

A G E N D A
CITY OF AZTEC
CITY COMMISSION WORKSHOP
October 22, 2019
201 W. Chaco, City Hall
5:15 p.m.

5:15 P.M.

Discussion on Solar Fees

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.

AG E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
October 22, 2019
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION AND PLEDGE OF ALLEGIANCE

United States Pledge of Allegiance

New Mexico Pledge of Allegiance

I Salute the Flag of the State of New Mexico and the Zia Symbol of Perfect Friendship among United Cultures

III. ROLL CALL

IV. APPROVAL OF AGENDA ITEMS

V. CONSENT AGENDA

- A. Commission Workshop Meeting Minutes October 8, 2019
- B. Commission Meeting Minutes October 8, 2019
- C. PD Traffic Grant Agreement
- D. Election Resolution #2019-1159
- E. ITB 2020-718 Hwy 550 Sanitary Sewer Tie-In Bid Rejection
- F. Municipal Surplus Resolution #2019-1160
- G. Animal Care and Control Document Destruction

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"

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. PRESENTATIONS

VIII. CITIZENS INPUT (3 Minutes Maximum)

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.

IX. BUSINESS ITEMS

- A. Aztec Sparkles Lighting Contest Awards
- B. Intent to Adopt Ordinance 2019-496

X. QUASI JUDICIAL HEARINGS (LAND USE)

- A. Zone Change Application for 902 N. Rio Grande From C-2 to O-1

XI. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

XII. CLOSED SESSION

Closed Session Pursuant to State Law, Section 10-15-1H (2) Limited Personnel Matters City Manager Evaluation

XIV. 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.

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.

1 CITY OF AZTEC
2 WORKSHOP MEETING MINUTES
3 October 8, 2019
4

5 **I. CALL TO ORDER**
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7 Mayor Snover called the Workshop to order at 5:18 pm at the Aztec City
8 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
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10 MEMBERS PRESENT: Mayor Victor Snover; Mayor Pro-Tem Fry;
11 Commissioner Sherri Sipe; Commissioner,
12 Mark Lewis
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14 MEMBERS ABSENT: Commissioner Randall
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16 OTHERS PRESENT: City Manager Steve Mueller; Finance Director
17 Kathy Lamb; City Attorney Nicci Unsicker;
18 Community Development Director Steven
19 Saavedra; Project Manager Ed Kotyk; City
20 Clerk Karla Saylor; see attached sign in sheet
21

22 **A. Discussion of Operations of Aztec Municipal golf Course presented by**
23 **Hidden Valley of Aztec, Inc. Board of Directors**
24

- 25 • The Mayor opened the workshop and handed it over to City Manager Steve
26 Mueller
27
- 28 • The City Manager introduced board member Randy Hodge
29
- 29 • Randy explained how he got to where he is now
30
- 30 • Randy said he has been at the golf course for 5 years and the golf course itself
31 has been there for 53 years. He introduced the nonprofit board: President Jim
31 Bowman; Vice President Richard Collins; Treasurer Terry Earley
32
- 32 • The golf course provides regulation golf, par three golf, disc golf and foot golf
33
- 33 • They work with the schools by providing a place for the golf teams to practice
34 and also by helping youth learn life and job skills with a mentorship program
35
- 35 • They are asking for the City to maintain the lease, liquor license, water right,
36 marketing and provide aid for catastrophic losses
37
- 37 • Since FY15 The City has incurred a loss of \$322,450 on the golf course

- 1 • When the City started with the golf course the intent was to look at annexing out
- 2 to the golf course that would have been City driven and this would have been
- 3 problematic trying to get everyone to buy in so at that time it was not feasible

- 4 • Has the County been approached, need to see what they say

- 5 • They already subsidize the one in Kirtland

- 6 • Farmington in subsidizing their course also

- 7 • People feel like the City should keep the golf course for outdoor recreation

- 8 • People feel like the golf course is a quality of life issue

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11 **II. ADJOURNMENT**

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13 Moved by Mayor Snover to adjourn the meeting at 6:05 p.m.

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Mayor, Victor C. Snover

25 ATTEST:

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Karla Saylor, City Clerk

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30 MINUTES PREPARED BY:

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Sherlynn Morgan, Administrative Assistant

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CITY OF AZTEC
COMMISSION MEETING MINUTES
October 8, 2019

I. CALL TO ORDER

Mayor Victor Snover called the Meeting to order at 6:09 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Invocation (led by Commissioner Randall)
- B. United States Pledge of Allegiance (led by Mayor Snover)
- C. New Mexico pledge of Allegiance (led by Mayor Snover)

III. ROLL CALL

Members Present: Mayor Victor Snover; Mayor Pro-Tem Fry;
Commissioner Sipe; Commissioner Austin Randall;
Commissioner Mark Lewis

Members Absent: None

Others Present: City Manager Steve Mueller; City Attorney Nicci Unsicker;
Project Manager Ed Kotyk; City Clerk Karla Sayler (see
attendance sheet)

