520

Mesa Verde Pay Add Sundry

12/20/2017

History/Justification:

The Gonzales State Com #1 is a standalone DK well that was drilled and completed in 1963. Production tubing was upsized from 2 1/16" to 2 3/8" in 1995, and plunger lift installed the following year. The condition of the 4 1/2" casing and cement is unknown, but records indicate cement behind casing through the entire zone of interest. There is a (+/-) 300' section of casing uphole that has no cement, so a frac string may be required. The stimulation may be performed in multiple stages. Due to the tubing age, a new production string may be required. It will be landed at approximately the same depth, but without a tail joint. The well currently makes 50 Mcfd, 0.44 BWPD, and 0.06 BOPD.

This is a capital project to add a two stage MV completion in the Point Lookout and the Menefee.

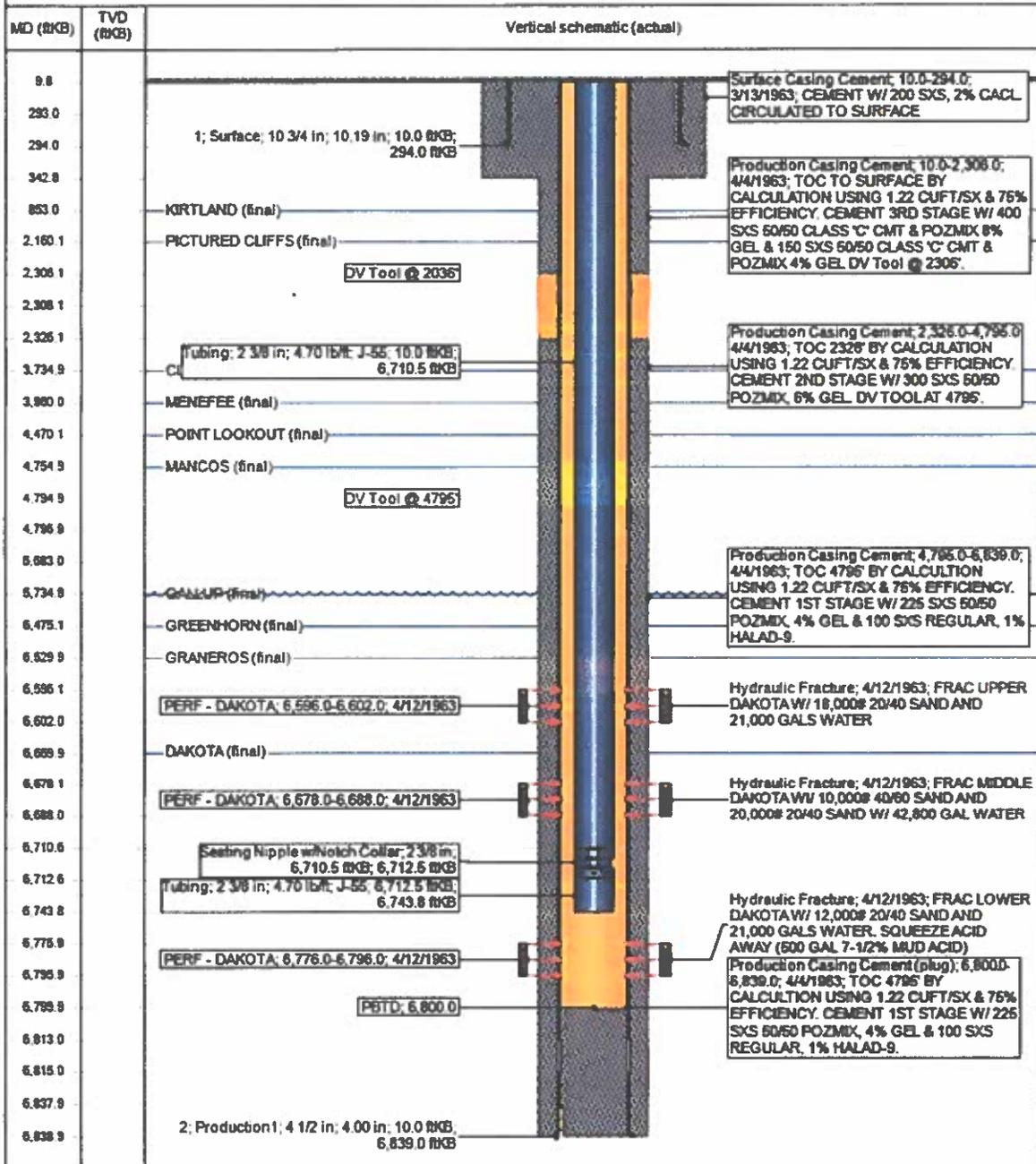
Procedure:

1. MIRU service rig and associated equipment; NU and test BOP.
2. Tag fill, TOOH and scan 2 3/8" tubing set at 6,743.
3. Run GR and set a 4 1/2" composite bridge plug at +/- 4790' to isolate the Dakota. POOH.
4. TIH with tubing. Load well and PT casing to 500 psi. POOH.
5. Run Casing Bond Log
6. Run 2 7/8" frac string with 4 x 2 3/8" packer and swedge, and set at top of perf interval.
7. ND BOP and NU 5k tubing hanger. PT workstring to 9000 psi.
8. N/U frac stack and test frac stack to frac pressure.
9. Perforate and frac the Mesaverde in two stages (Point Lookout and Menefee).
10. Nipple down frac stack, nipple up BOP and test.
11. TIH and cleanout to Dakota isolation plug and, when water and sand rates are acceptable, flow test the Mesaverde.
12. Drill out Dakota isolation plug and cleanout to PBTD of 6,800. TOOH.
13. TIH and land production tubing. Get a commingled Dakota / Mesaverde flow rate.
14. Release service rig and turn well over to production.

Well Name: GONZALES STATE COM #1

API / UWI 3004509520	Surface Legal Location 016-030N-011W-G	Field Name BASIN DAKOTA (PRODUCED GAS)	License No.	State/Province NEW MEXICO	Well Configuration Type
Ground Elevation (ft) 5,770.00	Original KBRT Elevation (ft) 5,780.00	Ground Elevation (ft) 10.00	Ground Elevation (ft) 10.00	Ground Elevation (ft) 10.00	Ground Elevation (ft) 10.00

Original Hole, 12/20/2017 10:37:38 AM



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 Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

Form C-102
 August 1, 2011
 Permit 161019

WELL LOCATION AND ACREAGE DEDICATION PLAT

1. API Number 30-045-09520	2. Pool Code 72319	3. Pool Name BLANCO-MESAVERDE (PRORATED GAS)
4. Property Code 311964	5. Property Name GONZALES STATE COM	
6. Well No. 001	7. OGRID No. 14538	
8. Operator Name BURLINGTON RESOURCES OIL & GAS COMPANY LP	9. Elevation 5720	

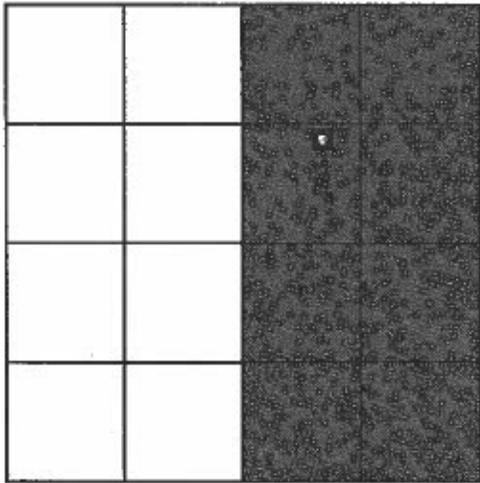
10. Surface Location

UL - Lot	Section	Township	Range	Lot Idn	Feet From	N/S Line	Feet From	E/W Line	County
G	16	30N	11W		1470	N	1770	E	SAN JUAN

11. Bottom Hole Location If Different From Surface

UL - Lot	Section	Township	Range	Lot Idn	Feet From	N/S Line	Feet From	E/W Line	County
12. Dedicated Acres 320.00 <i>E/2</i>		13. Joint or Infill		14. Consolidation Code		15. Order No.			

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

	<p align="center">OPERATOR CERTIFICATION</p> <p><i>I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location(s) or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</i></p> <p>E-Signed By: <i>Datsy Chavez</i> Title: Sr. Regulatory Specialist Date: 1/17/13</p>
	<p align="center">SURVEYOR CERTIFICATION</p> <p><i>I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.</i></p> <p>Surveyed By: James P Leese Date of Survey: 2/25/1963 Certificate Number: 1463</p>

District I
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1301 W. Grand Ave., Artesia, NM 88210

District III
1000 Rio Brazos Rd., Aztec, NM 87410

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1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources
Department
Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-144
July 21, 2008

For temporary pits, closed-loop systems, and below-grade tanks, submit to the appropriate NMOCD District Office.

For permanent pits and exceptions submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

Pit, Closed-Loop System, Below-Grade Tank, or
Proposed Alternative Method Permit or Closure Plan Application

10915

- Type of action:
- Permit of a pit, closed-loop system, below-grade tank, or proposed alternative method
 - Closure of a pit, closed-loop system, below-grade tank, or proposed alternative method
 - Modification to an existing permit
 - Closure plan only submitted for an existing permitted or non-permitted pit, closed-loop system, below-grade tank, or proposed alternative method

Instructions: Please submit one application (Form C-144) per individual pit, closed-loop system, below-grade tank or alternative request

Please be advised that approval of this request does not relieve the operator of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve the operator of its responsibility to comply with any other applicable governmental authority's rules, regulations or ordinances.

1
Operator: ConocoPhillips Company OGRID#: 217817
Address: PO Box 4289, Farmington, NM 87499
Facility or well name: Gonzales State Com #1
API Number: 30-045-09520 OCD Permit Number: _____
U/L or Qtr/Qtr: G(SW/NE) Section: 16 Township: 30N Range: 11W County: San Juan
Center of Proposed Design: Latitude: 36.81532 °N Longitude: -107.993 °W NAD: 1927 1983
Surface Owner: Federal State Private Tribal Trust or Indian Allotment

2
 Pit: Subsection F or G of 19.15.17.11 NMAC
Temporary: Drilling Workover
 Permanent Emergency Cavitation P&A
 Lined Unlined Liner type: Thickness _____ mil LLDPE HDPE PVC Other _____
 String-Reinforced
Liner Seams: Welded Factory Other _____ Volume: _____ bbl Dimensions L _____ x W _____ x D _____

OIL CONS. DIV DIST. 3
JAN 30 2013

3
 Closed-loop System: Subsection H of 19.15.17.11 NMAC
Type of Operation: P&A Drilling a new well Workover or Drilling (Applies to activities which require prior approval of a permit or notice of intent)
 Drying Pad Above Ground Steel Tanks Haul-off Bins Other _____
 Lined Unlined Liner type: Thickness _____ mil LLDPE HDPE PVD Other _____
Liner Seams: Welded Factory Other _____

4
 Below-grade tank: Subsection I of 19.15.17.11 NMAC
Volume: _____ bbl Type of fluid: _____
Tank Construction material: _____
 Secondary containment with leak detection Visible sidewalls, liner, 6-inch lift and automatic overflow shut-off
 Visible sidewalls and liner Visible sidewalls only Other _____
Liner Type: Thickness _____ mil HDPE PVC Other _____

5
 Alternative Method:
Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

6 **Fencing:** Subsection D of 19.15.17.11 NMAC (*Applies to permanent pits, temporary pits, and below-grade tanks*)

Chain link, six feet in height, two strands of barbed wire at top (*Required if located within 1000 feet of a permanent residence, school, hospital, institution or church*)

Four foot height, four strands of barbed wire evenly spaced between one and four feet

Alternate. Please specify _____

7 **Netting:** Subsection E of 19.15.17.11 NMAC (*Applies to permanent pits and permanent open top tanks*)

Screen Netting Other _____

Monthly inspections (*If netting or screening is not physically feasible*)

8 **Signs:** Subsection C of 19.15.17.11 NMAC

12" X 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers

Signed in compliance with 19.15.3.103 NMAC

9 **Administrative Approvals and Exceptions:**

Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.

Please check a box if one or more of the following is requested, if not leave blank:

Administrative approval(s): Requests must be submitted to the appropriate division district of the Santa Fe Environmental Bureau office for consideration of approval. (Fencing/BGT Liner)

Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

10 **Siting Criteria (regarding permitting):** 19.15.17.10 NMAC

Instructions: The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau Office for consideration of approval. Applicant must attach justification for request. Please refer to 19.15.17.10 NMAC for guidance. Siting criteria does not apply to drying pads or above grade-tanks associated with a closed-loop system.

Ground water is less than 50 feet below the bottom of the temporary pit, permanent pit, or below-grade tank.
- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells Yes No

Within 300 feet of a continuously flowing watercourse, or 200 feet of any other watercourse, lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark).
- Topographic map; Visual inspection (certification) of the proposed site Yes No

Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. Yes No

(Applies to temporary, emergency, or cavitation pits and below-grade tanks)
- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image NA

Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. Yes No

(Applied to permanent pits)
- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image NA

Within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application. Yes No

- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site.

Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. Yes No

- Written confirmation or verification from the municipality; Written approval obtained from the municipality

Within 500 feet of a wetland. Yes No

- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site

Within the area overlying a subsurface mine. Yes No

- Written confirmation or verification or map from the NM EMNRD - Mining and Mineral Division

Within an unstable area. Yes No

- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map

Within a 100-year floodplain Yes No

- FEMA map

16

Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only: (19.15.17.13.D NMAC)
Instructions: Please identify the facility or facilities for the disposal of liquids, drilling fluids and drill cuttings. Use attachment if more than two facilities are required.

Disposal Facility Name: Envirotech / JFJ Landfarm % IEI Disposal Facility Permit #: NM-01-0011 / NM-01-0010B
Disposal Facility Name: Basin Disposal Facility Disposal Facility Permit #: NM-01-005

Will any of the proposed closed-loop system operations and associated activities occur on or in areas that *will not* be used for future service and
 Yes (If yes, please provide the information) No

Required for impacted areas which will not be used for future service and operations:

- Soil Backfill and Cover-Design Specification - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC
- Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

17

Siting Criteria (Regarding on-site closure methods only: 19.15.17.10 NMAC)

Instructions: Each siting criteria requires a demonstration of compliance in the closure plan. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval. Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17.10 NMAC for guidance.

Ground water is less than 50 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Ground water is between 50 and 100 feet below the bottom of the buried waste - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Ground water is more than 100 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. - Visual inspection (certification) of the proposed site; Aerial photo; satellite image	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
Within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, in existence at the time of the initial application. - NM Office of the State Engineer - iWATERS database; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. - Written confirmation or verification from the municipality; Written approval obtained from the municipality	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 500 feet of a wetland - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within a 100-year floodplain. - FEMA map	<input type="checkbox"/> Yes <input type="checkbox"/> No

18

On-Site Closure Plan Checklist: (19.15.17.13 NMAC) *Instructions: Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.*

- Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC.
- Proof of Surface Owner Notice - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements of 19.15.17.11 NMAC
- Construction/Design Plan of Temporary Pit (for in place burial of a drying pad) - based upon the appropriate requirements of 19.15.17.11 NMAC
- Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Waste Material Sampling Plan - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings or in case on-site closure standards cannot be achieved)
- Soil Cover Design - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC
- Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

19
Operator Application Certification:
 I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name (Print): DENISE JOURNEY Title: Regulatory Technician
 Signature: Denise Journey Date: 1/24/2013
 e-mail address: Denise.Journey@conocoPhillips.com Telephone: (505) 326-9556

20
OCD Approval: Permit Application (including closure plan) Closure Plan (only) OCD Conditions (see attachment)

OCD Representative Signature: Donald P. Kelly Approval Date: 2/11/2013
 Title: Compliance Officer OCD Permit Number: _____

21
Closure Report (required within 60 days of closure completion): -Subsection K of 19.15.17.13 NMAC
Instructions: Operators are required to obtain an approved closure plan prior to implementing any closure activities and submitting the closure report. The closure report is required to be submitted to the division within 60 days of the completion of the closure activities. Please do not complete this section of the form until an approved closure plan has been obtained and the closure activities have been completed.

Closure Completion Date: _____

22
Closure Method:

Waste Excavation and Removal On-site Closure Method Alternative Closure Method Waste Removal (Closed-loop systems only)

If different from approved plan, please explain.

23
Closure Report Regarding Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only:
Instructions: Please identify the facility or facilities for where the liquids, drilling fluids and drill cuttings were disposed. Use attachment if more than two facilities were utilized.

Disposal Facility Name: _____ Disposal Facility Permit Number: _____
 Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Were the closed-loop system operations and associated activities performed on or in areas that will not be used for future service and operations?
 Yes (If yes, please demonstrate compliance to the items below) No

Required for impacted areas which will not be used for future service and operations:

Site Reclamation (Photo Documentation)
 Soil Backfilling and Cover Installation
 Re-vegetation Application Rates and Seeding Technique

24
Closure Report Attachment Checklist: *Instructions: Each of the following items must be attached to the closure report. Please indicate, by a check mark in the box, that the documents are attached.*

Proof of Closure Notice (surface owner and division)
 Proof of Deed Notice (required for on-site closure)
 Plot Plan (for on-site closures and temporary pits)
 Confirmation Sampling Analytical Results (if applicable)
 Waste Material Sampling Analytical Results (if applicable)
 Disposal Facility Name and Permit Number
 Soil Backfilling and Cover Installation
 Re-vegetation Application Rates and Seeding Technique
 Site Reclamation (Photo Documentation)

On-site Closure Location: Latitude: _____ Longitude: _____ NAD 1927 1983

25
Operator Closure Certification:
 I hereby certify that the information and attachments submitted with this closure report is true, accurate and complete to the best of my knowledge and belief. I also certify that the closure complies with all applicable closure requirements and conditions specified in the approved closure plan.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 e-mail address: _____ Telephone: _____

ConocoPhillips Company Closed-loop Plans

Closed-loop Design Plan

COPC's closed loop system will not entail a drying pad, temporary pit, below grade tank or sump. It will include an above ground tank suitable for holding the cuttings and fluids for rig operations. The tank will be sufficient volume to maintain a safe free board between disposal of the liquids and solids from rig operations.

1. Fencing is not required for an above ground closed-loop system
2. It will be signed in compliance with 19.15.3.103 NMAC
3. A frac tank will be on location to store fresh water

Closed-loop Operating and Maintenance Plan

COPC's closed-loop tank will be operated and maintained to contain liquids and solids in order to prevent contamination of fresh water sources, in order to protect public health and the environment. To ensure the operation is maintained the following steps will be followed:

1. The liquids will be vacuumed out and disposed of at the Basin Disposal facility (Permit # NM-01-005) or JFJ Landfarm % Industrial Ecosystem Inc. (Permit # NM-01-0010B). Solids in the closed-loop tank will be vacuumed out and disposed of at Envirotech (Permit # NM-01-0011) or JFJ Landfarm % Industrial Ecosystem Inc. (Permit # NM-01-0010B) on a periodic basis to prevent over topping.
2. No hazardous waste, miscellaneous solid waste or debris will be discharged into or stored in the tank. Only fluids or cutting used or generated by rig operations will be placed or stored in the tank.
3. The division district office will be notified within 48 hours of the discovery of compromised integrity of the closed-loop tank. Upon the discovery of the compromised tank, repairs will be enacted immediately

Closed-loop Closure Plan

The closed-loop tank will be closed in accordance with 19.15.17.13. This will be done by transporting cuttings and all remaining sludges to Envirotech (Permit # NM-01-0011) or JFJ Landfarm % Industrial Ecosystem Inc. (Permit # NM-01-0010B) immediately following rig operations. All remaining liquids will be transported and disposed of in the Basin Disposal facility (Permit # NM-01-005) or JFJ Landfarm % Industrial Ecosystem Inc. (Permit # NM-01-0010B). The tanks will be removed from the location as part of the rig move. At time of well abandonment, the site will be reclaimed and re-vegetated to pre-existing conditions when possible.