IV. APPROVAL OF AGENDA ITEMS

MOVED by Commissioner Randall to approve the agenda as given; SECONDED
by Commissioner Lewis

All voted Aye: Motion passed five to zero

V. CONSENT AGENDA

- A. Commission Meeting Minutes September 24, 2019
- B. Special Commission Meeting Minutes October 1, 2019
- C. Contract for Library Services
- D. Senior Citizen Services Agreement
- E. Red Apple Transit Agreement
- F. Resolution 2019-1156 Authorizing Closing of Time Certificates of Deposit or
City of Aztec
- G. Resolution 2019-1157 Authorizing Opening and Closing of Time Certificate of
Deposit for City of Aztec
- H. Resolution 2019-1158 Municipal Surplus

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MOVED by Commissioner Sipe to Approve the Consent Agenda as given
SECONDED by Commissioner Randall

All voted Aye: Motion passed five to zero

VI. ITEMS REMOVED FROM CONSENT AGENDA

NONE

VII. PRESENTATIONS

NONE

VIII. CITIZENS INPUT (3 Minutes Maximum)

NONE

IX. BUSINESS ITEMS

- A. Intent to Adopt Ordinance 2019-495 An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico/Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico

City Manager Steve Mueller explained that the current franchise agreement has expired and the new agreement would be for 10 years. He explained that Erin Muffalato was here to do a presentation and available to answer any questions. Erin handed out information about services provided throughout the state. She explained that this updates the customer service standards. Commissioner Lewis asked if there were plans to go underground and Erin mentioned that any future project will be worked on with the City.

MOVED by Commissioner Randall to Approve the Intent to Adopt Ordinance 2019-495 An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico/Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico SECONDED by Commissioner Lewis

A Roll Call was taken; All voted Aye: Motion passed five to zero

- B. Four Corners Economic Development FY20 Funding Request

City Manager Steve Mueller explained that \$20,000 is what is budgeted and what we have paid in the past. He explained that there have been discussions on what this fee should be. There is no formal agreement on what we pay them. We

92 received an invoice for the first half and now is a good time to have discussion
93 and decided on what we should pay them. Mayor Snover mentioned that he felt
94 that it is good to have a seat at the table but he feels that our voice is minimal at
95 best and our investment is significantly more than other small communities in the
96 area and he feels like we need to adjust this. Mayor Pro-Tem Fry mentioned the
97 same concerns and feels that we are lacking participation from the business
98 community. After discussion Commission decided not to table the item but decide
99 on a dollar amount.

100
101 MOVED by Commissioner Randall to Approve funding to Four Corners Economic
102 Development in the amount of \$ 2,500 SECONDED by Commissioner Sipe

103
104 A Roll Call was taken; All voted Aye: Motion passed five to zero

105
106 **X. QUASI JUDICIAL HEARINGS (Land Use)**

107
108 NONE

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110 **XI. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS**

111
112 City Manager Steve Mueller mentioned that we have the ECHO food drive barrels.
113 We are in good shape now on the water and not a need to move to stage 2 and we are
114 continuing to monitor.

115
116 Commissioner Randall attended the LTAB meeting and they had a board member
117 resign. They approved a funding request for Aztec Sparkles and they are working on a
118 new funding request application and process in hopes of getting more feedback on
119 event participation. He also has Library Board at the end of the week.

120
121 Commissioner Sipe mentioned that NWNM Seniors has a new interim director.
122 She attended the NM Small Business and EDAB meeting. She attended the Merrion Oil
123 meeting. She attended MPO they talked about doing safety corridor on 173.

124
125 Commissioner Lewis mentioned he attend the San Juan Water Commission
126 meeting and they are still working on putting together an agreement for water delivery
127 from Lake Night Horse.

128
129 Mayor Pro-Tem Fry mentioned she attended EDAB and the Merrion Oil meeting.
130 She attended the Highland Games and there was a large crowd.

131
132 Mayor Snover mentioned he has an ECHO Board meeting on October 21st. He
133 reminded everyone about Public Lands Day on the 12th. He attended the Outdoor
134 recreation conference in Silver City last week.

135

136 General Services Director Jeff Blackburn mentioned the outdoor recreation
137 conference was fantastic. He mentioned that we are already doing some of the things
138 that they mentioned.

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140 **XII. ADJOURNMENT**

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142 Mayor Snover moved to adjourn the meeting at 7:07 pm SECONDED by
143 Commissioner Sipe

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Mayor, Victor Snover

154 ATTEST:

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Karla Saylor, City Clerk

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MINUTES PREPARED BY:

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Sherlynn Morgan, Administrative Assistant

Staff Summary Report

MEETING DATE:	October 22, 2019
AGENDA ITEM:	V. CONSENT (C)
AGENDA TITLE:	Police Department Traffic Grants

ACTION REQUESTED BY:	Captain Troy Morris
ACTION REQUESTED:	Approval/Acceptance
SUMMARY BY:	Captain Troy Morris

PROJECT DESCRIPTION / FACTS

The Aztec Police Department has received Traffic Grants for over the past twenty years. This money is used to assist with overtime costs for DWI, Seatbelt, and Selective Traffic Enforcement.

PROCUREMENT

None

FISCAL IMPACTS

The FY20 Adopted Budget, General Fund, Police Department includes both revenue and overtime budgets for this type of funding. The funding reimburses the City for the overtime paid, the City remains responsible for other associated costs (FICA/Medicare, workers compensation, etc.).

A portion of this funding is through federal appropriations and requires the City, as a sub-recipient, to adhere to the Certifications and Assurances (Exhibit D).

SUPPORT DOCUMENTS:	Copy of Grant
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DEPARTMENT'S RECOMMENDED MOTION:	Move to Approve the Police Department Traffic Grant Agreement
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CONTRACT NUMBER: _____
GRANTEE DUNS NUMBER: 038305991
VENDOR NUMBER: 0000054308

GRANT AGREEMENT

This Grant Agreement (**Agreement**) is between the New Mexico Department of Transportation (**Department**) and City of Aztec (**Grantee**), collectively referred to as "the Parties." This Agreement is effective as of the date of the last party to sign it on the signature page below. The Department and the Grantee agree as follows:

1. **Award.** The Department hereby awards the Grantee funding for the following projects:
 - (a) End Driving While Impaired (**ENDWI**), Project No. 20-AL-64-005, \$4,961.00;
 - (b) Buckle Up (**BKLUP**)/Click It or Ticket (**CIOT**), Project No. 20-OP-RF-005, \$2,588.00;
 - (c) Selective Traffic Enforcement Program (**STEP**)/100 Days and Nights of Summer (**DNOS**), Project No. 20-PT-RF-005, \$6,989.00;
 - (d) Total Funding awarded per this Agreement \$14,538.00.
2. **Scope of Work.** The Grantee shall perform the professional services stated in the following exhibits: **Exhibit A** - ENDWI; **Exhibit B** - BKLUP/CIOT; **Exhibit C** - STEP/DNOS.
3. **Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely, properly prepared reimbursement requests as provided in the Department's Electronic Grant Management System or the Traffic Safety Division Financial Management Manual 2019, as directed by the Department. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than thirty (30) days after termination of this Agreement, unless otherwise approved by the Department.
4. **Records and Audit.** The Grantee shall strictly account for all receipts and disbursements related to this Agreement. The Grantee shall record costs incurred, services rendered and payment received, and shall maintain these financial records during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee's principal office during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty (30) days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the project, or otherwise used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty days of written notice.

5. **Officials Not to Benefit.** The Parties intend that no member of the New Mexico legislature or the United States Congress, or any public official, public employee or tribal council member, in that person's individual capacity, will benefit from this Agreement.
6. **Termination.** The Department may terminate this Agreement for any reason, by giving the Grantee thirty (30) days written notice. On receipt of a "Notice of Cancellation," the Grantee shall suspend work unless otherwise directed by the Department in writing. The Grantee may only terminate this Agreement based on the Department's uncured, material breach of the Agreement and by giving the Department thirty (30) days' written notice. The Parties acknowledge that termination will not nullify obligations incurred prior to termination.
7. **Appropriations.** The Grantee acknowledges that:
 - (a) this Agreement is contingent upon sufficient appropriations and authorizations being made by the Congress of the United States or the New Mexico state legislature;
 - (b) if sufficient appropriations and authorizations are not made, this Agreement will terminate upon written notice by the Department to the Grantee; and
 - (c) the Department will not expend any funds until they are approved for expenditure, and the Department's determination as to whether approval has been granted will be final.
8. **Compliance with Law.** The Grantee, its employees, agents and contractors, shall comply with the following:
 - (a) Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, and 49 C.F.R. Section 21;
 - (b) all federal and state laws, rules, and regulations, and executive orders of the Governor of the state of New Mexico pertaining to equal employment opportunity, including the Human Rights Act, NMSA 1978, Sections 28-1-1 through 28-1-15 (and in accordance with such, the Grantee states that no person, on the grounds of race, religion, national origin, sex, sexual orientation, gender identity, spousal affiliation, serious medical condition, age, disability, or other protected class will be excluded from employment with or participation in, denied the benefits of, or otherwise subjected to, discrimination in any activity performed under this Agreement; if the Grantee it is found to be in violation of any of these requirements, the Grantee shall take prompt and appropriate steps to correct such violation);
 - (c) state laws applicable to workers compensation benefits for the Grantee's employees, including the Workers' Compensation Act, NMSA 1978, Sections 52-1-1 through 52-1-70, and related regulations;
 - (d) 2 C.F.R. 200, Subpart F - Audit Requirements, Sections 200.500 - 200.521; and
 - (e) those sections in **Exhibit D** labeled "applies to subrecipients as well as states."
9. **Notices.** For a notice under this Agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or email; and be addressed as follows:

to the Department at:
New Mexico Dept. of Transportation
Attn: Traffic Safety Division
P.O. Box 1149
Santa Fe, NM 87504

to the Grantee at:
Aztec Police Department
Attn: Chief
201 West Chaco
Aztec, NM 87410