Hilcorp San Juan, L.P.

Gonzales State Com #1

Weed & Disturbance Plan

All rig work will occur on the existing pad.

No new disturbance is anticipated, thus no weed mitigation measures are necessary in this case.

Hilcorp San Juan, L.P.

Gonzales State Com #1

**City of Aztec
Section 15-32 of Aztec City Code**

Visual Mitigation Plan

- Operator shall comply with Section 15-32 of the Aztec City Code regarding Visual Impacts.
- This well location is an existing location (drilled in 1963), so much of the facility siting and design is not at issue in this application
- No damage to existing trees and vegetation is anticipated; all rig work will be performed within the existing disturbed area.
- No new access roads will be created to access the well.

Hilcorp San Juan, L.P.

Gonzales State Com #1

**City of Aztec
Section 15-25 of Aztec City Code**

Noise Mitigation Plan

- Operator shall comply with Section 15-25 of the Aztec City Code regarding Sound Emissions.
- Based on the current site conditions, there are no nearby residential/commercial structures within 400' of the well location, therefore, proper sound mitigation measures will be minimal. If in the future, conditions change, the noise mitigation plan will be reevaluated.
- Nearest residential building: 994 feet
- Nearest commercial building: 1,538 feet

Hilcorp San Juan, L.P.

Gonzales State Com #1

Dust Control

Access road(s) shall be constructed to an approved standard (USFS/BLM Gold Book or AASHTO), with such elements as a well drained traveling-way, sufficient cross-drainage, and adequate sub-base load bearing capacity. The prepared roadway shall be surfaced to an adequate depth with $\frac{3}{4}$ inch aggregate base course, as needed. If necessary, the un-compacted gravel course shall be initially treated with a hydrating agent (Magnesium Chloride) at the rate determined by conditions in the field. The dust control agent shall be repeatedly applied to the base course material and mechanically mixed to thoroughly incorporate the hydrating agent into the entire base course. The mixed base course shall then be compacted and a final application of dust control agent shall be applied (top shot) to the finished road surface. Care shall be taken during application of the dust control agent that it does not run off the roadway area. To maintain future dust control the access roadway may be re-treated when needed, or watered with sprinkling truck system.

ACKNOWLEDGEMENT FOR CORPORATIONS

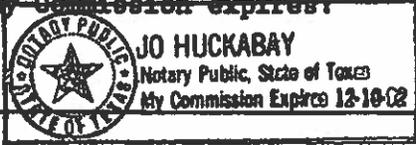
STATE OF ~~NEW MEXICO~~ TEXAS)

) ss.

COUNTY OF POTTER)

The foregoing instrument was acknowledged before me this 18th day of December, 1990, by Richard W. Petrie, Attorney-in-Fact of MESA OPERATING LIMITED PARTNERSHIP, a Delaware limited partnership corporation, on behalf of said ~~corporation~~ partnership.

My Commission expires:



[Signature]
NOTARY PUBLIC

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)

) ss.

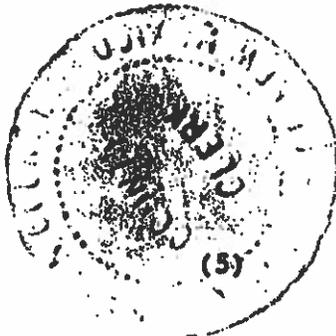
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ of _____.

My Commission expires:

NOTARY PUBLIC

STIPULATION: AN ADDITIONAL 20' IN WIDTH IS GRANTED UNDER THE TERMS OF THIS GRANT, FOR CONSTRUCTION PURPOSES, TO REVERT BACK TO THE STATE UPON COMPLETION OF THIS PROJECT.



FILED OR RECORDED
BOOK 1126 PAGE 165
SAN JUAN COUNTY, NEW MEXICO

JAN 16 1991

AT 11:13 O'CLOCK A M

Carol Bandy
COUNTY CLERK

DEPUTY

[Signature]
No. 2038150 Aug 15 00



REAL PROPERTY ADMIN

PATRICK H. LYONS
COMMISSIONER

State of New Mexico 20 FEB -3 8
Commissioner of Public Lands
310 OLD SANTA FE TRAIL
P.O. BOX 1148
SANTA FE, NEW MEXICO 87504-1148

COMMISSIONER'S OFFICE

• Phone (505) 827-5760
Fax (505) 827-5766
www.nmstatelands.org

January 30, 2003

Jocelyn J. Marzuola
Conoco, Inc.
315 South Johnstone
Plaza Office Building, Suite 830-H
Bartlesville, OK 74004

Re: Assignment of Right-of-Way Easement No. (s) see exhibit "A"

Dear Ms. Marzuola:

Enclosed is an approved copy of the captioned assignment of right-of-way easement from Conoco Gas Holdings, LLC to Conoco Inc.

If you have any questions, please feel free to contact this office at (505) 827-5728 or 5729.

Sincerely,

A handwritten signature in cursive script that reads "Lorrie Gasca".

Lorrie A. Gasca, Management Analyst
Surface Resources Division

NEW MEXICO STATE LAND OFFICE
ASSIGNMENT OF RIGHT OF WAY AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That this agreement, entered into this 29th day of April, 1991, by and between Mesa Operating Limited Partnership as Assignor and Conoco Inc. of One Lakeview Energy Center, 3817 Northwest Expressway, as Assignee. Oklahoma City, Oklahoma 73112

WITNESSETH

WHEREAS, Assignor is owner of right of way and easement from the State of New Mexico, by its Commissioner of Public Lands, designated by Number as RW-24182 dated December 28, 1990.

NOW THEREFORE, for and in consideration of the sum of One dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, Assignor does hereby transfer, sell and convey all its right, title and interest in and to that certain Right of Way and Easement No. 24182. (Attach description.)

EXECUTED THIS 14th day of August, 1991.

BY: Frank Baca (Assignee) BY: Richard W. Petrie (Assignor)

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 13th day of AUGUST, 1991, by RICHARD W. PETRIE



KIMBERLY J. FORD, of Mesa Operating Limited Partnership (Name of Assignor)
(Title of Officer, if applicable and Name of Corporation)

My Commission Expires: 5-7-95 Kimberly Ford Notary Public
STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledged before me this 14 day of AUGUST, 1991, by FRANK BACA

ATTORNEY-IN-FACT (Name of Assignee)
(Title of Officer, if applicable and Name of Corporation)

My Commission Expires: 2/2/94 Elizabeth R Spritzer Notary Public

Filed in my office on August 19, 1991, and approved by me on August 22, 1991.

S-31 (Revised 10/15/90) Frank Baca
COMMISSIONER OF PUBLIC LANDS

PARTIAL
NEW MEXICO STATE LAND OFFICE
ASSIGNMENT OF RIGHT OF WAY AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That this agreement, entered into this 30th day of December, 2002, by and between Conoco Gas Holdings L.L.C. as Assignor and Conoco Inc. of 600 North Dairy Ashford, Houston, Texas 77079 as Assignee.

WITNESSETH

WHEREAS, Assignor is owner of right of way and easement from the State of New Mexico, by its Commissioner of Public Lands, designated by Number as attached dated

NOW THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, Assignor does hereby transfer, sell and convey all right, title and interest in and to that certain Right of Way and Easement No. attached. (Attach description.)

EXECUTED THIS 30th day of December, 2002, effective 12/04/02

BY: CONOCO INC. (Assignee) BY: CONOCO GAS HOLDINGS L.L.C. (Assignor)

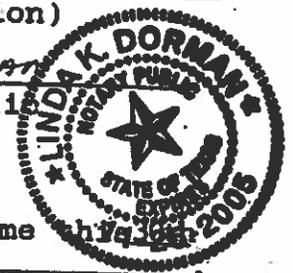
STATE OF TEXAS)
COUNTY OF HARRIS)

The foregoing instrument was acknowledged before me this 30th day of December, 2002, by Sigurd L. Cornelius

 (Name of Assignor)
Vice President, of Conoco Inc. Operator of CONOCO GAS HOLDINGS L.L.C
(Title of Officer, if applicable and Name of Corporation)

My Commission Expires: 11/25/05 Linda K. Dorman
Notary Public

STATE OF TEXAS)
COUNTY OF HARRIS)



The foregoing instrument was acknowledged before me this 30th day of December, 2002, by Sigurd L. Cornelius

 (Name of Assignee)
Vice President, of CONOCO INC.
(Title of Officer, if applicable and Name of Corporation)

My Commission Expires: 11/25/05 Linda K. Dorman
Notary Public

Filed in my office on 1/10/03, and approved

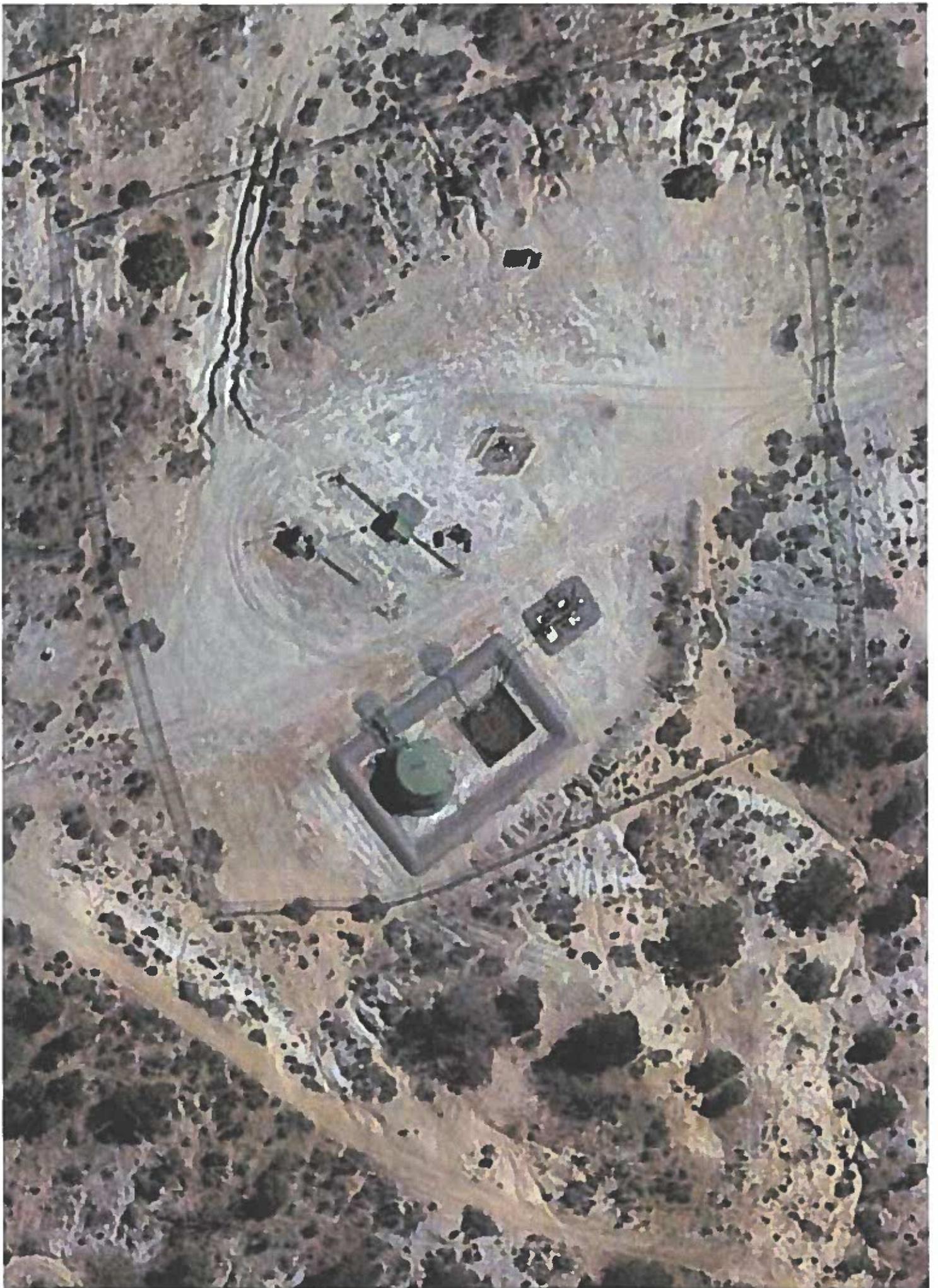
1/27/03

S-31 (Revised 10/15/90)

Patrick H. Lynn
COMMISSIONER OF PUBLIC LANDS

RECEIVED
2003 JAN 10 AM 9:10
STATE LAND OFFICE
SANDIA, N.M.

RW19655



Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Austin Randall
Katee McClure
Sherri Rogers

A desirable place to live, work and play; rich in history and small town values!

PUBLIC NOTICE

January 29, 2018

Re: Oil and Gas Permit Request Gonzales State Com #1 API# 3004509520 SWNE OF SECTION 16, T30N, R11W 1470' FNL, 1770' FEL

Dear Property Owner:

Hilcorp San Juan L.P has made a request to the City of Aztec Community Development Department for an Oil and Gas Permit to allow for the recompletion of existing well location at Section 16, T30N, R11W, 1470' FNL, 1770' FEL called the Gonzales State Com #1. Our records indicate you currently own a parcel of property within 100 feet of the property line of the location.

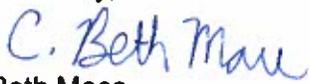
The City Commission will hear this request during a public meeting to be held on **Tuesday, February 27, 2018 at 6:00 PM located at City Hall, 201 W. Chaco, Aztec, NM**

The public is requested to contact Community Development via phone at 505-334-7604 or email at acd@aztecnm.gov to provide support or concerns regarding this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this well request. This summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf beginning on the Thursday prior to the scheduled Commission meeting. When accessing the agenda online, locate the business item you are interested in on the table of contents and click on it to be taken to the staff summary for that business item. **(Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation. Thank you.)**

If you have any further questions, please don't hesitate to call me at 505-334-7604, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,


Beth Mace
Administrative Assistant
Community Development

Enclosure: Map

PUBLIC NOTICE

Notice is hereby given that Hilcorp San Juan LP has requested to perform maintenance on the Gonzales State Com #1 well located on parcel R4008347. The City Commission will hear this petition on 2/28/18 at 6:00 p.m.at City Hall, 201 West Chaco Street, Aztec, NM.

Legal No. 74770 published in The Daily Times on February 11, 2018.

Hilcorp San Juan, LP

VENDOR
1140431

CHECK DATE
01/19/2018

INVOICE NUMBER	INVOICE DATE	DISCOUNT TAKEN	AMOUNT PAID
011518	01/15/2018 RIG PERMIT	0.00	510.00
Total:		0.00	510.00

CI

TY OF AZTEC
01/23/2018 16:26 CD2

CM DEV ADMIN FEE (ALL PERMITS)

U-0089777

FMSD CM DEV ADMIN FEE (ALL PE	10.00
FMSD CM DEV OIL & GAS PERMITS	500.00

PAYMENT RECEIVED

CHECK: 32002309	510.00
TOTAL	510.00

CASH RECEIPT

Date 1/23/18

003270

Received From Hilcorp

Address 9a Cr 5793 Farmington NM

Dollars \$ 510

For modifying an existing well Gonzales State Com #1

ACCOUNT	AMT. OF ACCOUNT	HOW PAID	AMT. PAID
		CASH	
		CHECK	<u>32002309</u>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By Beth Mace

CRB118-3

Staff Summary Report

MEETING DATE: February 27, 2018
AGENDA ITEM: XII. LAND USE HEARING (B)
AGENDA TITLE: ZC (OVZ) 18-01 North Main Overlay Zone District, City of Aztec

ACTION REQUESTED BY: Community Development
ACTION REQUESTED: Reclassify the current C-1 District parcels (20.96-acres) located in the North Main Corridor, with the North Main Overlay Zoning District
SUMMARY BY: Steven Saavedra, CFM

PROJECT DESCRIPTION / FACTS	
------------------------------------	--

Applicant	City of Aztec
Date of Application	January 15, 2018
Requested Action	Establish an overlay district for selected Parcels in the North Main AVE Corridor
Location	North Main Avuene Corridor
Properties Tax ID	R4006794, R0002175, R4009935, R4009934, R0001971, R0001971, R0001026, R0001970, R0000469, R0002175
Size	20.96 acres
Existing Land Use	Undeveloped
Existing Zoning	C-1 Limited Retail & Neighborhood Commercial District
Surrounding Zoning/ Use	<p>North: A-1 Agriculture or Rural & Residential and Undeveloped land</p> <p>South: C-1 Limited Retail & Neighborhood Commercial / Retail Commercial</p> <p>East: C-1 Limited Retail & Neighborhood Commercial / Undeveloped</p> <p>West: C-1 Limited Retail & Neighborhood Commercial / Undeveloped</p>
Notice	Property owners and property owners within 100 feet were sent notice by certified mail on Monday, February 5, 2018. A classified ad was published in the Daily Times on Sunday, February 11, 2018.
Floodplain Area	Yes

Access

Future North Main Corridor

PROJECT DESCRIPTION

The applicant requests the establishment of an overlay district over the existing C-1 Limited Retail / Neighborhood Commercial District properties (approximately 20.96-acres) located north of the intersection of the Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550), please refer to figure 2 for listed properties. The overlay zone does not change the base or existing zone but supplies a tool to address the unique requirements of development. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage the development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument. The district is intended to:

1. Create a dynamic, mixed-use environment, where walking is the preferred mode of transportation.
2. Encourage visitors and residents to shop, live and recreate in a neighborhood that reflects the history and culture of the area.
3. Produce quality public spaces that are usable for a variety of public and semi-public activities.
4. Ensure higher standards of design and construction for buildings, public infrastructure, and landscaping, emphasizing the relationships of buildings and the spaces between buildings.
5. Provide a neighborhood with cohesive design characteristics that reflect the local, historical themes of Spanish Colonial, Ancestral Puebloan, and Territorial Revival architectural style blended with modern architectural elements.
6. Guarantee a high degree of connectivity for pedestrian and vehicular traffic, and support transit service.
7. Provide narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists.
8. Encourages public health with enhanced safety considerations and improved walkability.
9. Improves local air quality through the addition of street trees and vegetative bioswales.
10. Locate buildings close to the street, so that streets and squares are defined as "outdoor rooms."
11. Utilize all the streets for on-street parking.
12. Encourage public spaces, public art, outdoor living and natural spaces wherever possible.