10. **Severability.** The terms of this Agreement are lawful; performance of all duties and obligations shall conform with and do not contravene any state, local, or federal statute, regulation, rule, or ordinance. The Parties intend that if any provision of this Agreement is held to be unenforceable, the rest of the Agreement will remain in effect as written.
11. **Tort Claims.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with the Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, as amended. This paragraph is intended only to define the liabilities between the Parties and it is not intended to modify in any way, the Parties' liabilities as governed by common law or the New Mexico Tort Claims Act.
12. **Jurisdiction and Venue.** The Grantee acknowledges the jurisdiction of the courts of the state of New Mexico for any adversarial proceeding arising out of this Agreement, and that venue for any such proceeding will be in the First Judicial District Court for the county of Santa Fe, New Mexico.
13. **Project Responsibility.** The Grantee acknowledges that it bears sole responsibility for performing the services referred to in Section 2.
14. **Term.** This Agreement takes effect upon signature of all Parties. If the Grantee does not deliver the signed Agreement to the Department within sixty (60) days of the Department's signature, the Agreement will be voidable by the Department. The Agreement terminates at 12:00 a.m. on September 30, 2020, unless earlier terminated as provided in Section 6 or Section 7.
15. **Applicable Law.** The laws of the state of New Mexico, without giving effect to its choice of law principles, govern all adversarial proceedings arising out of this Agreement.
16. **Amendment.** No amendment of this Agreement will be effective unless it is in writing and signed by the Parties.
17. **No Third-party Beneficiary.** This Agreement does not confer any rights or remedies on anyone other than the Department and the Grantee.
18. **Scope of Agreement and Merger.** This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of the Agreement and supersedes all other Agreements, whether written or oral, between the Parties, except that this Agreement does not supersede the Grantee's rights under any other grant agreement.

19. **Disadvantaged Business Enterprise.** The following provision applies to a USDOT-assisted federally funded Agreement only. The recipient shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

The remainder of this page is intentionally left blank.

Each party is signing this Agreement on the date stated opposite that party's signature. This Agreement is effective as of the date of the last party to sign it on the signature page below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

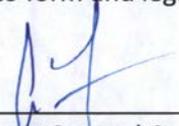
CITY OF AZTEC

By: _____

Date: _____

Title: _____

Approved as to form and legal sufficiency.

By:  _____
Assistant General Counsel
Department of Transportation

Date: 2019.09.24

Approved as to form and legal sufficiency.

By: _____

Date: _____

Title: _____

Exhibit A: Scope of Work, Training, Reimbursement and Reporting

END DRIVING WHILE IMPAIRED (ENDWI) Project Number: 20-AL-64-005

1. **Scope of Work.** The Grantee shall conduct sobriety checkpoints (SCs) and DWI directed enforcement patrols (DDEPs) as negotiated between the Department and the Grantee, in high crash locations identified in data compiled by local, state or federal government agencies and included the Grantee's Operational Plan. The Department encourages the Grantee to accompany SCs and DDEPs with public information, media and educational activities. SCs must be scheduled to be staffed by at least 2 officers and must last at least 5 hours. If for any reason, the SC is not staffed with the minimum number of officers or was not conducted for the minimum number of hours, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for SCs based on the justification. DDEPs must deploy officers in high crash locations consistent with the enforcement plan. If for any reason the DDEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DDEPs based on the justification. The Grantee is encourage to schedule SCs and DDEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, and National DWI Mobilizations as identified below.

2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.

 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

 - "Winter Superblitz Period"** means November 8, 2019 to January 4, 2020.

 - "St. Patrick's Day Mini Superblitz Period"** means March 13 to March 21, 2020.

 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2020.

 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2020.

 - "National DWI Mobilization Period"** means August 21 to September 7, 2020.

3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as

possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the SCs and DDEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2020. If the final claim is submitted after October 31, 2020, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
 - a. pay, including overtime, for officers conducting traffic safety DWI enforcement in areas consistent with the enforcement plan;
 - b. pay, including overtime, for officers attendance at administrative license revocation hearings and court hearings directly related to DWI arrests made while participating in the ENDWI program;
 - c. overtime costs for officers or civilian employees to dispatch or process paperwork directly related to the SCs and/or DDEPs conducted during the claim month. The Grantee can only claim up to 10 percent of the total monthly claim amount; and
 - d. in state travel and related expenses for officers to attend DWI related training approved by the Department in advance, and shall be reimbursed in accordance with the Regulation Governing the New Mexico Per Diem and Mileage Act, 2.42.2 NMAC.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be 23 U.S.C. Section 164 and the Catalog of Federal Domestic Assistance (CFDA) number to be 20.608. However, both funding source and CFDA number are subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$4,961.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$4,961.00

7. **Goals.** The Department's performance goals for the state are to limit the increase in alcohol-impaired fatalities to 13.5 percent from 111 in 2017 to 126 by December 31, 2020. (FARS, 5-year averages)
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit B: Scope of Work, Training, Reimbursement and Reporting

BUCKLE UP (BKLUP) and CLICK IT OR TICKET (CIOT) Project Number: 20-OP-RF-005

1. **Scope of Work.** The Grantee shall conduct occupant protection directed enforcement patrols (ODEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the ODEPs with public information, media and educational activities. ODEPs must deploy officers in high crash locations consistent with the enforcement plan for occupant protection issues. If for any reason the ODEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for ODEPs based on the justification. The Grantee is encouraged to schedule ODEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, National DWI Mobilizations and the National Click It or Ticket Mobilizations identified below.

2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.

 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

 - "Winter Superblitz Period"** means November 8, 2019 to January 4, 2020.

 - "St. Patrick's Day Mini Superblitz Period"** means March 13 to March 21, 2020.

 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2020.

 - "National Occupant Protection Mobilization Click It or Ticket period"** means May 18 to May 31, 2020.

 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2020.

 - "National DWI Mobilization Period"** means August 21 to September 7, 2020.

3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall

keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the ODEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2020. If the final claim is submitted after October 31, 2020, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
 - a. pay, including overtime, for officers conducting traffic safety occupant protection focused enforcement in areas consistent with the enforcement plan;
 - b. attendance at, and excess per diem for, operation safe kids training and the four-day NHTSA standardized child passenger safety training; and
 - c. assistance at child safety seat clinics or car seat fitting stations.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be state road fund. However, the funding source is subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$2,588.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$2,588.00

7. **Goals.** The Department's performance goals for the state are to:
 - a. Limit the increase in five-year average unrestrained fatalities to 23 percent from 105 in 2017 to 129 by December 31, 2020. (FARS 5-year averages)
 - b. Increase the seatbelt use percentage by .2 percent from 90.2 in 2018 to 90.4 by December 31, 2020. (State, Annual)

8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit C: Scope of Work, Training, Reimbursement and Reporting

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) and 100 DAYS AND NIGHTS OF SUMMER (DNOS) Project Number: 20-PT-RF-005

1. **Scope of Work.** The Grantee shall conduct directed enforcement patrols (DEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the DEPs with public information, media and educational activities. DEPs must deploy officers in high crash locations consistent with the Operational Plan. If for any reason the DEPs were conducted in areas not consistent with the Operational Plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DEPs based on the justification. *The Grantee is encouraged to schedule DEPS through the grant period with a focus on participating during the 100 Days and Nights of Summer enforcement period which runs June 21, 2020 through September 28, 2020.*

2. **Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

"Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.

"Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the DEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that was not above and beyond the officer's normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2020. If the final claim is submitted after October 31, 2020, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:

- a. Pay, including overtime pay, for officers conducting the traffic safety enforcement described in paragraph 1 of this **Exhibit C**; and
 - b. training for officers not previously trained in STEP.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department. Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.*
6. **Funding** – The Department expects the funding source to be State Road Fund. However, the funding source is subject to change at the Department’s discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project’s itemized budget is as follows:

Personal Services	\$6,989.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$6,989.00

7. **Goals.** The Department’s performance goals for the state are as follows:
- a. Limit the increase in five-year average speeding-related fatalities by 6 percent from 134 in 2017 to 142 by December 31, 2020. (FARS, 5-year averages)
 - b. Limit the increase in alcohol-impaired fatalities to 13.5 percent from 111 in 2017 to 126 by December 31, 2020. (FARS, 5-year averages)
 - c. Increase the seatbelt use percentage by .2 percent from 90.2 in 2018 to 90.4 by December 31, 2020. (State, Annual)
 - d. Reduce the number of fatalities in distracted driving crashes by 3.1 percent from 159 in 2017 to 154 by December 31, 2020. (State, 5-year averages)
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit D: Certifications and Assurances
for Fiscal year 2020 Highway Safety Grants
(23 U.S.C. Chapter 4 and Sec. 1906, Pub. L. 109-59, as Amended)

[The Governor's Representative for Highway Safety must sign these Certifications and Assurances each fiscal year. Requirements that also apply to subrecipients are noted under the applicable caption, and must be included in agreements with subrecipients.]

State: New Mexico

By applying for Federal grants under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office, through the Governor's Representative for Highway Safety, agrees to the following conditions and requirements.