NMAO Zone standards apply to properties located within the boundaries of the NMAO as shown on the Official Zoning Map

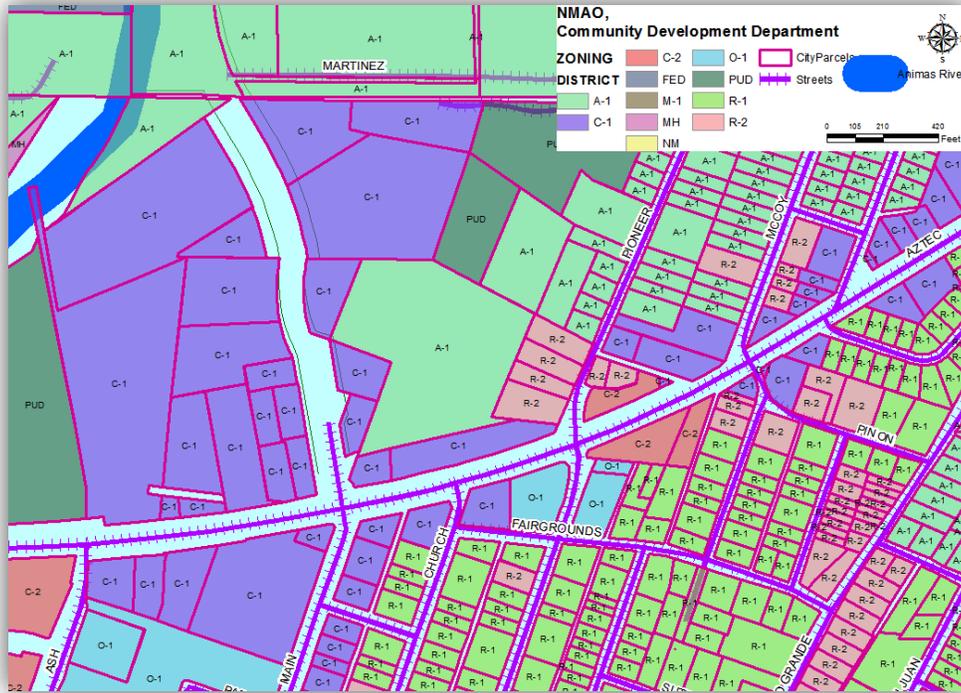


Figure 1 Current Zoning Map



Figure 2 Purposed Overlay District

NMAO Uses

The following uses are permitted after approval of a site plan.

1. Offices
2. Hotels or Motels
3. Retail and Service Establishments less than 5,000 sq. ft.
4. Temporary Stands
5. Studios
6. Semi-professional or professional office
7. Theatres and commercial auditorium
8. Amusement Centers
9. Mixed Use development (commercial and residential)
10. Brew Pubs & Wine Tasting Establishments
11. Wineries
12. Restaurants
13. Coffee Shops
14. Farmers Markets
15. Community garden

The following uses will be permitted in the NMAO provided that the use has been reviewed the Community Development Department and approved by the City Commission:

1. Nursery School
2. Public Utility structure
3. Recreational facility
4. Hospital or clinic
5. Boarding or lodging house
6. Multiple Family Dwellings
7. Senior living/assisted care
8. Institutions
9. Personal Services
10. Food Trucks
11. Any use not listed, needs City Commission Approval.

The following uses are prohibited in the NMAO

1. Pawn Shops
2. Payday Loan Services
3. Second Hand or Consignment Stores
4. Vehicle Sales/ Leasing
5. Cars Washes
6. Paint and Body Shop
7. Service Stations
8. Vehicle Repair Shop
9. Single-Family Residential Dwelling Units

NMAO General Design Principles

Uses and Streets shall be designed according to the following principles:

1. The NMAO shall provide a distinct physical settlement, but shall not be walled off from the rest of the City.
2. Buildings shall front on and align with streets.
3. Civic buildings, such as places of public assembly, shall be sited and designed as landmarks.
4. Parking shall be located on street, and behind structures, parking lots in front of uses shall not be permitted.
5. When a building is setback less than 5' in the front, a minimum 8' x 6' covered entry is required per lot.
6. Drive-through uses shall not be permitted.
7. Corporate design and or colors shall not be permitted.
8. All uses and structures shall incorporate Spanish Colonial or Territorial Revival architectural style or otherwise incorporate Ancestral Puebloan construction themes into the design of new structures in a culturally sensitive manner. Elements to incorporate could include:
 - 'Kiva' style or round structure elements
 - Clustered, block-like structures
 - Terraces
 - Horizontal brick elements (green stripe)
 - Doors set into corners
9. Principal Building percentage within the front street setback zone shall be a minimum of 90% (courtyards accessed from the sidewalk may count towards this requirement).
10. Signs shall be designed for the low-speed pedestrian environment. Signs shall incorporate the Spanish Colonial, Territorial Revival or otherwise incorporate Ancestral Puebloan architectural style.

Street Network Design Principles

Streets and blocks shall be organized in a generally rectilinear or radial pattern. However, a strict grid is not required, and street layout shall take into account the following, in descending order of priority:

1. The design and location of streets shall minimize the alteration of natural resources and significant natural features of the site;
2. Streets, alleys, sidewalks, and trails shall provide multiple travel routes within and through the neighborhood where possible; and

3. Street orientations shall, where possible, provide views of the Animas River, the Ruins Trail and other neighborhood features;
4. Squares, greens, parks, plazas, and landscape areas shall be included providing focal points and areas for activity, recreation, and views.
5. Street rights-of-way shall provide for parallel parking
6. Alleys shall provide service access in the neighborhood center. Alleys are optional in areas that do not front on North Main.
7. Additional access points to Highway 550 are strongly encouraged
8. New streets shall provide a similar level of landscaping, sidewalks and pedestrian amenities as North Main.

Block Length

1. Street shall not be longer than 500 feet, unless buildings provide pedestrian access from the front sidewalk to rear parking areas at intervals of not more than 300 feet.
2. Street segments shall not be longer than 650 feet, and shall generally be shorter than 500 feet. This requirement does not apply where:
 - 1) The street segment traverses common open spaces that are wider than 650 feet; or
 - 2) The view along the segment is interrupted by a significant curve, jog, or offset in the street, provided that the curve, jog, or offset is situated not more than 650 feet from the intersections that define the street segment.
 - 3) The City Commission determines that the street segment is appropriate based on existing and planned conditions.

Cul-de-sacs

1. Cul-de-sacs may be used where necessary due to site constraints that cannot be addressed using loop streets.
2. Cul-de-sacs shall not be longer than 350 feet, measured along the centerline of the street from the point of intersection to the middle of the cul-de-sac.

Access & Parking

1. On-street parking shall be provided. On-street parking is optional in areas that do not front on North Main.
2. Off-street parking for residential development shall be accessed by an alley or parking court.
3. Off-street parking for nonresidential and mixed-use shall be located behind principal buildings, and shall be accessed:
 - 1) From streets; or
 - 2) From an alley.

Buffering

1. When new development abuts existing residential development outside of the North Main Overlay Zone, the new development shall provide buffering in the form of walls, landscaping, berms, an increased setback or a combination of the above.
2. Walls shall be masonry and a minimum of four feet and a maximum of eight feet in height.
3. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months.

Landscaping

1. Landscape plans as are required shall be submitted by the applicant showing compliance with the provisions of this section. A licensed landscape architect or architect shall stamp landscape plans. The landscaping plan shall meet the minimum standards set forth in §26-3-146. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months. Please reference the plant palette for landscaping uses.
2. All cut and fill slopes and retaining walls more than three feet high and with a grade of 3:1 or more shall have screening vegetation planted and maintained at the base of the slope and those with a grade of less than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope, please refer to example gabion walls.

COMMUNITY DEVELOPMENT CONCLUSION

Staff concludes that approval of Overlay District is appropriate. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument. The Community Development Department recommends approval for the establishment of the North Main Avenue Overlay District for selected C-1 properties, located north of Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550) intersection.

FINDING OF FACT

1. The applicant of the North Main Overlay District is the City of Aztec.
2. The subject properties are located north of Aztec Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550) intersection, adjacent to the North Main Corridor.

3. The request is to reclassify the current C-1 District parcels (20.96-acres) in the North Main Corridor, with the North Main Overlay District.
4. Property owners and property owners within 100 feet were sent notice by certified mail on Monday, February 5, 2018. A classified ad was published in the Daily Times on Sunday, February 11, 2018.
5. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument.

SUPPORT DOCUMENTS:

1. Application
 - a. Maps
 - b. Ordinance No. 2018-469
 - c. North Main landscaping architecture plans
 - d. Architecture Design Concepts
 - e. Property Owner Notifications

DEPARTMENT'S RECOMMENDED MOTION: Move To Approve is to reclassify the current C-1 District parcels (20.96-acres) located in the North Main Corridor, with the North Main Overlay Zoning District. and accept Finding of Fact 1-5.



CITY OF AZTEC ZONE CHANGE APPLICATION

Permit #: ZC 18-01 Date Started: 1/15/2018 Date Approved: _____ Fees Paid: _____

PROPERTY OWNER CONTACT INFORMATION

Name: City of Aztec
Mailing Address: 201 W. Chaco
Phone: (505)334-7605
Email: acd@aztecm.gov

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: North Main Av, please see attached map for exact parcels
R4006794, R0002175,
R4009935, R4009934,
R0001971, R0001971,
Tax ID: R0001026, R0001970, Parcel Size (ac): 20.96
R0000469, R0002175

Current Zone District: C-1
Current Use: Undeveloped
Proposed Zone District: C-1, with the North Main Ave Overlay
Proposed Use: Commercial
Flood Zone Designation: Yes

REASON FOR REQUESTING A ZONE CHANGE

The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage the development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument

APPLICANT SIGNATURE

The City of Aztec hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$50 first acre and \$5 each additional acre. **Total \$** _____

Signature: SMS

Date: 1/15/2018

CITY of AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

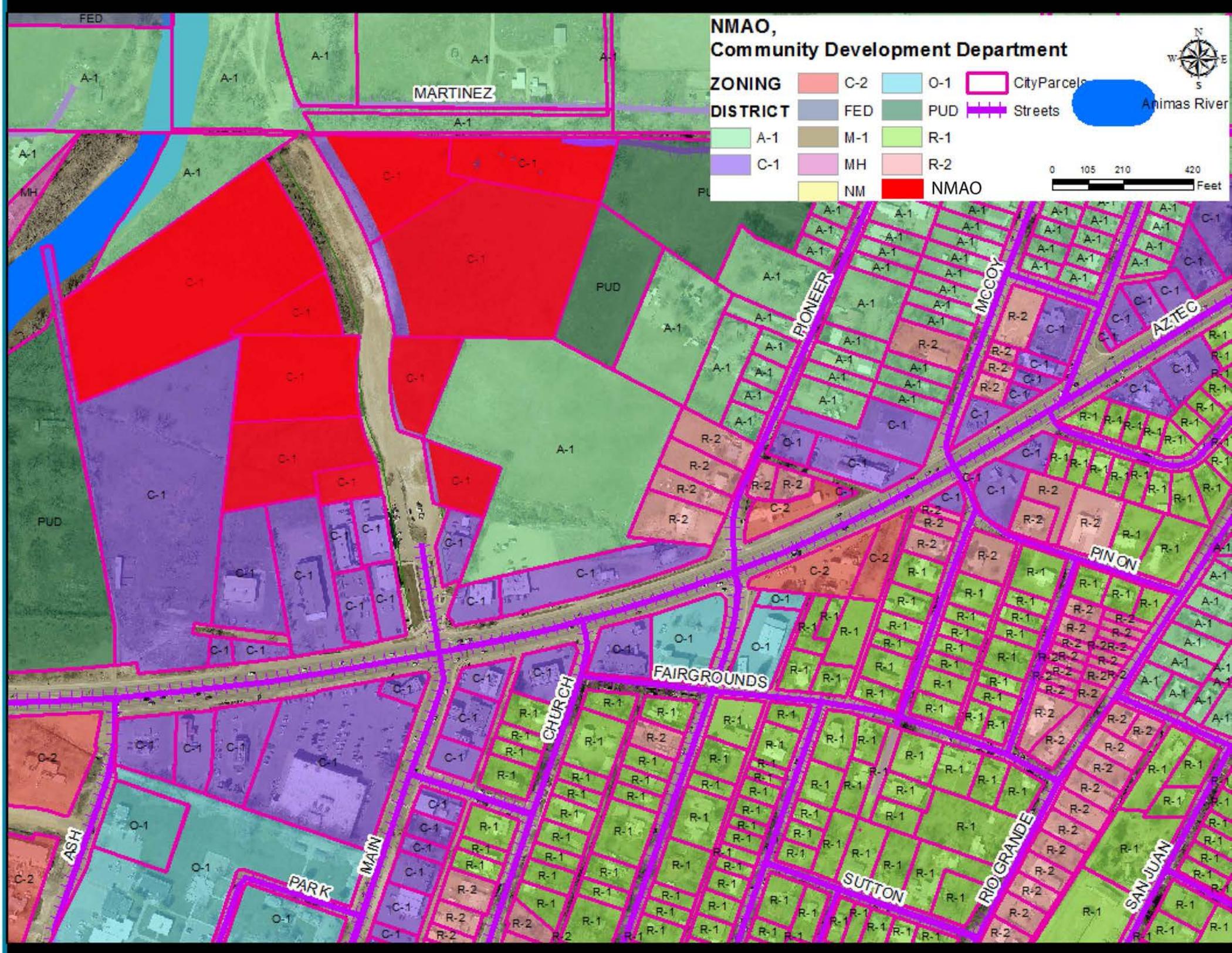
Fees are: \$10 Administration Fee + \$50 first acre and \$5 each additional acre. **Total \$** _____

NMAO, Community Development Department



ZONING	C-2	O-1	City Parcels
DISTRICT	FED	PUD	Streets
A-1	M-1	R-1	
C-1	MH	R-2	
NM	NMAO		

0 105 210 420 Feet



MARTINEZ

PIONEER

MCCOY

AZTEC

PINON

FAIRGROUNDS

CHURCH

ASH

PARK

MAIN

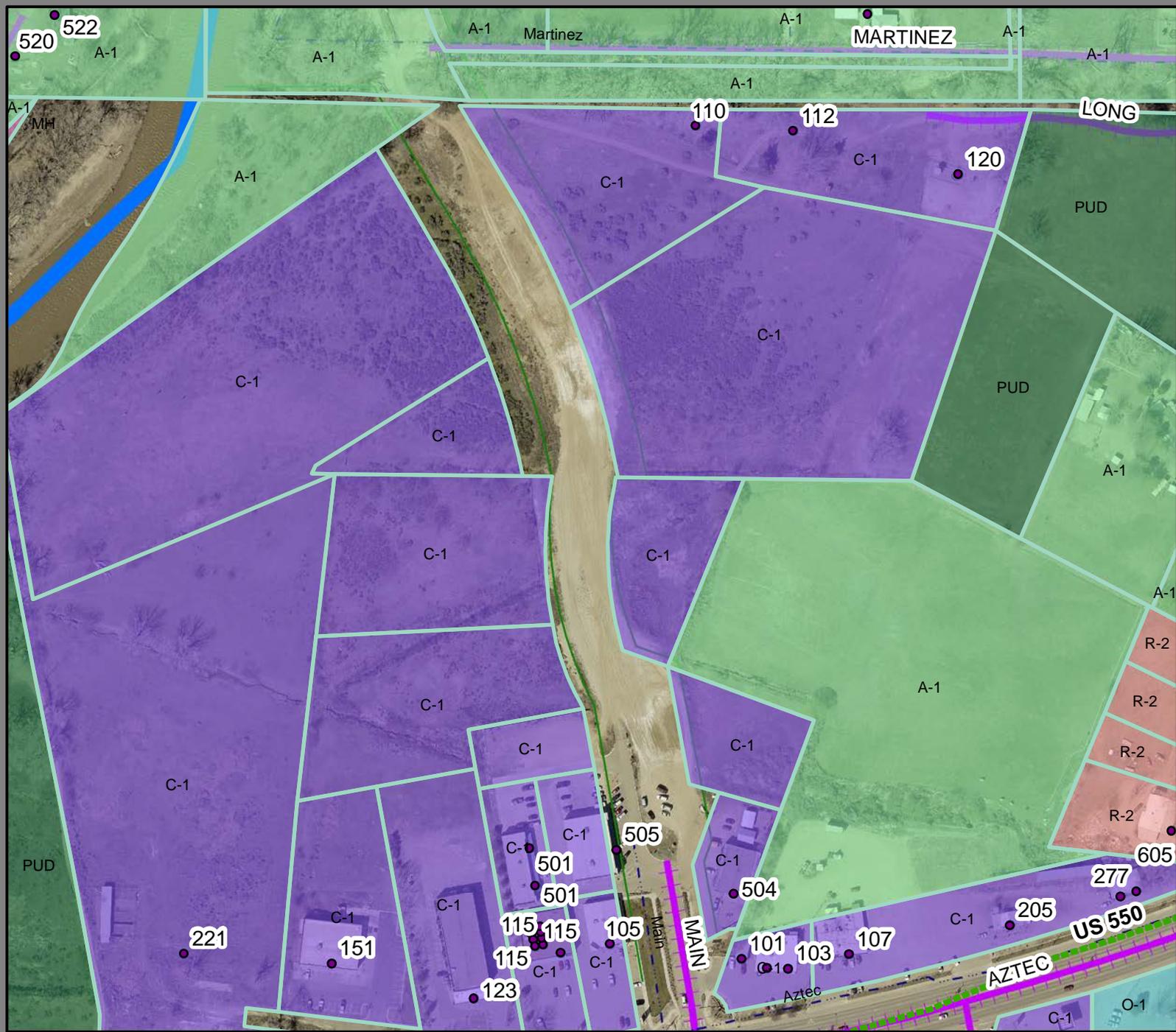
SUTTON

RIO GRANDE

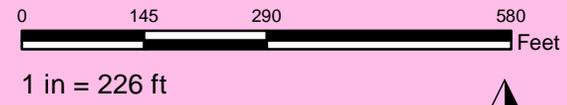
SAN JUAN

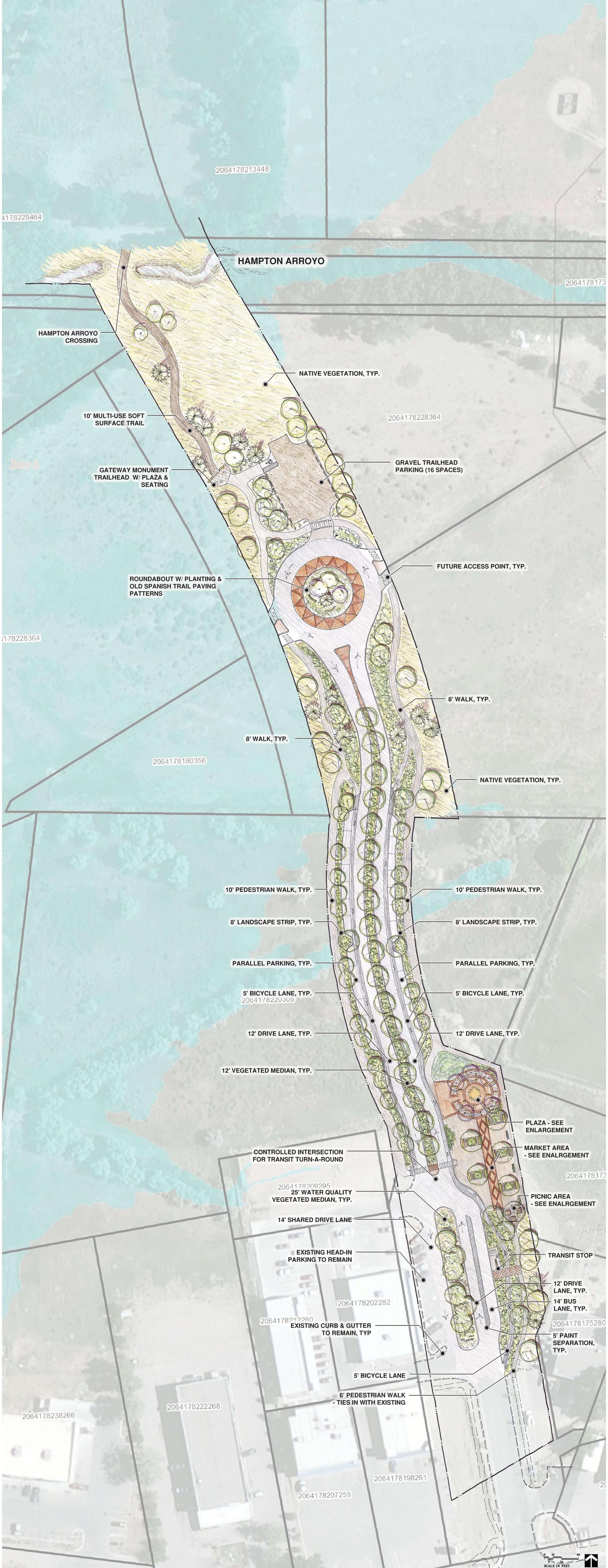
ZONING DISTRICT

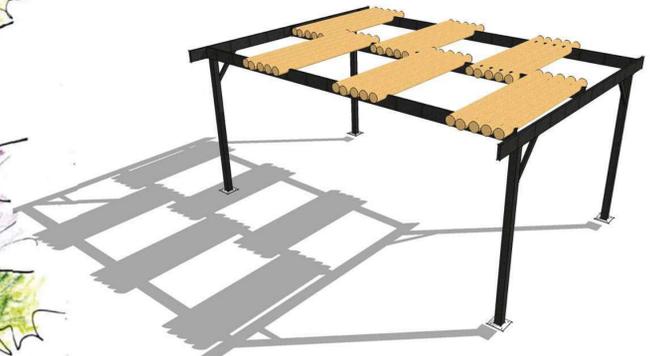
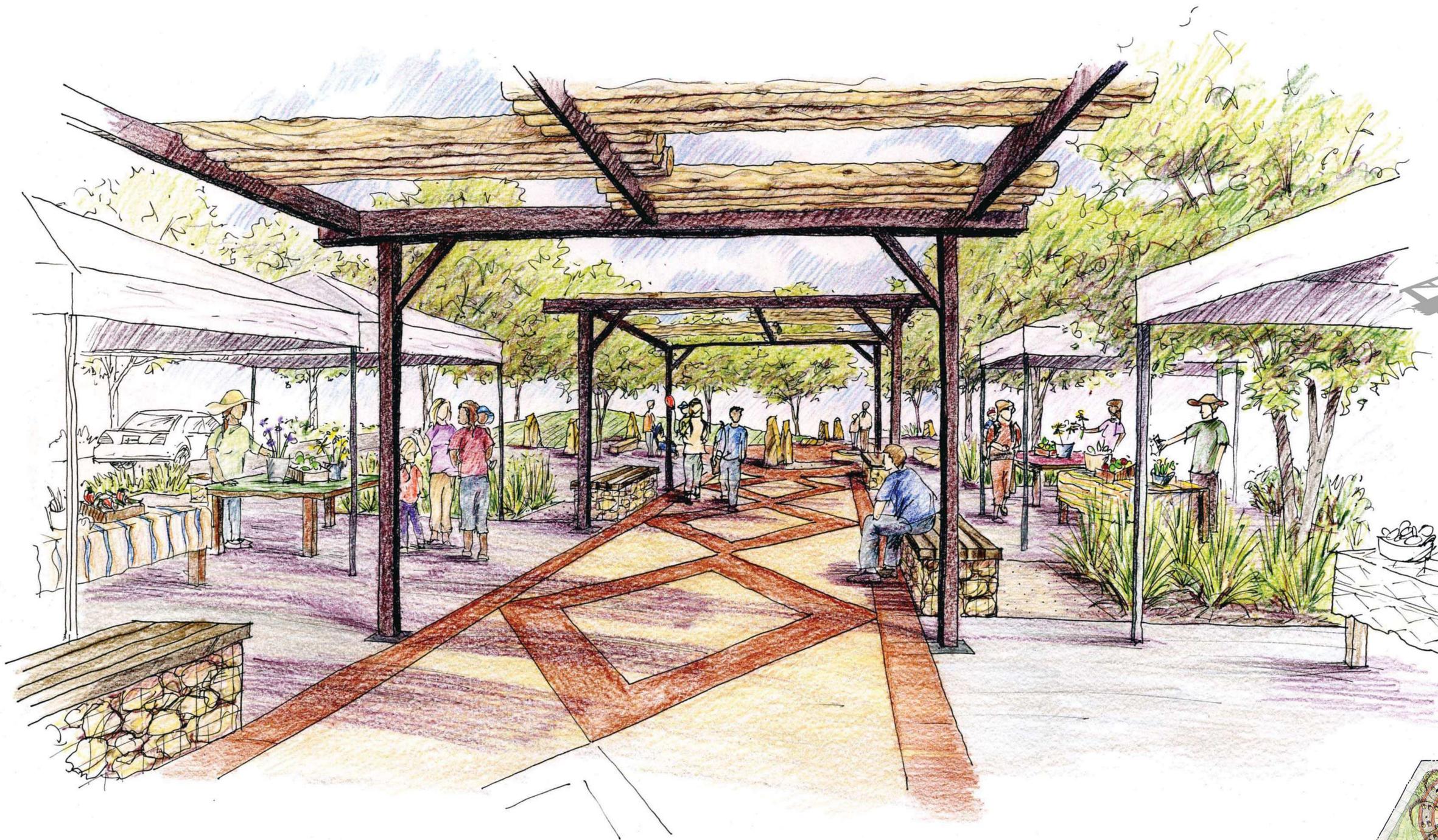
- A-1
- C-1
- C-2
- FED
- M-1
- MH
- NM
- O-1
- PUD
- R-1
- R-2
- CityParcels
- Streets
- Animas River



North Main Current Zoning Map
Community Development Department



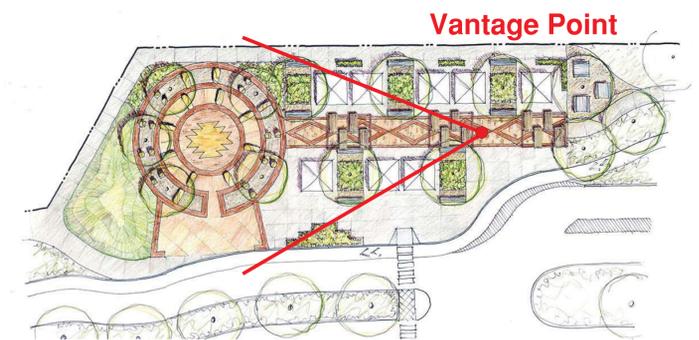




NPS AZTEC RUINS INSPIRED SHADE TRELLIS



NPS AZTEC RUINS SHADE SHELTER



PLANTER BED, TYP.
 DECIDUOUS SHADE TREE, TYP.
 SANDSTONE SLAB SEATING, TYP.
 COLORED CONCRETE, TYP.

STABILIZED CRUSHER FINES, TYP.
 PICNIC TABLE, TYP.
 AREA FOR 12'x12' MARKET
 CANOPY, TYP.
 GABION SEAT WALL, TYP.

UPRIGHT SANDSTONE SLAB
 IN CRUSHER FINES, TYP.

R.O.W.

TRI-WALL INTERPRETIVE PLAZA
 WITH PAVER PATTERN

TURF LAWN MOUND OR
 SUNKEN WATER QUALITY
 FEATURE

COLORED CONCRETE, TYP.

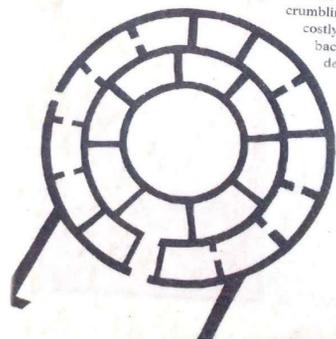
OLD SPANISH TRAIL
 INTERPRETIVE BLANKET PATTERN
 BY COLORED PAVERS
 AZTEC NPS INSPIRED SHADE TRELLIS,
 TYP.

CONCRETE PAVING, TYP.

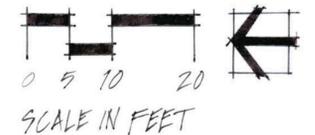
PLANTER CUT OUT, TYP.

STOP
 5

You can trace remnants of the upper walls of an unusual tri-wall structure, one of a handful found in the Southwest. The spaces between three concentric circular walls were partitioned into a series of small rooms, eight in the inner ring, and fourteen in the outer. Most compartments were accessible only by roof hatchways. The central space is called a kiva, and is marked by its own circular wall. Archeologists generally agree it was used ceremonially. Some suggest that the locations of the three tri-walls found at Aztec and their relationship to the many other buildings were important symbols in the "ritual landscape" of the settlement. Maintenance to preserve the exposed and crumbling walls proved too costly here. The site was backfilled to halt its deterioration.



TRI-WALL PLAZA ENLARGEMENT



EXCERPT FROM NPS AZTEC RUINS
 VISITOR'S GUIDE

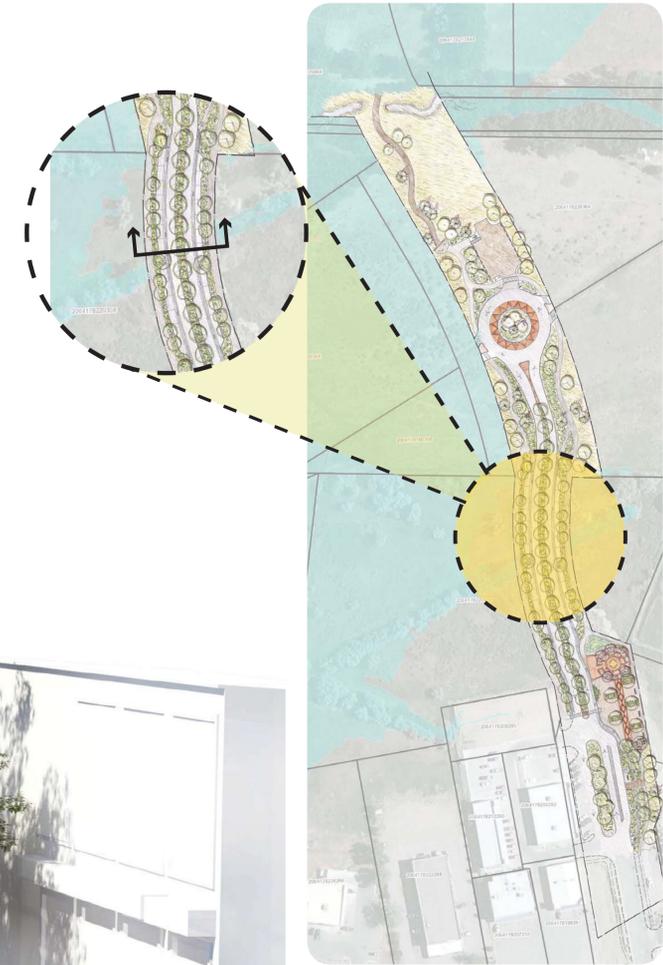
AZTEC NORTH MAIN CORRIDOR - PLAZA CONCEPT PLAN 03.05.2014

DESIGN FEATURES:

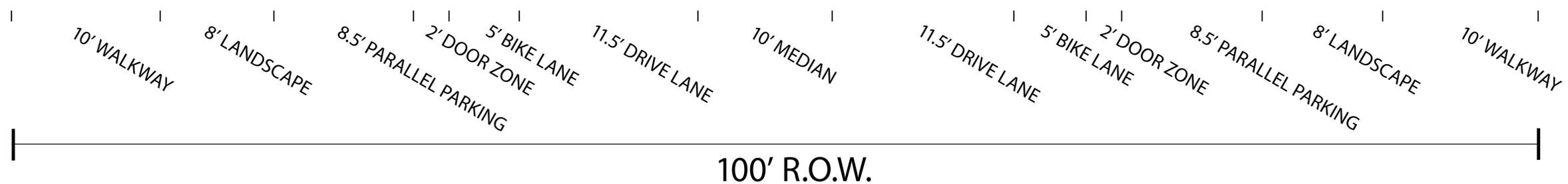
- COMPLETE STREET PRINCIPLES, ACCOMMODATING PEDS, BICYCLISTS, PUBLIC TRANSIT, AUTOMOBILES AND WATER QUALITY TREATMENTS.
- ENCOURAGES PUBLIC HEALTH WITH ENHANCED SAFETY CONSIDERATIONS AND IMPROVED WALKABILITY.
- ENCOURAGES ECONOMIC DEVELOPMENT ALONG THE CORRIDOR WITH ACCESS, VISIBILITY, ACTIVITY AND ON-STREET PARKING.

- OPPORTUNITY TO IMPROVE WATER QUALITY FROM RUNOFF IN POROUS LANDSCAPE DETENTION ZONES IN MEDIANS AND PLANTERS.
- IMPROVES LOCAL AIR QUALITY THROUGH THE ADDITION OF STREET TREES AND VEGETATIVE BIOSWALES.

- IMPROVES THE PEDESTRIAN EXPERIENCE ALONG THE CORRIDOR BY PROVIDING AMENITIES INCLUDING SITE FURNISHINGS: BENCHES, PEDESTRIAN LIGHTING, LITTER RECEPTACLES; AS WELL AS STREET TREES, SHRUB PLANTING BEDS AND FLOWERING PERENNIALS.



SECTION VICINITY MAP



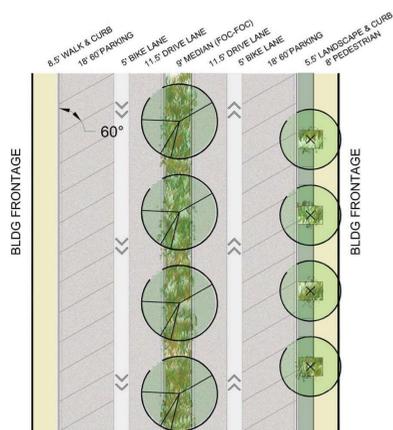
TYPICAL 100' R.O.W. CORRIDOR CROSS-SECTION

NOTES: 100' R.O.W

TYPICAL:
 11.5' DRIVE LANES
 9' MEDIAN (FOC-FOC)
 9' PARALLEL PARKING (AND/OR)
 18' ANGLED PARKING (60 DEG.)
 5' BIKE LANES
 8' 2-WAY BIKE LANE (DETACHED)
 2' SEAT WALL FOR GRADE BREAKS

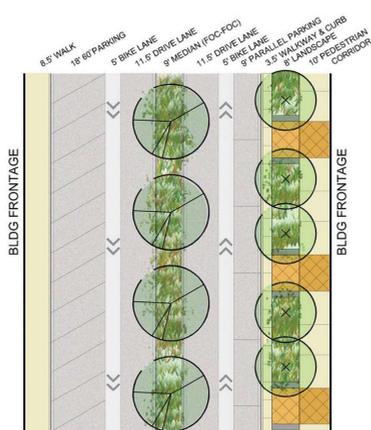
ASSUMED:
 100' R.O.W.
 ZERO LOT LINES
 BULB OUTS AT INTERSECTIONS
 LIGHTING, FURNISHINGS ETC.
 NO STREET PARKING AT PLAZA

OPTIONS:
 PED REFUGE IN MEDIAN (MID-BLOCK)



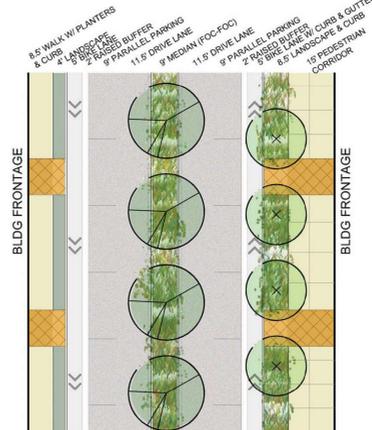
ANGLED PARKING, MEDIAN, 5' BIKE LANES, 8/8' PED WALKS, 5' PLANTING BUFFER (ONE SIDE)

1 100' R.O.W.



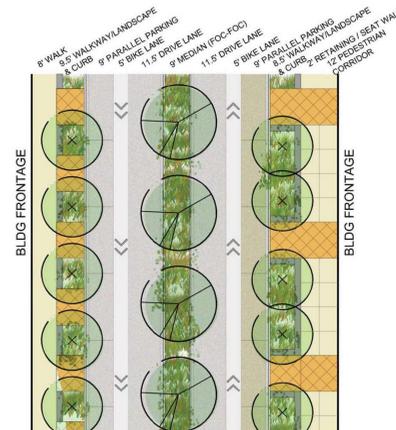
ANGLED/PARALLEL PARKING, MEDIAN, 5' BIKE LANES, 8/3/11' PED WALKS, 8' PLANTER BED

2 100' R.O.W.



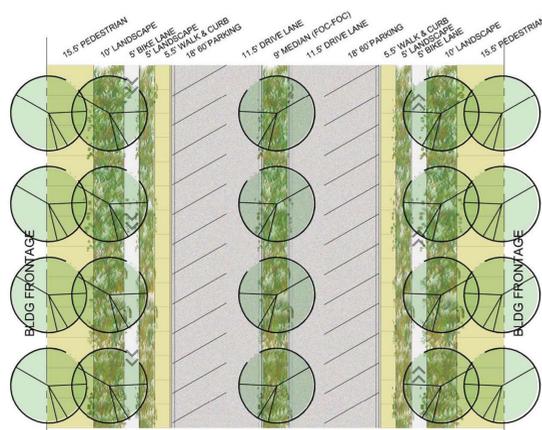
PARALLEL PARKING, MEDIAN, RAISED 5' BIKE LANES, 8/11' PED WALKS, 4/8' PLANTER BEDS

3 100' R.O.W.



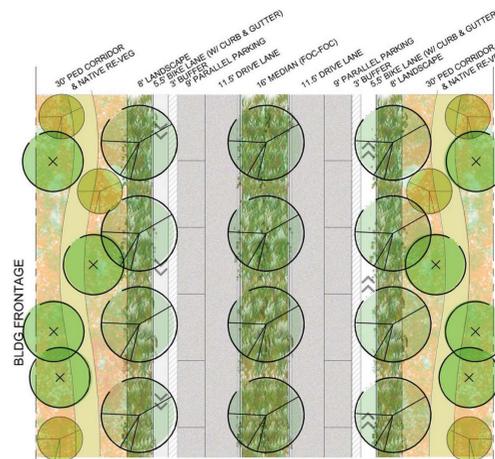
PARALLEL PARKING, MEDIAN, 5' BIKE LANES, 8/8/12' PED WALKS, 7/8' PLANTER BEDS

4 100' R.O.W.