GENERAL CERTIFICATIONS AND ASSURANCES

In my capacity as the Governor's Representative for Highway Safety, I hereby affirm that-

- I have reviewed the information in support of the State's application for 23 U.S.C. Chapter 4 and Section 1906 grants, and based on my review, the information is accurate and complete to the best of my personal knowledge.
- In addition to the certifications and assurances contained in this document, I am aware and I acknowledge that each statement in the State's application bearing the designation "CERTIFICATION" OR "ASSURANCE" constitutes a legal and binding Certification or Assurance that I am making in connection with this application.
- As a Condition of each grant awarded, the State will use the grant funds in accordance with the specific statutory and regulatory requirements of that grant, and will comply with all applicable laws, regulations, and financial and programmatic requirements for Federal grants, including but not limited to-
 - 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
 - Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
 - 23 CFR part 1300 - Uniform Procedures for State Highway Safety Grant Programs
 - 2 CFR part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - 2 CFR part 1201 - Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- I understand and accept that incorrect, incomplete, or untimely information submitted in support of the State's application may result in the denial of a grant award. If NHTSA seeks clarification of the State's application, I authorize the Highway Safety Office to provide additional information in support of the State's application for a 23 USC Chapter 4 and Section 1906 grant.

SECTION 402 CERTIFICATIONS AND ASSURANCES

In my capacity as the Governor's Representative for Highway Safety, I hereby affirm that-

- The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
- The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
- At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
- The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
- The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
- The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to—
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seatbelts by occupants of motor vehicles;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
 - An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;

- Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
 - Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a). (23 U.S.C. 402(b)(1)(F))
- The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
- The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

In my capacity as Governor's Representative for Highway Safety, I-

certify that automated traffic enforcement systems are not used on any public road in the State:

OR

am unable to certify that automated traffic enforcement systems are not used on any public road in the State, and therefore the State will conduct a survey meeting the requirements of 23 U.S.C. 402(c)(4)(C) AND will submit the survey results to the NHTSA Regional Office no later than March 1 of the fiscal year of the grant.

OTHER REQUIRED CERTIFICATIONS AND ASSURANCES

In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following additional certifications and assurances:

Intergovernmental Review of Federal Programs

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

Federal Funding Accountability and Transparency Act (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.frs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;

- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

Nondiscrimination

(applies to subrecipients as well as States)

The Subrecipient will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal

aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);

- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The Subrecipient —

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement that receives Federal funds under this program.

The Drug-Free Workplace Act of 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

1. Abide by the terms of the statement;
2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

Political Activity (Hatch Act)

(applies to subrecipients as well as States)

The Subrecipient will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Certification Regarding Federal Lobbying

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Restrictions on State Lobbying

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification Regarding Debarment and Suspension

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary

Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the

proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Buy America Act

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

Prohibition on Using Grant Funds to Check for Helmet Usage

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

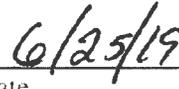
Policy on Banning Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

I understand that the information provided in support of the State's application for Federal grant funds and these Certifications and Assurances constitute information upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.



Signature Governor's Representative for Highway Safety



Date

Michael R. Sandoval

Printed Name of Governor's Representative for Highway Safety

Staff Summary Report

MEETING DATE: October 22, 2019
AGENDA ITEM: V. CONSENT AGENDA (D)
AGENDA TITLE: Election Resolution #2019-1159 Proclaiming the Municipal Officer Election To Be Held On March 3, 2020

ACTION REQUESTED BY: City Clerk
ACTION REQUESTED: Approval Of Election Resolution #2019-1159
SUMMARY BY: Karla Sayler

PROJECT DESCRIPTION / FACTS

- The new local Election Act includes the need to notify the Secretary of State of the positions that are up for election for the March 3, 2020 Regular Municipal Officer Election. We currently have two Commissioners up for election for Districts #1 and #3 for a 4 year term and one Municipal Judge.

SUPPORT DOCUMENTS: Resolution 2019-1159

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2019-1159 Proclaiming the Municipal Officer Election To Be Held On March 3, 2020

ELECTION RESOLUTION

CITY OF AZTEC, NEW MEXICO

RESOLUTION NO. 2019-1159

FOR THE PROCLAMATION CALLING THE REGULAR MUNICIPAL OFFICER ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020; PURSUANT TO NMSA 1978 §1-22-4(C).

Be it resolved by the governing body of the City of Aztec that:

1. The Municipal Officer Election to be held on March 3, 2020, persons shall be elected to fill the following elective offices:
 - A. District #1-ONE Commissioner for a four-year term
District #3-ONE Commissioner for a four-year term
 - B. One Municipal Judge for a four year term
2. Precincts 60, 61, 62, 63, 64, 66, 67, 68, 69 and a portion of 76 are consolidated for the Municipal Officer Election.
3. The following locations are designated as polling places/voting convenience centers for the conduct of the Municipal Officer Election:
4. Declarations of Candidacy are to be filed on January 7th, 2020 from 9:00a.m. to 5:00p.m.
5. Declarations for Write-in Candidates will be on Juanyr 14th, 2020 from 9:00 a.m. to 5:00 p.m.
 - A. Voters in Consolidated Precincts 60, 61, 62, 63, 64, 66, 67, 68, 69 and a portion of 76 shall vote at Aztec City Hall, 201 W. Chaco, Aztec, NM 87410
 - B. Early and Absentee Voters will vote in the office of the City Clerk at 201 W. Chaco, Aztec, NM 87410
6. The Municipal Clerk shall conduct the Municipal Officer Elections for the City of Aztec utilizing the appropriate statutes and Election Code.
Pursuant to §1-22-3.1(D.2) for a municipal officer election, when the Local Election Act or the Election Code references a process or procedure to be conducted by the county clerk in the administration of a regular local election, the

process or procedure shall instead be fulfilled and administered by the municipal clerk.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF OCTOBER, 2019.

Victor C. Snover, Mayor

ATTEST:

Karla H. Sayler, City Clerk

Staff Summary Report

MEETING DATE: October 22, 2019
AGENDA ITEM: V. CONSENT (E)
AGENDA TITLE: ITB 2020-718 Hwy 550 Sanitary Sewer Tie-In

ACTION REQUESTED BY: Public Works Department, Finance Department
ACTION REQUESTED: Approval to Reject ITB 2020-718
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The Hwy 550 Sanitary Sewer Tie-In project includes boring under US 550 to connect the existing sewer line along the arterial to the sewer in front of the Presidential Inn.

PROCUREMENT / PURCHASING (if applicable)

- Invitation to Bid (ITB) was published on the city website, vendor registry (including 4 plan rooms and 6 contractors) and advertised in the Daily Times on Wednesday, August 28, 2019. A mandatory pre-bid meeting was held on September 5, 2019. The bid was publically opened on Thursday, September 26, 2019.
- Contract days for construction are 120 calendar days from Notice to Proceed.
- One responsive bid was received from TRC Construction in the amount of \$509,662. TRC Construction advised costs influencing their bid was the difficulty in locating a company which had the capability of performing the bore and concerns regarding the size and quantity of rock which may be encountered during the bore.
- Engineer's estimate of probable cost was \$96,051.
- Steve Morse, PW Director/City Engineer and Colin Daly, Souder Miller & Associates, project engineer, after reviewing the bid recommend rejection. It is anticipated this project will be re-bid this winter.

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- FY20 Annual Adopted Budget, Joint Utility Fund, includes \$100,000 specific to this project. The bid submitted exceeds the available budget by \$409,662 plus tax.

SUPPORT DOCUMENTS: ITB 2020-718 Bid Tabulation

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the rejection of ITB 2020-718 Hwy 550 Sanitary Sewer Tie In.



HWY 550 SANITARY SEWER TIE-IN
ITB #2020-718

BID DATE: SEPTEMBER 26, 2019 3:00PM
ONE BID RECEIVED

SCHEDULED COMMISSION ACTION DATE: OCTOBER 22, 2019

DESCRIPTION	UNIT	QUANTITIES	ENGINEER ESTIMATE		TRC CONSTRUCTION	
			UNIT COST	TOTAL	UNIT COST	TOTAL
Mobilization	LS	1	3,700.00	3,700.00	21,430.00	21,430.00
12" tap into 16' deep, 4' dia., Type E	LS	1	1,470.00	1,470.00	19,975.00	19,975.00
12" tap into 17.5' deep, 4' dia., Type E Manhole, includes excavation, tap, backfill and testing	LS	1	1,470.00	1,470.00	7,500.00	7,500.00
Provide and install new 8' deep, 4' dia., Type E Manhole, includes excavation, backfill and testing	LS	1	3,290.00	3,290.00	13,380.00	13,380.00
Provide and install new 14' deep, 4' dia., Type E Manhole, includes excavation, backfill and testing	LS	1	6,220.00	6,220.00	16,000.00	16,000.00
Provide and install 197' of 12" dia. SOR 35 PVC gravity sewer pipe, includes excavation, bedding, backfill and testing	LF	197	58.00	11,426.00	153.00	30,141.00
Additional cost for trench rock excavation and disposal	VLF*	500	14.00	7,000.00	70.58	35,290.00
Bore and provide and install 24" dia. sch 40 steel casing under US Hwy 550, then provide and install 125' of restrained joint 12" dia. SDR 35 PVC gravity sewer pipe at required slope, includes slope	LF	125	390.00	48,750.00	1,927.00	240,875.00
Additional cost for boring in rock	LF	65	125.00	8,125.00	1,000.00	65,000.00
Erosion Control	LS	1	1,300.00	1,300.00	18,571.00	18,571.00
Traffic Control	LS	1	1,300.00	1,300.00	35,000.00	35,000.00
Demobilization	LS	1	2,000.00	2,000.00	6,500.00	6,500.00
ESTIMATE TOTAL				96,051.00	TOTAL BID	509,662.00

Total Bid Comparison Including 5% NM State Preference 484,178.90

Total Bid Comparison Including 10% (Maximum) Resident Veteran Preference N/A

Staff Summary Report

MEETING DATE: October 22, 2019
AGENDA ITEM: V. CONSENT (F)
AGENDA TITLE: Resolution 2019-1160 Municipal Surplus

ACTION REQUESTED BY: Library
ACTION REQUESTED: Approval of Resolution 2019-1160
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The Library has identified city property which no longer provides operational value to the department and requests approval of those items as municipal surplus.
- If the items are not sold they will be donated or disposed of according to NM Statute Sections 3-54-2 and 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