9' MEDIAN, ANGLED PARKING, 5' ATTACHED WALK AT PARKING, 5' LANDSCAPE BUFFER, 5' BIKE LANES, 10' LANDSCAPE BUFFERS, 15.5' PED CORRIDORS.

1 150' R.O.W.



16' MEDIAN, PARALLEL PARKING, 3' BUFFER, 5' BIKE LANES W/ CURB & GUTTER, 8' LANDSCAPE BUFFERS, 30' PED CORRIDOR

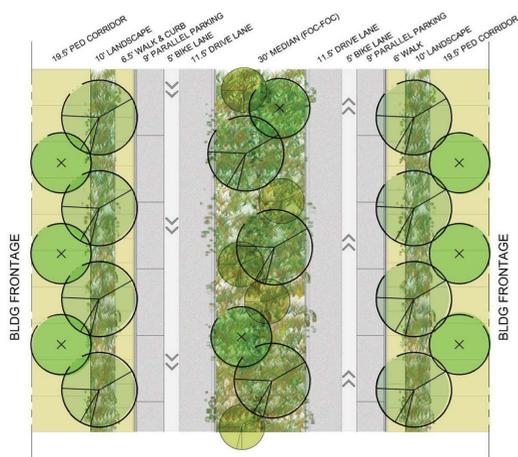
2 150' R.O.W.

NOTES: 150' R.O.W

TYPICAL:
 11.5' DRIVE LANES
 9' PARALLEL PARKING (AND/OR)
 18' ANGLED PARKING (60 DEG.)
 5' BIKE LANES
 2' SEAT WALL FOR GRADE BREAKS

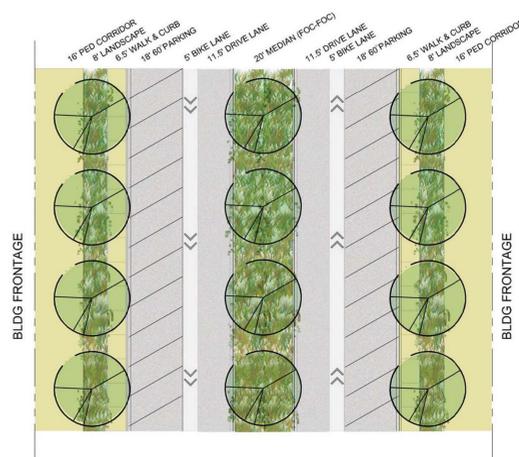
ASSUMED:
 150' R.O.W.
 ZERO LOT LINES
 BULB OUTS AT INTERSECTIONS
 LIGHTING, FURNISHINGS ETC.

OPTIONS:
 PED REFUGE IN MEDIAN (MID-BLOCK)
 WATER QUALITY TREATMENT IN MEDIAN



30' MEDIAN, 5' BIKE LANES, PARALLEL PARKING, 6' ATTACHED WALK, 10' LANDSCAPE BUFFER, 19.5' PED CORRIDOR

3 150' R.O.W.



20' MEDIAN, 5' BIKE LANES, ANGLED PARKING, 6' ATTACHED WALK, 8' LANDSCAPE BUFFER, 16' PED CORRIDOR

4 150' R.O.W.

AZTEC NORTH MAIN CORRIDOR STREET SECTION STUDIES

NOVEMBER 21, 2013



DHM DESIGN
 1300 E 3RD AVE, ROOM 213
 DENVER, CO 80202 | 303.733.4219

CORRIDOR LAYOUT OPTIONS

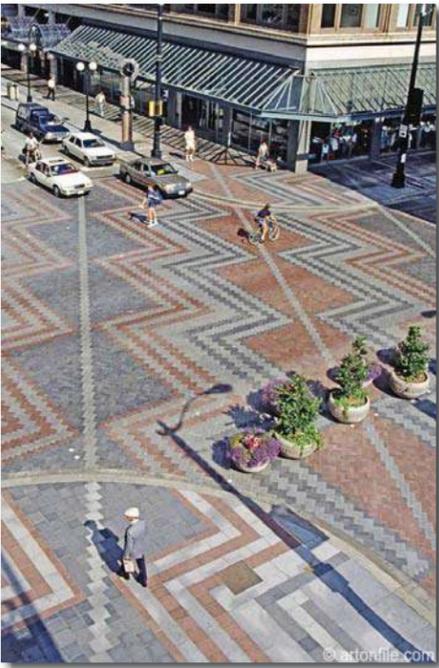
What do **YOU** envision for the North Main Corridor?



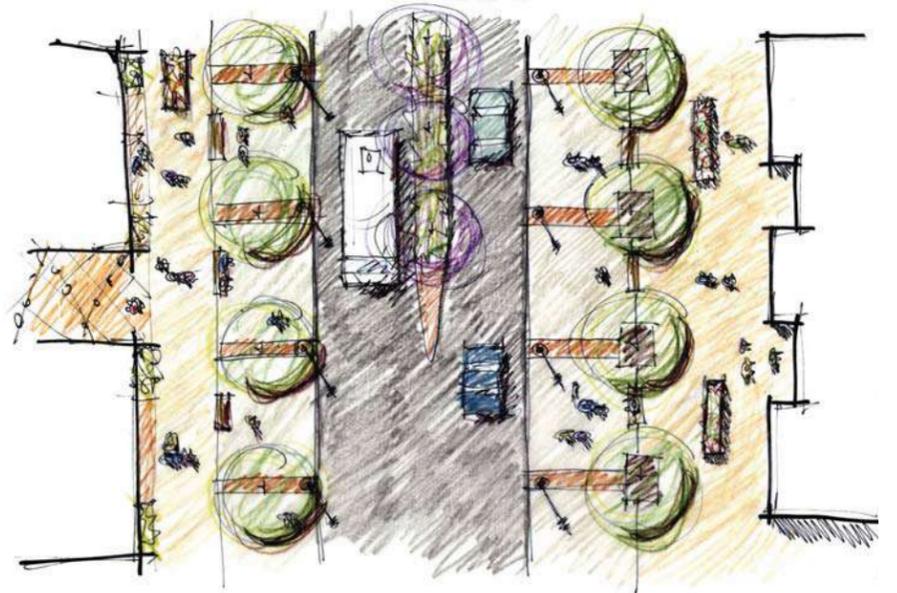
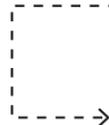
A lasting impression?



An extension of South Main Ave OR a unique design?



A reflection of Aztec's historical culture?



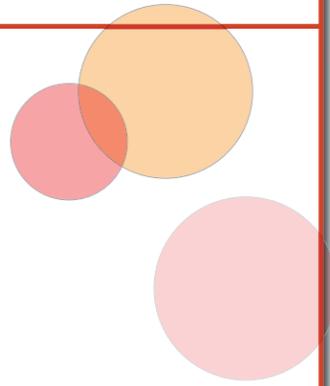
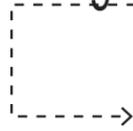
A fun, playful character that draws people in?



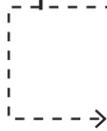
CHARACTER OF THE CORRIDOR

What do **YOU** want in a plaza?

Design forms representative of historical context?



Space for art/sculpture installations?



A passive environment to hangout? (Quiet, shady, enclosed, green, etc.)



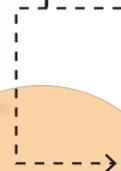
Flexibility to accomodate outdoor performance?



The means to accomodate weekend markets?



Options for games or temporary seating?



OR



PLAZA

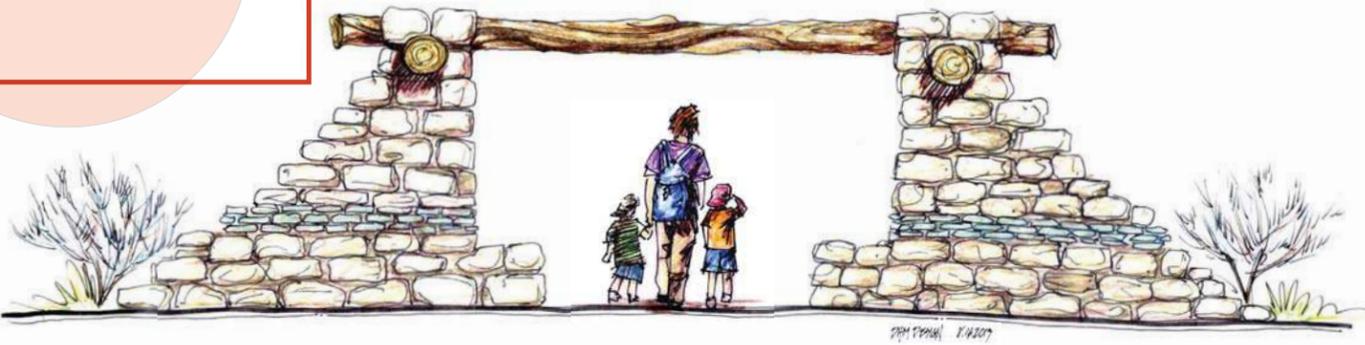
CULTURAL INTERPRETIVE TRAILHEAD/GATEWAYS:



SIMPLE, INFORMATIVE, SUBTLE KIOSK



TRELLIS SHADE SHELTER, KIOSKS, FORMAL GATHERING SPACE



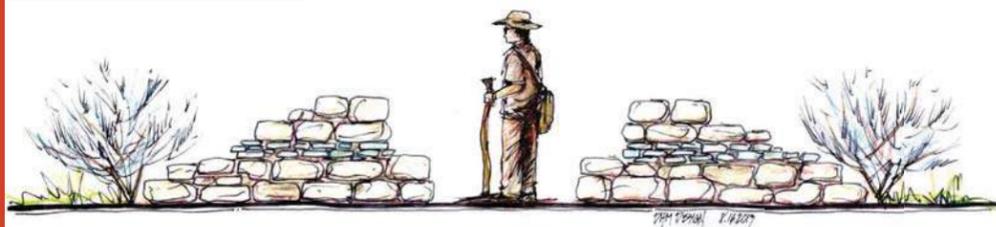
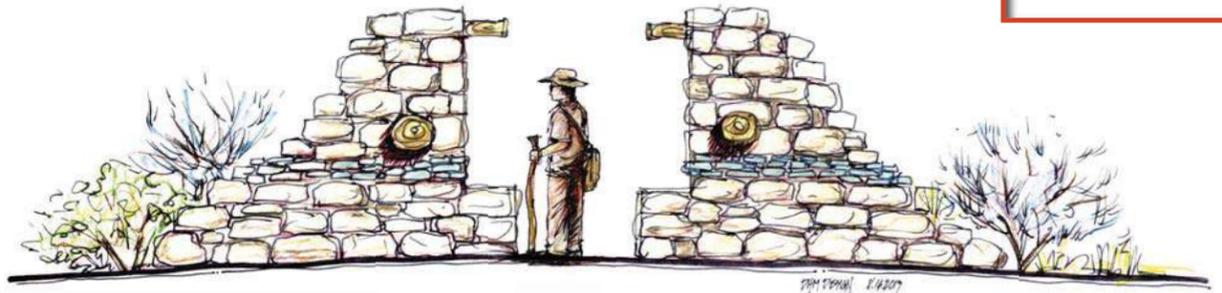
GRAND, FORMAL GATEWAY



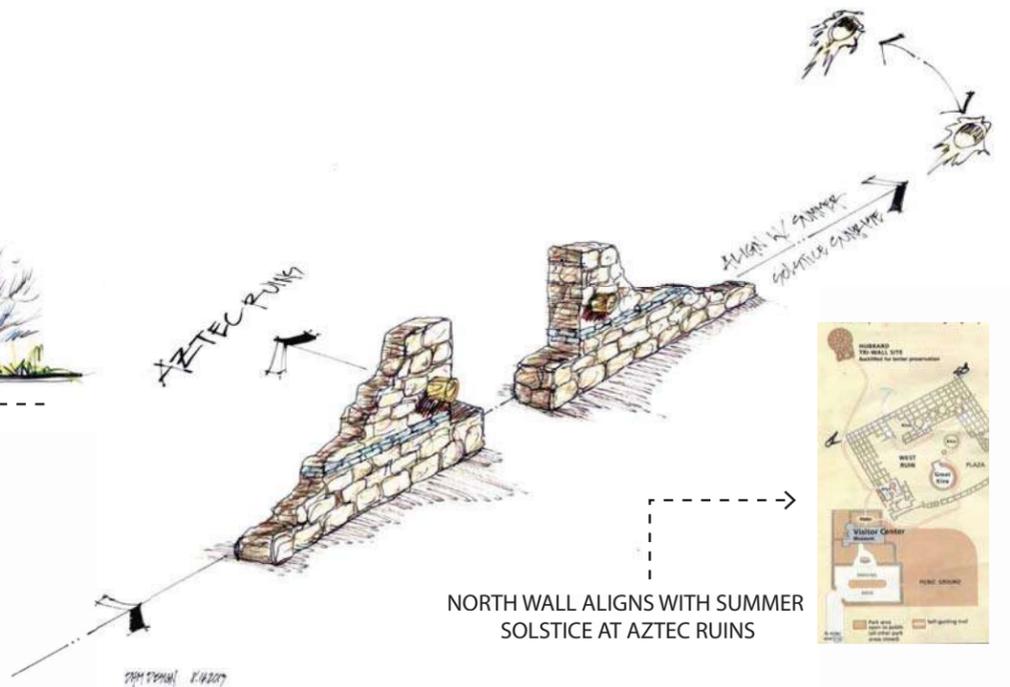
TRAILHEAD DESIGN INCORPORATES GREEN SANDSTONE BANDS THAT ARE UNIQUE TO THE RUINS



TRAILHEAD DESIGNS ARE INFLUENCED BY AZTEC KEYHOLE FORMS



SUBTLE, LOW-PROFILE GATEWAY



NORTH WALL ALIGNS WITH SUMMER SOLSTICE AT AZTEC RUINS

TRAIL HEAD

GABION WALLS



Project / Image Credits: Railroad Park, Birmingham, AL. | Tom Leader Studio

MATERIAL

In the late 19th century the site was filled with large amounts of rubble and assorted urban and rail detritus to create dry space for warehouses. During excavation, these materials were sorted, inventoried, and stockpiled for use as gabion infill. Due to budget as well as concept, all site walls are constructed of these gabions with the infill arranged thematically according to source and time period. A surface is created for seating by clipping milled safety-yellow fiberglass grating to the top. Along with recycled curbs, 1LS used limestone debris from the reservoir excavation to fill gabions that line more structured edges of the lake. Recycled

bricks fill other gabions that are the base for park benches as well as the structured edges in the amphitheater grading. Cobbles from the old streets were re-used to pave the birch grove and create a textured transition into the lake.

62

63



Project Credit: Railyard Park, Santa Fe, NM. | Ken Smith Workshop

Raised Planter / Seating / Geometric Forms



<https://www.pinterest.com/pin/350295677237766477/>

Artistic Elements Incorporated



<https://www.pinterest.com/pin/350295677237766477/>

Seating Easily Incorporated



<https://www.pinterest.com/pin/350295677236444075/>

GABION SANDSTONE:

- Aztec Ruins Interpretive Element
- Sandstone to Match Ruins
- Seat Wall / Retaining / Planter
- Cap w/ Trex or similar for Minimal Maintenance
- Cost Effective

MATERIALS: GABION RETAINING / SEATWALLS

Corridor Layouts:

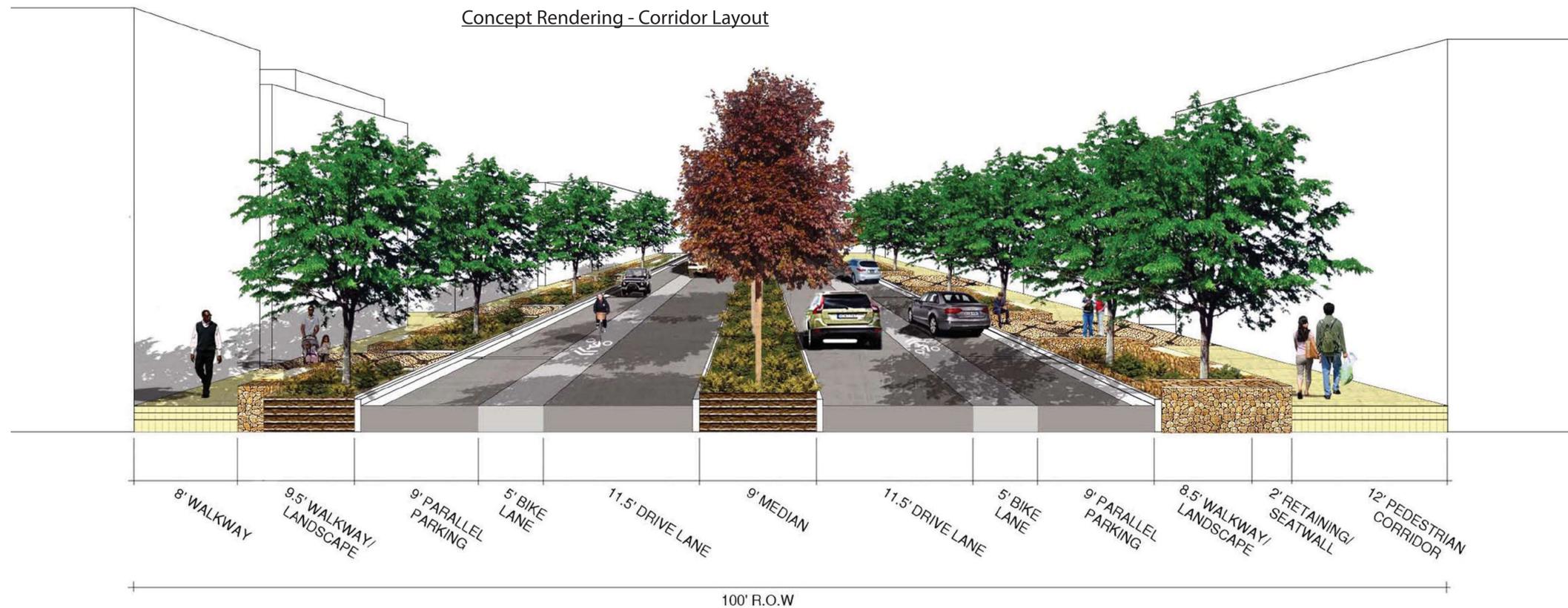
- Character of Aztec
- Program Requirements
 - Pedestrians
 - Vehicles
 - Bicycles
 - Plaza
 - Trail Head
 - Transit Stop
 - Landscaping
- Water Quality Potential
- City R.O.W. Limits (100' & 150')
- Anticipated Future Development

Concept Sketch - Median Water Quality Treatment



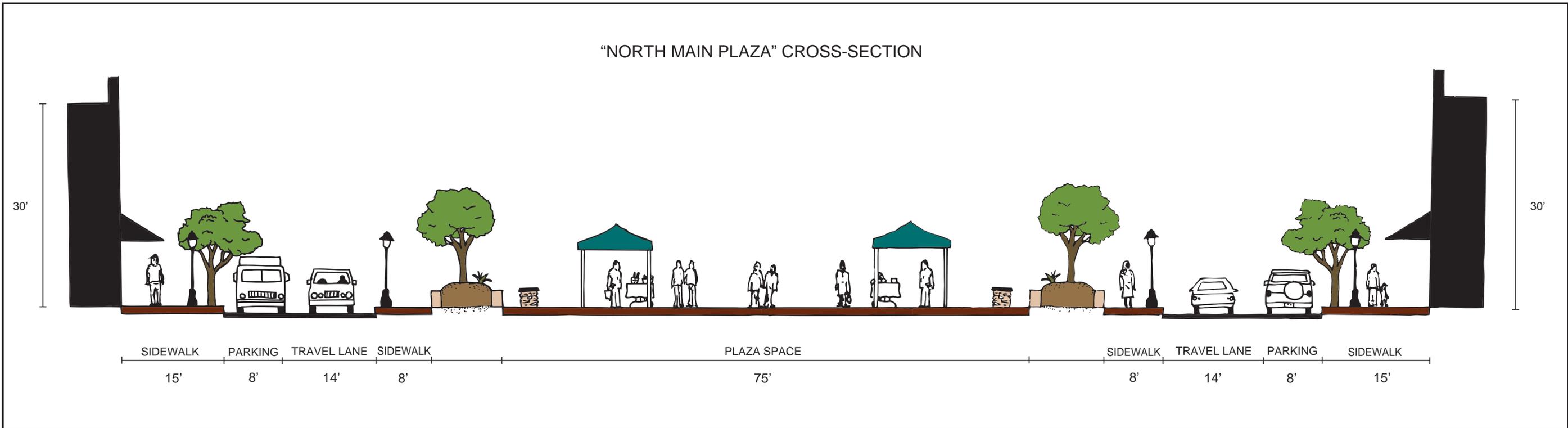
Median Example from Washington State (High Point Development, Seattle)

Concept Rendering - Corridor Layout

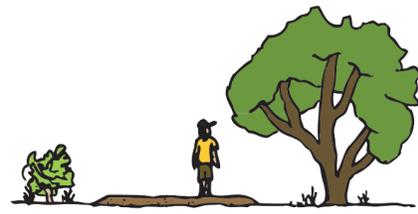


CORRIDOR & MEDIAN CONCEPTS

"NORTH MAIN PLAZA" CROSS-SECTION



MARTINEZ TRAIL CROSS-SECTION
(typical)



12'
(maximum)

STABILIZED SURFACE TRAIL
(crusher fines or stabilized soil recommended)

GREENWAY PROMENADE CROSS-SECTION
(typical)



12'
(maximum)

HARD SURFACE TRAIL
(brick, colored concrete, or asphalt recommended)

PLANTER BED, TYP.
 DECIDUOUS SHADE TREE, TYP.
 SANDSTONE SLAB SEATING, TYP.
 COLORED CONCRETE, TYP.

STABILIZED CRUSHER FINES, TYP.
 PICNIC TABLE, TYP.
 AREA FOR 12'x12' MARKET
 CANOPY, TYP.
 GABION SEAT WALL, TYP.

UPRIGHT SANDSTONE SLAB
 IN CRUSHER FINES, TYP.

R.O.W.

TRI-WALL INTERPRETIVE PLAZA
 WITH PAVER PATTERN

TURF LAWN MOUND OR
 SUNKEN WATER QUALITY
 FEATURE

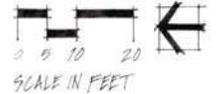
OLD SPANISH TRAIL
 INTERPRETIVE BLANKET PATTERN
 BY COLORED PAVERS
 AZTEC NPS INSPIRED SHADE TRELLIS,
 TYP.

CONCRETE PAVING, TYP.

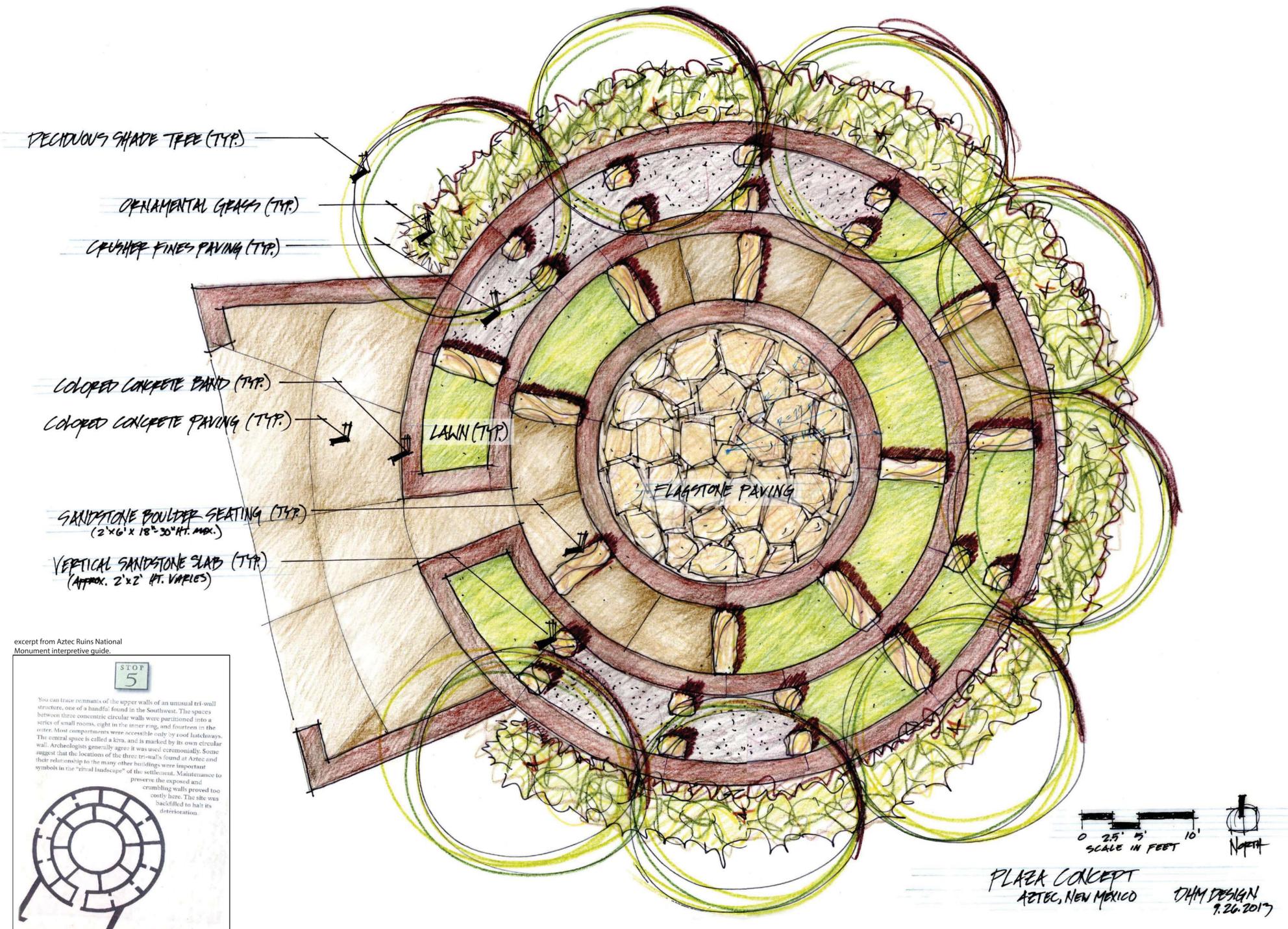
PLANTER CUT OUT, TYP.



TRI-WALL PLAZA ENLARGEMENT



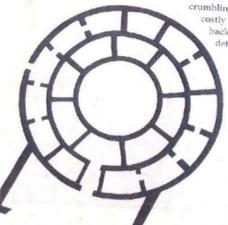
AZTEC NORTH MAIN CORRIDOR - PLAZA CONCEPT PLAN 03.05.2014



excerpt from Aztec Ruins National Monument interpretive guide.

STOP 5

You can trace remains of the upper walls of an unusual tri-wall structure, one of a handful found in the Southwest. The spaces between three concentric circular walls were partitioned into a series of small rooms, eight in the inner ring, and fourteen in the outer. Most compartments were accessible only by roof ledges. The central space is called a kiva, and is marked by its own circular wall. Archeologists generally agree it was used ceremonially. Some suggest that the locations of the three tri-walls found at Aztec and their relationship to the many other buildings were important symbols in the "ritual landscape" of the settlement. Maintenance to preserve the exposed and crumbling walls proved too costly here. The site was sacrificed to halt its deterioration.



0 2.5' 5' 10'
SCALE IN FEET

NORTH

PLAZA CONCEPT
AZTEC, NEW MEXICO

DHM DESIGN
9.26.2013

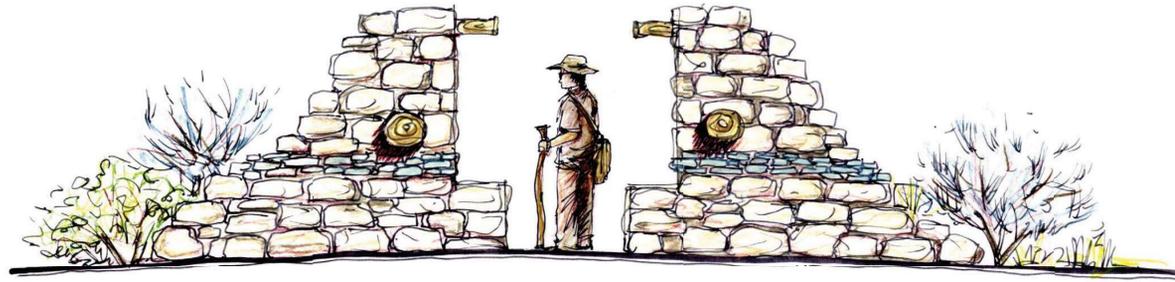
Plaza:
 Design Forms Representative of Historical Context
 Space for Art
 Passive Enjoyment
 Flexibility to Accommodate Outdoor Performances
 Weekend Markets



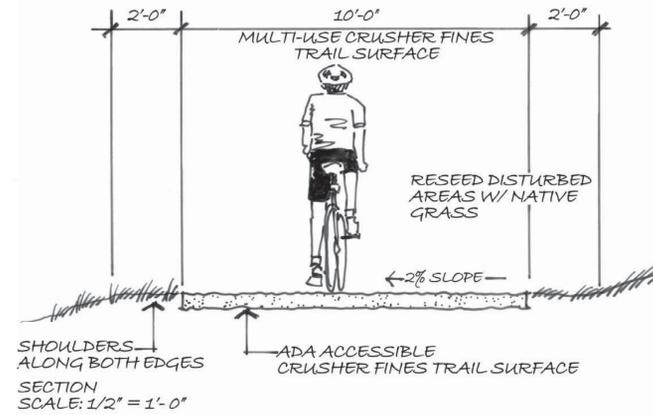
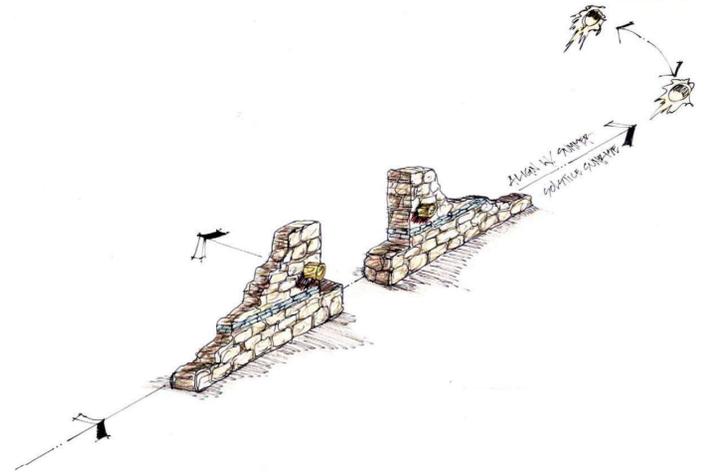
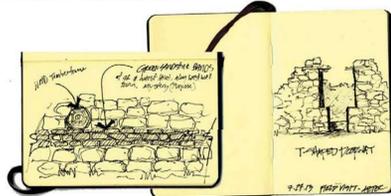
IMAGE OF TRI-WALL STRUCTURE AT AZTEC RUINS NATIONAL MONUMENT

PLAZA CONCEPT

Trail Head to Aztec Ruins National Monument

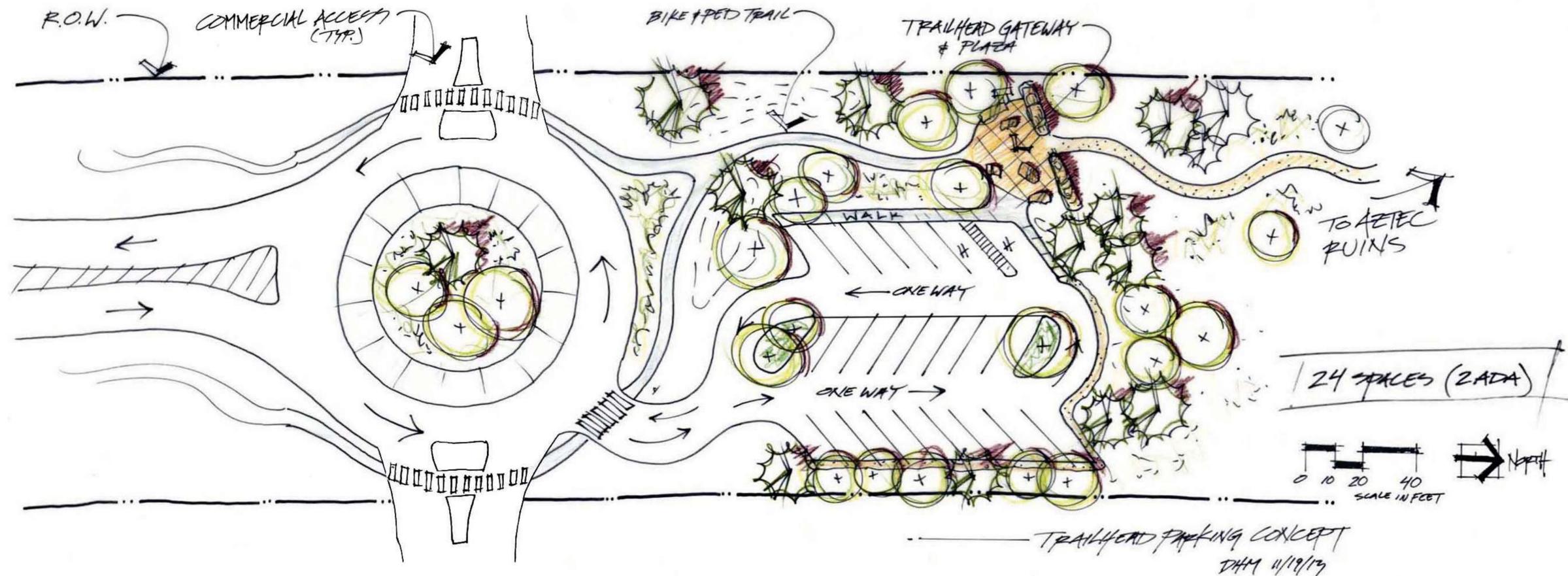


Aztec Ruins Interpretive Elements:
 "T"-Shaped Doorway
 Green Sandstone Bands
 Timber Elements



Trail Head Plaza:

- Paving Pattern Interpretive of the Old Spanish Trail Blanket Route
- Sandstone Boulder Seating
- Align Trail Head Gateway w/ Summer Solstice
- Informative Kiosk



TRAIL HEAD GATEWAY PLAZA

COLORED CONCRETE OPTIONS

—DAVIS COLORS



PAVER COLOR OPTIONS

—PAVESTONE



PLANT PALETTE

(Palette shown not comprehensive list, additional species/varieties available)



PAVING PATTERN OPTIONS

INSPIRED BY NAVAJO RUG DESIGNS FOR OLD SPANISH TRAIL INTERPRETIVE ELEMENT



FLOWERING XERIC PERENNIALS:



SHRUBS & ORNAMENTAL GRASSES:



Aztec North Main Ave Corridor Extension

April 1st, 2014

RE: General Timeline of Public Outreach

Project websites: www.aztecnorthmain.com / <https://facebook.com/aztecnorthmain>

Landowner Meeting: August 20th, 2013

RPE and DHM with City Staff met with the adjacent land owners to introduce them to the project and garner general interest in potential development opportunities

First Public Workshop: August 20th, 2013

RPE & DHM present general project scope and generate discussion and feedback with image boards of various built-works with an emphasis on plazas, corridors and trailheads.

Founder's Day Walking Tour: September 21th, 2013

Drew and Craig participate in a walking tour of the project site with Mayor Sally Burbridge, NPS Staff and the public to review the scope and create another opportunity to garner interest and feedback.

2nd Public Workshop: November 21th, 2013

RPE & DHM present initial concepts attempting to incorporate the feedback we received to date via the 1st meeting and website comments. Preliminary corridor alignment options, Plaza concept, trailhead parking and gateway presented.

City Council / Staff Presentation: February 20th, 2014

RPE & DHM present design concepts for review prior to final public meeting to ensure concepts presented will reflect intent and general safety design strategies were discussed as well.

3rd & Final Public Workshop: March 5th, 2014

RPE & DHM present final design concepts with general layout of the corridor, plaza enlargement, trail section and trail head locations.

City Commissioner and Council Presentation: March 25th, 2014

Craig presented PowerPoint presentation given March 5th to new members of commission to bring them up to speed with the project and scope.

Examples of Different Features and Architectural Styles:

Spanish Colonial Architecture:



Ancestral Pueblo Architecture:



Territorial Revival Architecture:



PUBLIC NOTICE

Notice is hereby given that an Overlay District for North Main in Aztec has been requested by the City of Aztec. There will be a workshop on 2/13/18 at 5:15 pm at City Hall, 201 West Chaco Street, Aztec, NM. The City Commission will hear this petition on 2/28/18 at 6:00 p.m. at City Hall, 201 West Chaco Street, Aztec, NM.

Legal No. 74769 published in The Daily Times on February 11, 2018.

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

NOTICE OF PUBLIC HEARING

PROPOSED OVERLAY ZONING DISTRICT

PETITION NO. OLZ 18-01

N. MAIN OVERLAY ZONING

February 5, 2018

Dear Linn and TreciaFaye Blancett :

Notice is hereby given that an application has been filed with the City of Aztec, New Mexico, that consists of a request from the City of Aztec to consider an Overlay Zoning District of approximately 20.96 acres of land located immediately north of the intersection of Aztec Boulevard (NM Highway 516) and North Main Avenue, Aztec New Mexico, 87410 as depicted in the map below. You own the following parcels that fall in this Proposed Overlay District described below:

Parcel List:

1. Tax ID: R0002175- BEG S35-48-13 W 2789.76 FT FROM NE COR 93011 THENCE N79-25-27 W 246.82 FT, S10-05-16-E 494.82 FT, N19-50-01-E 429.37 FT TO BEG.BK.1552 PG.705 LESS .01 AC IN BK.1178 PG.231 LESS .44 AC IN BK. 1517 PG.273; Parcel Number 2-064-178-173-297. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
2. Tax ID: R0000469-LTJ SUBDIVISION LOT A BK.1224 PG.446BK.1570 PG.669; 0.962 Acres; Parcel Number 2-064-178-188-326 Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
3. Tax ID: R4009934-LTJ SUBDIVISION LOT BBK.1224 PG. 446 BK. 1570 PG. 669; 2.008 Acres; Parcel Number 2-064-178-224-328. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
4. Tax ID: R4009935-LTJ SUBDIVISION LOT CBK.1224 PG.446 BK.1570 PG.669 1.997 Acres; Parcel Number 2-064-178-227-304. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.

Pursuant to the provisions of Section 26-4-505 to 26-4-520, City of Aztec Land Use Regulations, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing on Tuesday, February 27, 2018 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco, Aztec, New Mexico. A special workshop discussing the details of the overlay district is scheduled for February 13, 2018 at 5:15 p.m. Please note no decisions will be made at this workshop regarding the overlay district. All interested individuals are invited to attend the hearing and workshop and shall have an opportunity to be heard with respect to the subject Petition.

You are receiving this letter because you own property within the area of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 201 W. Chaco, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Steven M. Saavedra (505)334-7605.

Sincerely,



Cynthia Beth Mace

Administrative Assistant

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

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NOTICE OF PUBLIC HEARING

PROPOSED OVERLAY ZONING DISTRICT

PETITION NO. OLZ 18-01

N. MAIN OVERLAY ZONING

February 5, 2018

Dear John Faverino:

Notice is hereby given that an application has been filed with the City of Aztec, New Mexico, that consists of a request from the City of Aztec to consider an Overlay Zoning District of approximately 20.96 acres of land located immediately north of the intersection of Aztec Boulevard (NM Highway 516) and North Main Avenue, Aztec New Mexico, 87410 as depicted in the map below. You own the following parcels that fall in this Proposed Overlay District described below:

Parcel List:

1. Tax ID: R0000469-LTJ SUBDIVISION LOT A BK.1224 PG.446BK.1570 PG.669; 0.962 Acres; Parcel Number 2-064-178-188-326 Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
2. Tax ID: R4009934-LTJ SUBDIVISION LOT BBK.1224 PG. 446 BK. 1570 PG. 669; 2.008 Acres; Parcel Number 2-064-178-224-328. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
3. Tax ID: R4009935-LTJ SUBDIVISION LOT CBK.1224 PG.446 BK.1570 PG.669 1.997 Acres; Parcel Number 2-064-178-227-304. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.

Pursuant to the provisions of Section 26-4-505 to 26-4-520, City of Aztec Land Use Regulations, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing on Tuesday, February 27, 2018 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco, Aztec, New Mexico. A special workshop discussing the details of the overlay district is scheduled for February 13, 2018 at 5:15 p.m. Please note no decisions will be made at this workshop regarding the overlay district. All interested individuals are invited to

attend the hearing and workshop and shall have an opportunity to be heard with respect to the subject Petition.

You are receiving this letter because you own property within the area of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 201 W. Chaco, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Steven M. Saavedra (505)334-7605.

Sincerely,


Cynthia Beth Mace

Administrative Assistant

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

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NOTICE OF PUBLIC HEARING

PROPOSED OVERLAY ZONING DISTRICT

PETITION NO. OLZ 18-01

N. MAIN OVERLAY ZONING

February 5, 2018

Dear Anna Evers:

Notice is hereby given that an application has been filed with the City of Aztec, New Mexico, that consists of a request from the City of Aztec to consider an Overlay Zoning District of approximately 20.96 acres of land located immediately north of the intersection of Aztec Boulevard (NM Highway 516) and North Main Avenue, Aztec New Mexico, 87410 as depicted in the map below. You own the following parcels that fall in this Proposed Overlay District described below:

Parcel List:

1. Tax ID: R0001970-TR 3 BEG AT A PT N69W 938 FT, N 62-45W 683 FT FROM E 1/4 COR OF SEC 09 30 11 THENCE W 918.03 FT, N 24-53E 36.84 FT, N 58-03E 831.39 FT, S 76-20E 363.72 FT, S21-35W 425 FT TO PT OF BEG. BK.1398 PG.9 AKA LAWRENCE LONG SURVEY LESS .88 AC BK.1491 PG.510; Parcel Number 2-064-178-180-356. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.
2. Tax ID: R0001971-TR 4 BEG AT A PT N69W 938 FT, N61-45W 683 FT FROM E1/4 COR OF SEC 09 30 11 THENCE N89-30-59W 918.03 FT, S67-45-22W 511.98 FT, N09-49-43W 282.30 FT, N54-26-02E 931.05 FT, E 434.90 FT, S05-26-30W 137.65 FT, S76-20-10E 65.70 FT, S58-03-11W 831.39 FT, S24-53-45W 36.84 FT TO PT OF BEG. BK.1398 PG.9 AKA LAWRENCE LONG SURVEY LESS 1.33 AC BK.1491 PG.510; 8.639 Acres; Parcel Number 2-064-178-228-364. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.

Pursuant to the provisions of Section 26-4-505 to 26-4-520, City of Aztec Land Use Regulations, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing on Tuesday, February 27, 2018 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco, Aztec, New Mexico. A special workshop discussing the details of the overlay district is scheduled for February 13, 2018 at 5:15 p.m. Please note no decisions will be

made at this workshop regarding the overlay district. All interested individuals are invited to attend the hearing and workshop and shall have an opportunity to be heard with respect to the subject Petition.

You are receiving this letter because you own property within the area of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 201 W. Chaco, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Steven M. Saavedra (505)334-7605.

Sincerely,



Cynthia Beth Mace

Administrative Assistant

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

NOTICE OF PUBLIC HEARING

PROPOSED OVERLAY ZONING DISTRICT

PETITION NO. OLZ 18-01

N. MAIN OVERLAY ZONING

February 5, 2018

Dear Probst Properties LLC:

Notice is hereby given that an application has been filed with the City of Aztec, New Mexico, that consists of a request from the City of Aztec to consider an Overlay Zoning District of approximately 20.96 acres of land located immediately north of the intersection of Aztec Boulevard (NM Highway 516) and North Main Avenue, Aztec New Mexico, 87410 as depicted in the map below. You own the following parcels that fall in this Proposed Overlay District described below:

Parcels:

1. Tax ID: R4006794-PROBST PROPERTIES LLC SUBDIVISION LOT 5 B. 1425 P.39; 0.448 AC; Parcel Number 2-064-178-209-295. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.

Pursuant to the provisions of Section 26-4-505 to 26-4-520, City of Aztec Land Use Regulations, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing on Tuesday, February 27, 2018 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco, Aztec, New Mexico. A special workshop discussing the details of the overlay district is scheduled for February 13, 2018 at 5:15 p.m. Please note no decisions will be made at this workshop regarding the overlay district. All interested individuals are invited to attend the hearing and workshop and shall have an opportunity to be heard with respect to the subject Petition.

You are receiving this letter because you own property within the area of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 201 W. Chaco, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Steven M. Saavedra (505)334-7605.

Sincerely,



Cynthia Beth Mace

Administrative Assistant

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

NOTICE OF PUBLIC HEARING

PROPOSED OVERLAY ZONING DISTRICT

PETITION NO. OLZ 18-01

N. MAIN OVERLAY ZONING

February 5, 2018

Dear Viola M. Lucero:

Notice is hereby given that an application has been filed with the City of Aztec, New Mexico, that consists of a request from the City of Aztec to consider an Overlay Zoning District of approximately 20.96 acres of land located immediately north of the intersection of Aztec Boulevard (NM Highway 516) and North Main Avenue, Aztec New Mexico, 87410 as depicted in the map below. You own the following parcels that fall in this Proposed Overlay District described below:

Parcels:

1. Tax ID: R001043-2.46 AC IN SW 1/4 NE 1/4 93011 B.561 P.125 DIVORCE DECREE NO.16385 B.846 P.169 LESS .1727 AC B. 1101 P.222; 2.287 Acres; Parcel Number 2-064-178-254-379. Tract Sixteenth SW, Quarter NE, Section 9, Township 30, Range 11.

Pursuant to the provisions of Section 26-4-505 to 26-4-520, City of Aztec Land Use Regulations, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing on Tuesday, February 27, 2018 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco, Aztec, New Mexico. A special workshop discussing the details of the overlay district is scheduled for February 13, 2018 at 5:15 p.m. Please note no decisions will be made at this workshop regarding the overlay district. All interested individuals are invited to attend the hearing and workshop and shall have an opportunity to be heard with respect to the subject Petition.

You are receiving this letter because you own property within the area of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 201 W. Chaco, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Steven M. Saavedra (505)334-7605.

Sincerely,



Cynthia Beth Mace

Administrative Assistant

Staff Summary Report

MEETING DATE: February 27, 2018

AGENDA ITEM: XIII. BUSINESS ITEM (A)

AGENDA TITLE: Intent to Adopt Ordinance 2018-469 Amending Chapter 26 Land Use Regulations, Article II Zone District and Overlay Regulations to Include the North Main Avenue Overlay District.

ACTION REQUESTED BY: Community Development

ACTION REQUESTED: Approval of Intent to Adopt Ordinance 2018-469

SUMMARY BY: Steven Saavedra, CFM

PROJECT DESCRIPTION / FACTS

Applicant	City of Aztec
Date of Application Requested Action	January 15, 2018 Establish an overlay district for North Main AVE Corridor
Location Dimensions	North Main Avuene Corridor 20.96 acres
Existing Land Use Existing Zoning Surrounding Zoning/ Use	Undeveloped C-1 Limited Retail & Neighborhood Commercial District North: A-1 Agriculture or Rural & Residential and Undeveloped land South: C-1 Limited Retail & Neighborhood Commercial / Retail Commercial East: C-1 Limited Retail & Neighborhood Commercial / Undeveloped West: C-1 Limited Retail & Neighborhood Commercial / Undeveloped
Notice	Property owners and property owners within 100 feet were sent notice by certified mail on Monday, February 5, 2018. A classified ad was published in the Daily Times on Sunday, February 11, 2018.
Floodplain Area	Yes
Access	North Main Corridor

PROJECT DESCRIPTION

The applicant requests the establishment of an overlay district over the existing C-1 Limited Retail / Neighborhood Commercial District properties (approximately 20.96-acres) located north of the intersection of the Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550), please refer to figure 2 for listed properties. The overlay zone does not change the base or existing zone but supplies a tool to address the unique requirements of development. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage the development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument. The district is intended to:

1. Create a dynamic, mixed-use environment, where walking is the preferred mode of transportation.
2. Encourage visitors and residents to shop, live and recreate in a neighborhood that reflects the history and culture of the area.
3. Produce quality public spaces that are usable for a variety of public and semi-public activities.
4. Ensure higher standards of design and construction for buildings, public infrastructure, and landscaping, emphasizing the relationships of buildings and the spaces between buildings.
5. Provide a neighborhood with cohesive design characteristics that reflect the local, historical themes of Spanish Colonial, Ancestral Puebloan, and Territorial Revival architectural style blended with modern architectural elements.
6. Guarantee a high degree of connectivity for pedestrian and vehicular traffic, and support transit service.
7. Provide narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists.
8. Encourages public health with enhanced safety considerations and improved walkability.
9. Improves local air quality through the addition of street trees and vegetative bioswales.
10. Locate buildings close to the street, so that streets and squares are defined as "outdoor rooms."
11. Utilize all the streets for on-street parking.
12. Encourage public spaces, public art, outdoor living and natural spaces wherever possible.

NMAO Zone standards apply to properties located within the boundaries of the NMAO as shown on the Official Zoning Map

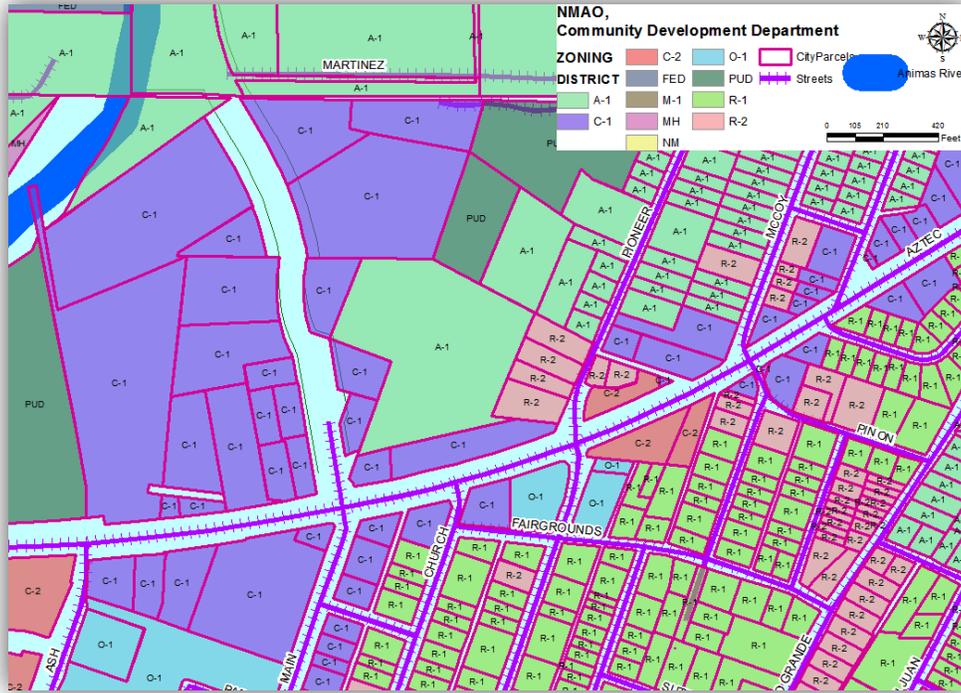


Figure 1 Current Zoning Map

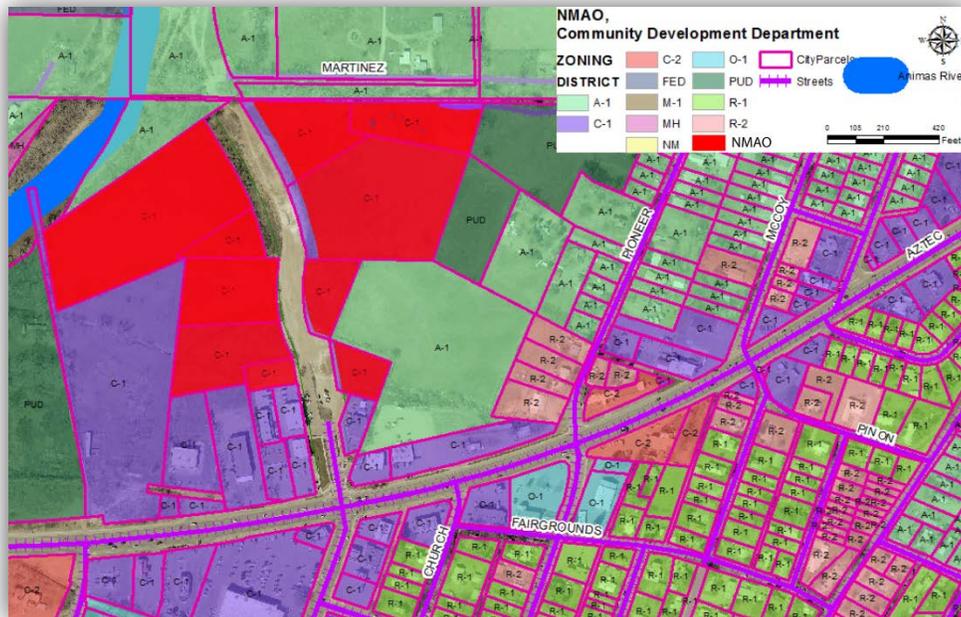


Figure 2 Purposed Overlay District

NMAO Uses

The following uses are permitted after approval of a site plan.

1. Offices
2. Hotels or Motels
3. Retail and Service Establishments less than 5,000 sq. ft.
4. Temporary Stands
5. Studios
6. Semi-professional or professional office
7. Theatres and commercial auditorium
8. Amusement Centers
9. Mixed Use development (commercial and residential)
10. Brew Pubs & Wine Tasting Establishments
11. Wineries
12. Restaurants
13. Coffee Shops
14. Farmers Markets
15. Community garden

The following uses will be permitted in the NMAO provided that the use has been reviewed the Community Development Department and approved by the City Commission:

1. Nursery School
2. Public Utility structure
3. Recreational facility
4. Hospital or clinic
5. Boarding or lodging house
6. Multiple Family Dwellings
7. Senior living/assisted care
8. Institutions
9. Personal Services
10. Food Trucks
11. Any use not listed, needs City Commission Approval.

The following uses are prohibited in the NMAO

1. Pawn Shops
2. Payday Loan Services
3. Second Hand or Consignment Stores
4. Vehicle Sales/ Leasing
5. Cars Washes
6. Paint and Body Shop
7. Service Stations
8. Vehicle Repair Shop
9. Single-Family Residential Dwelling Units

NMAO General Design Principles

Uses and Streets shall be designed according to the following principles:

1. The NMAO shall provide a distinct physical settlement, but shall not be walled off from the rest of the City.
2. Buildings shall front on and align with streets.
3. Civic buildings, such as places of public assembly, shall be sited and designed as landmarks.
4. Parking shall be located on street, and behind structures, parking lots in front of uses shall not be permitted.
5. When a building is setback less than 5' in the front, a minimum 8' x 6' covered entry is required per lot.
6. Drive-through uses shall not be permitted.
7. Corporate design and or colors shall not be permitted.
8. All uses and structures shall incorporate Spanish Colonial or Territorial Revival architectural style or otherwise incorporate Ancestral Puebloan construction themes into the design of new structures in a culturally sensitive manner. Elements to incorporate could include:
 - 'Kiva' style or round structure elements
 - Clustered, block-like structures
 - Terraces
 - Horizontal brick elements (green stripe)
 - Doors set into corners
9. Principal Building percentage within the front street setback zone shall be a minimum of 90% (courtyards accessed from the sidewalk may count towards this requirement).
10. Signs shall be designed for the low-speed pedestrian environment. Signs shall incorporate the Spanish Colonial, Territorial Revival or otherwise incorporate Ancestral Puebloan architectural style.

Street Network Design Principles

Streets and blocks shall be organized in a generally rectilinear or radial pattern. However, a strict grid is not required, and street layout shall take into account the following, in descending order of priority:

1. The design and location of streets shall minimize the alteration of natural resources and significant natural features of the site;
2. Streets, alleys, sidewalks, and trails shall provide multiple travel routes within and through the neighborhood where possible; and
3. Street orientations shall, where possible, provide views of the Animas River, the Ruins Trail and other neighborhood features;

4. Squares, greens, parks, plazas, and landscape areas shall be included providing focal points and areas for activity, recreation, and views.
5. Street rights-of-way shall provide for parallel parking
6. Alleys shall provide service access in the neighborhood center. Alleys are optional in areas that do not front on North Main.
7. Additional access points to Highway 550 are strongly encouraged
8. New streets shall provide a similar level of landscaping, sidewalks and pedestrian amenities as North Main.

Block Length

1. Street shall not be longer than 500 feet, unless buildings provide pedestrian access from the front sidewalk to rear parking areas at intervals of not more than 300 feet.
2. Street segments shall not be longer than 650 feet, and shall generally be shorter than 500 feet. This requirement does not apply where:
 - 1) The street segment traverses common open spaces that are wider than 650 feet; or
 - 2) The view along the segment is interrupted by a significant curve, jog, or offset in the street, provided that the curve, jog, or offset is situated not more than 650 feet from the intersections that define the street segment.
 - 3) The City Commission determines that the street segment is appropriate based on existing and planned conditions.

Cul-de-sacs

1. Cul-de-sacs may be used where necessary due to site constraints that cannot be addressed using loop streets.
2. Cul-de-sacs shall not be longer than 350 feet, measured along the centerline of the street from the point of intersection to the middle of the cul-de-sac.

Access & Parking

1. On-street parking shall be provided. On-street parking is optional in areas that do not front on North Main.
2. Off-street parking for residential development shall be accessed by an alley or parking court.
3. Off-street parking for nonresidential and mixed-use shall be located behind principal buildings, and shall be accessed:
 - 1) From streets; or
 - 2) From an alley.

Buffering

1. When new development abuts existing residential development outside of the North Main Overlay Zone, the new development shall provide buffering in the form of walls, landscaping, berms, an increased setback or a combination of the above.
2. Walls shall be masonry and a minimum of four feet and a maximum of eight feet in height.
3. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months.

Landscaping

1. Landscape plans as are required shall be submitted by the applicant showing compliance with the provisions of this section. A licensed landscape architect or architect shall stamp landscape plans. The landscaping plan shall meet the minimum standards set forth in §26-3-146. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months. Please reference the plant palette for landscaping uses.
2. All cut and fill slopes and retaining walls more than three feet high and with a grade of 3:1 or more shall have screening vegetation planted and maintained at the base of the slope and those with a grade of less than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope, please refer to example gabion walls.

COMMUNITY DEVELOPMENT CONCLUSION

Staff concludes that approval of Overlay District is appropriate. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument. The Community Development Department recommends approval for the establishment of the North Main Avenue Overlay District for 20.96-acres, located north of Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550) intersection.

FINDING OF FACT

1. The applicant of the North Main Overlay District is the City of Aztec.
2. The subject properties are located north of Aztec Aztec Blvd. (NM Highway 516) and North Main Avenue (NM Highway 550) intersection, adjacent to the North Main Corridor.

3. The request is the Intent to Adopt Ordinance 2018-469 Amending Chapter 26 Land Use Regulations, Article II Zone District and Overlay Regulations to Include the North Main Avenue Overlay District.
4. Property owners and property owners within 100 feet were sent notice by certified mail on Monday, February 5, 2018. A classified ad was published in the Daily Times on Sunday, February 11, 2018.
5. The purpose of the North Main Avenue Overlay Zone (NMAO) is to provide standards that encourage development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument.

SUPPORT DOCUMENTS:

1. Application
 - a. Maps
 - b. Ordinance No. 2018-469
 - c. North Main landscaping architecture plans
 - d. Architecture Design Concepts
 - e. Property Owner Notifications

DEPARTMENT'S RECOMMENDED MOTION: Move To Approve the Intent to Adopt Ordinance 2018-469 Amending Chapter 26 Land Use Regulations, Article II Zone District and Overlay Regulations to Include the North Main Avenue Overlay District and accept Finding of Fact 1-5.

**City of Aztec
ORDINANCE 2018-469**

**An Ordinance Amending Chapter 26 with the
Addition of Division 22 North Main Overlay in Article II**

WHEREAS: The City of Aztec is empowered pursuant to NMSA 1978, Section 3-17-1 (Repl. 1995) to adopt ordinance for the purposes of providing for the safety, preserving the health, promoting the welfare and improving the morals, order, comfort, and convince of the municipality and its inhabitants

WHEREAS: The City of Aztec sees the need to develop an overlay zoning district to better control the development of the North Main extension; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2018-469 which adds Division 22 North Main Overlay to Article II of Chapter 26 Land Use Regulations is hereby

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2018

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

APPROVED AS TO FORM:

Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

DIVISION 22. NORTH MAIN OVERLAY ZONE DISTRICT (NMAO)

Sec. 26-2-250. Purpose

The North Main Overlay (NMAO) is intended to provide standards that encourage development of an active, pedestrian-oriented retail and mixed-use district linking Downtown Aztec via the pedestrian plaza and the trailhead to the Animas River Trail and Aztec Ruins National Monument. The district is intended to:

1. Create a dynamic, mixed-use environment, where walking is the preferred mode of transportation.
2. Encourage visitors and residents to shop, live and recreate in a neighborhood that reflects the history and culture of the area.
3. Produce quality public spaces that are usable for a variety of public and semi-public activities.
4. Ensure higher standards of design and construction for buildings, public infrastructure, and landscaping, emphasizing the relationships of buildings and the spaces between buildings.
5. Provide a neighborhood with cohesive design characteristics that reflect the local, historic themes of Spanish Colonial, Ancestral Puebloan, and Territorial Revival architectural style blended with modern architectural elements.
6. Guarantee a high degree of connectivity for pedestrian and vehicular traffic, and support transit service.
7. Provide narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists.
8. Encourages public health with enhanced safety considerations and improved walkability.
9. Improves local air quality through the addition of street trees and vegetative bioswales.
10. Locate buildings close to the street, so that streets and squares are defined as "outdoor rooms".
11. Utilize all the streets for on-street parking.
12. Encourage public spaces, public art, outdoor living and natural spaces wherever possible.

Sec. 26-2-251. Jurisdiction

NMAO Zone standards apply to properties located within the boundaries of the NMAO as shown on the Official Zoning Map.

Sec. 26-2-252. Allowed Uses

The following uses are permitted after approval of a site plan.

1. Offices
2. Hotel or Motel
3. Retail and Service Establishments less than 5,000 sq. ft.
4. Temporary Stands
5. Studios
6. Semi-professional or professional office
7. Theatres and commercial auditorium
8. Amusement Centers
9. Mixed Use development
10. Brew Pubs & Wine Tasting Establishments
11. Wineries
12. Restaurants

13. Coffee Shops
14. Farmers Markets
15. Community garden

Sec. 26-2-253. Conditional Uses

The following uses will be permitted in the NMAO provided that the use has been reviewed the the Community Development Department and approved by the City Commission:

1. Nursery School
2. Public Utility structure
3. Recreational facility
4. Hospital or clinic
5. Boarding or lodging house
6. Multiple Family Dwellings
7. Senior living/assisted care
8. Institutions
9. Personal Services
10. Food Trucks
11. Any use not listed, needs City Commission Approval.

Sec 26-2-254 Prohibited Uses

1. Pawn Shops
2. Payday Loan Services
3. Second Hand or Consignment Stores
4. Vehicle Sales/ Leasing
5. Cars Washes
6. Paint and Body Shop
7. Service Stations
8. Vehicle Repair Shop
9. Single-Family Residential Dwelling Units

Sec. 26-2-255. General Design Principles

Uses and Streets shall be designed according to the following principles:

1. The NMAO shall provide a distinct physical settlement, but shall not be walled off from the rest of the City.
2. Buildings shall front on and align with streets.
3. Civic buildings, such as places of public assembly, shall be sited and designed as landmarks.
4. Parking shall be located on street and behind structures, parking lots in front of uses shall not be permitted.
5. When a building is setback less than 5' in the front, a minimum 8' x 6' covered entry is required per lot.
6. Drive-through uses shall not be permitted.
7. Corporate design and or colors shall not be permitted.
8. All uses and structures shall incorporate Spanish Colonial or Territorial Revival architectural style or otherwise incorporate Ancestral Puebloan construction themes into the design of new structures in a culturally sensitive manner. Elements to incorporate could include:

- 'Kiva' style or round structure elements
 - Clustered, block-like structures
 - Terraces
 - Horizontal brick elements (green stripe)
 - Doors set into corners
9. Principal Building percentage within the front street setback zone shall be a minimum of 90% (courtyards accessed from the sidewalk may count towards this requirement).
 10. Signs shall be designed for the low-speed pedestrian environment. Signs shall incorporate the Spanish Colonial, Territorial Revival or otherwise incorporate Ancestral Puebloan architectural style.

Sec. 26-2-256. Street Network Design Principles

Streets and blocks shall be organized in a generally rectilinear or radial pattern. However, a strict grid is not required, and street layout shall take into account the following, in descending order of priority:

1. The design and location of streets shall minimize the alteration of natural resources and significant natural features of the site;
2. Streets, alleys, sidewalks, and trails shall provide multiple travel routes within and through the neighborhood where possible; and
3. Street orientations shall, where possible, provide views of the Animas River, the Ruins Trail and other neighborhood features;
4. Squares, greens, parks, plazas, and landscape areas shall be included providing focal points and areas for activity, recreation, and views.
5. Street rights-of-way shall provide for parallel parking
6. Alleys shall provide service access in the neighborhood center. Alleys are optional in areas that do not front on North Main.
7. Additional access points to Highway 550 are strongly encouraged
8. New streets shall provide a similar level of landscaping, sidewalks and pedestrian amenities as North Main.

Sec. 26-2-257. Block Length

1. Street shall not be longer than 500 feet unless buildings provide pedestrian access from the front sidewalk to rear parking areas at intervals of not more than 300 feet.
2. Street segments shall not be longer than 650 feet, and shall generally be shorter than 500 feet. This requirement does not apply where:
 - 1) The street segment traverses common open spaces that are wider than 650 feet; or
 - 2) The view along the segment is interrupted by a significant curve, jog, or offset in the street, provided that the curve, jog, or offset is situated not more than 650 feet from the intersections that define the street segment.
 - 3) The City Commission determines that the street segment is appropriate based on existing and planned conditions.

Sec. 26-2-258. Cul-de-sacs

1. Cul-de-sacs may be used where necessary due to site constraints that cannot be addressed using loop streets.
2. Cul-de-sacs shall not be longer than 350 feet, measured along the centerline of the street from the point of intersection to the middle of the cul-de-sac.

Sec. 26-2-259. Access and Parking

1. On-street parking shall be provided. On-street parking is optional in areas that do not front on North Main.
2. Off-street parking for residential development shall be accessed by an alley or parking court.
3. Off-street parking for nonresidential and mixed-use shall be located behind principal buildings, and shall be accessed:
 - 1) From streets; or
 - 2) From an alley.

Sec. 26-2-260. Buffering

1. When new development abuts existing residential development outside of the North Main Overlay Zone, the new development shall provide buffering in the form of walls, landscaping, berms, an increased setback or a combination of the above.
2. Walls shall be masonry and a minimum of four feet and a maximum of eight feet in height.
3. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months.

Sec. 26-2-261 Landscaping

1. Landscape plans as are required shall be submitted by the applicant showing compliance with the provisions of this section. A licensed landscape architect or architect shall stamp landscape plans. The landscaping plan shall meet the minimum standards set forth in §26-3-146. Landscaping shall be designed to achieve opacity of 80% in the summer months and 50% in the winter months. Please reference the plant palette for landscaping uses.
2. All cut and fill slopes and retaining walls more than three feet high and with a grade of 3:1 or more shall have screening vegetation planted and maintained at the base of the slope and those with a grade of less than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope.

Staff Summary Report

MEETING DATE: February 27 , 2018

AGENDA ITEM: XIII. BUSINESS ITEM (B)

AGENDA TITLE: Final Adoption of Ordinance 20-468 Amending Chapter 26, Sections 2-56, 2-66, and 2-76 Eliminating Certain Conditional Use Requirements For Offices In The O-1 District and Personal Services In The C-1 And C-2 District.

ACTION REQUESTED BY: Steven M. Saavedra, Director

ACTION REQUESTED: Adopt Ordinance 2018-468 Amending Chapter 26, Sections 2-56, 2-66, and 2-76

SUMMARY BY: Steven M. Saavedra, Director

PROJECT DESCRIPTION / FACTS (Leading Department)

The Community Development Department requests to remove conditional use permits for semi-professional or professional offices in the O-1 Office and Institutional District and in the C-1 & C-2 District. The O-1 Districts allows offices by right pursuant to COA 26-2-52(5). Thus, Community Developments seeks to clarify and eliminate conditional use permits for semi-professional or professional offices to remove confusion and allow office uses in the C1 and C2 Districts.

The Community Development Department requests to remove conditional use permits for personal services, such as beauty shops, barbershops, massage parlors, auditors, and other similar services. The C-1 and the C-2 District allow such uses by right pursuant to COA 26-2-62(5) and COA 26-2-72(5) Retail and Service Establishments. Therefore, Community Developments seeks to clarify and eliminate conflicting uses.

SUPPORT DOCUMENTS: Chapter 26 Land Use

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Ordinance 20-468 Amending Chapter 26, Sections 2-56, 2-66, and 2-76 Eliminating Certain Conditional Use Requirements For Offices In The O-1 District and Personal Services In The C-1 And C-2 District.

**City of Aztec
ORDINANCE 2018-468**

An Ordinance Amending Chapter 26-2-56, 26-2-66, and 26-2-76

WHEREAS: The City of Aztec is empowered pursuant to NMSA 1978, Section 3-17-1 (Repl. 1995) to adopt ordinances for the purposes of providing for the safety, preserving the health, and promoting the welfare of the municipality and its inhabitants:

WHEREAS: The Community Development has reviewed Chapter 26 of the City Code and has determined the need to amend and eliminating conflicting uses in the O-1: Office and Institutional District, C-1 :Limited Retail / Neighborhood Commercial District, and C-2 :General Commercial and Wholesale District; and

WHEREAS: Community Development has proposed that the Aztec City Commission adopt the attached Chapter 26.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2018-468 which amends COA **26-2-56, 26-2-66, and 26-2-76**

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2018

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

APPROVED AS TO FORM:

Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

CITY OF AZTEC
Ordinance 2018-468
Amending Chapter 26-2-56, 26-2-66, and 26-2-76
Conditional Use Requirements for the O-1, C-1, and C-2 Districts

ARTICLE II. ZONE DISTRICT REGULATIONS

DIVISION 5. 0-1 : OFFICE AND INSTITUTIONAL DISTRICT

Sec. 26-2-51. In General.

This district is established to permit R-1 and R-2 uses (Sections 26-11 and 26-12), plus offices, hotels, institutional, and service uses that are compatible with high-density residential areas.
(Code 2007, 26-51)

Sec. 26-2-52. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. An accessory building of less than twelve (12) feet in height may be located within five (5) feet of any building or structure which does not contain living quarters.
3. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one half of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
4. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
5. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
6. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.

7. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
(Code 2007, 26-52)

Sec. 26-2-53. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-53)

Sec. 26-2-54. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet, except that any dwellings, apartment house or dwelling group containing five or more dwelling units shall have not less than one thousand (1000) square feet of lot area for each dwelling unit, and provided further, that any building shall be so located on the lot as to be no closer than fifteen (15) feet or a distance equal to the height of the highest portion of the building proper, whichever is greater, to any other building, apartment house or dwelling group on the parcel or right-of-way.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.
(Code 2007, 26-54)

Sec. 26-2-55. Setback Regulations.

1. Front Yard. The front yard setback shall be at least fifteen (15) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback for the primary structure shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for the primary structure shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.
(Code 2007, 26-55)

Sec. 26-2-56. Conditional Uses.

The following uses will be permitted in the O-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.

3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church, provided a development plan is submitted and approved as required in the PUD district.
8. Hospital or clinic, but not animal hospital or clinic, or mental hospital.
- ~~9. Semi-professional or professional office.~~
10. Boarding or lodging house.
11. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
12. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.
13. Mortuary, provided ample off-street parking is included with the facility at the rate of one (1) space for each two hundred (200) square feet of floor area plus one (1) space for each five (5) seats in the auditorium or chapel, and provided further, that access and egress be limited to two (2) driveways in locations approved by the City Manager and that all drives and off-street parking areas shall be surfaced with gravel, oil, or other higher type of paving surfacing. Any illumination or outside lighting shall be so arranged as to reflect away from contiguous R-1 and R-2 lots.
14. Studios, including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-56)

DIVISION 6. C-1 : LIMITED RETAIL / NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 26-2-61. In General.

This district is established as a mixed use neighborhood commercial district. An activity permissive in this district should attempt to locate in or near the City's "Central Business District". This district should contain the major bulk of the shopper's goods, specialty goods and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings and spaces.

(Code 2007, 26-61)

Sec. 26-2-62. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
 - (1) Accessory living quarters are secondary in use to the principal structure.
 - (2) No accessory building shall be used unless the principle building is being used.
 - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
 - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary or seasonal retail sales.
7. Studios. Studios may include photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
8. Mortuary.
(Code 2007, 26-62)

Sec. 26-2-63. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where

building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-63)

Sec. 26-2-64. Area Regulations.

There are no lot size or area restrictions placed on C-1 District.

(Code 2007, 26-64)

Sec. 26-2-65. Setbacks Regulations.

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-65)

Sec. 26-2-66. Conditional Uses.

The following uses will be permitted in the C-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, but not animal hospital or clinic, or mental hospital.
- ~~7. Semi-professional or professional office.~~
8. Boarding or lodging house.
- ~~9. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.~~

10. Theaters and commercial auditorium.
11. Amusement centers, including dance halls, nightclubs, bowling alleys, billiard halls, boxing arenas, miniature golf course, games of skill and other similar activities.
12. Multiple Family Dwellings designed for two or more family units with the number of families in residence not exceeding the number of dwelling units provided. This may include apartments, duplex, townhouses and condominiums.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-66)

Sec. 26-2-67 to 26-2-70. Reserved.

DIVISION 7. C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT

Sec. 26-2-71. In General.

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

(Code 2007, 26-71)

Sec. 26-2-72. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory dwelling units which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. and accessory dwelling units shall be permitted within the C-1 District but limited to the following:
 - (1) Accessory dwelling units are secondary in use to the principal structure.
 - (2) No accessory building shall be used unless the principle building is being used.
 - (3) Accessory dwelling units may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
 - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.

4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.
7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.

(Code 2007, 26-72)

Sec. 26-2-73. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times

the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-73)

Sec. 26-2-74. Area Regulations.

There are no lot size or area restrictions placed on C-2 District.

(Code 2007, 26-74)

Sec. 26-2-75. Setback Regulations.

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-75)

Sec. 26-2-76. Conditional Uses.

The following uses will be permitted in the C-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or dwelling units during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, but not animal hospital or clinic, or mental hospital.
- ~~7. Semi-professional or professional office.~~
8. Boarding or lodging house.
9. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.

~~10. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.~~

11. Minor industrial activities including such items as feed or fuel storage and sales, contractors equipment, storage rental or sales, radio or television transmitters, tires recapping or re-treading, lumber yards, cleaning or molding mills, and other similar light manufacturing processes, enclosed within the building and that any objectionable noise or odor shall be confined to the premises and provided further that the same is not contrary to general City and State laws.

12. Automobile wrecking yard, provided all activities are conducted within an enclosed building or within an outdoor area enclosed by a solid fence, wall or hedge at least seven (7) feet in height, and that all wrecked automobile bodies shall be stored on the ground, and provided further, that such yard shall be at least one hundred fifty (150) feet from residential or O-1 District, motel, restaurant or cafe, and provided further, that the same conforms to all City and State regulations.

13. Transportation terminal or trucks stop provided that suitable driveways and access locations are provided which will be acceptable to the Planning Administrator.

14. Printing, publishing, lithographing, blueprinting, Photostatting, and similar establishments.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-76)

Sec. 26-2-77 to 26-2-80. Reserved.