PROCUREMENT

- N/A

FISCAL IMPACTS

- Revenues from sale of surplus items will be applied to General Fund / Joint Utility Fund

SUPPORT DOCUMENTS: Resolution 2019-1160
Surplus List

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2019-1160 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

CITY OF AZTEC
RESOLUTION 2019-1160
October 24, 2019

MUNICIPAL SURPLUS

Department	Item/Model	
Library	 A photograph showing four leather puff chairs in a library. Two are red and two are brown. They are arranged in a small group on a carpeted floor. In the background, there are bookshelves and a sign that says "Food Drive".	<p>Puff Chairs (2 red & 2 brown)</p> <p>Acquisition Date: 08/2011</p> <p>Reason for Surplus: Not Required In Department</p> <p>Condition: Chairs are worn and ripped due to continued use</p>

CITY OF AZTEC RESOLUTION 2019-1160

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 22nd day of October 2019.

VICTOR C. SNOVER, MAYOR

ATTEST:

KARLA SAYLER, CITY CLERK

Staff Summary

MEETING DATE:	October 22, 2019
AGENDA ITEM:	V. CONSENT AGENDA (G)
AGENDA TITLE:	Animal Care & Control Document Destruction

ACTION REQUESTED BY:	Tina Roper
ACTION REQUESTED:	Approval
SUMMARY BY:	Tina Roper

PROJECT DESCRIPTION / FACTS

The following documents will be shredded once approved by Commission:

- Intake Sheets from 2015 (hard copies of intake sheets, all records are in Chameleon software.)
- Medical Records 2014 (also in Chameleon software.)

SUPPORT DOCUMENTS:	NONE
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DEPARTMENT'S RECOMMENDED MOTION: Move to **APPROVE** the destruction of these documents as outlined by the document destruction procedures.

Staff Summary Report

MEETING DATE:	October 22, 2019
AGENDA ITEM:	IX. Business Item (A)
AGENDA TITLE:	Aztec Sparkles Lighting Contest Awards
ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Choose either Option 1 or Option 2 for awarding winners of the Aztec Sparkles Lighting Contest
SUMMARY BY:	City Staff

PROJECT DESCRIPTION / FACTS

2018 Contest

Last year, as part of the Aztec Sparkles Event, City Commission approved an incentive for Aztec businesses and residents to participate in the lighting contest. The following was implemented:

- Contest open to both Commercial and Residential participation.
- No utility credit for participation.
- Weekly Public's Choice Winner through online voting (SurveyMonkey) and paper ballot located at the Aztec Public Library and Aztec Visitor Center.
- One Residential and One Commercial winner each week (no repeat winners allowed).
- Winner received \$250 utility credit (non-transferable).
- Voting closed weekly.
- Winners were announced each week:
- Plaques were given at the first City Commission meeting on January 8, 2019.

2019 Lighting Contest Proposed

Option 1 (same as 2018)

- On-line Voting for residential and business.
- 1st Place each week for residential and business (no repeat winners).
- 4 residential winners / 4 business winners.
- Award of \$250 on utility billing and plaque.

Option 2 (Includes Option 1 and the following)

- 1st Place winner for residential from each Commission District, chosen by the representing Commissioner.
- 5 residential winners.
- Award of \$250 on utility billing and plaque.

PROCUREMENT

N/A

FISCAL IMPACTS

2018 Lighting Contest Recognition & Costs:

	<u>Amount</u>	<u>Qty</u>	<u>Sub-Total</u>
Utility Credit	\$250	8	\$2,000
Plaques	\$40	8	\$320
TOTAL			\$2,320

2019 Lighting Contest Recognition & Costs (With Option 1 Only):

	<u>Amount</u>	<u>Qty</u>	<u>Sub-Total</u>
Utility Credit	\$250	8	\$2,000
Plaques	\$40	8	\$320
TOTAL			\$2,320

2019 Lighting Contest Recognition & Costs (With Option 2):

	<u>Amount</u>	<u>Qty</u>	<u>Sub-Total</u>
Utility Credit	\$250	13	\$3,250
Plaques	\$40	13	\$520
TOTAL			\$3,770

SUPPORT DOCUMENTS: None

MOTION:

Move to approve Option 1 for Aztec Sparkles Lighting Contest Awards in the amount of \$2,320, awarded to each of four Residential and four Commercial winners in the form of non-transferable credits to City of Aztec utility accounts.

OR

Move to approve Option 2 for Aztec Sparkles Lighting Contest Awards in the amount of \$3,770, awarded to each of nine Residential and four Commercial winners in the form of non-transferable credits to City of Aztec utility accounts.

Staff Summary Report

MEETING DATE: October 22, 2019
AGENDA ITEM: IX. BUSINESS ITEM (B)
AGENDA TITLE: Intent to Adopt Ordinance 2019-496 Amending Section 1-12 Mandatory Penalty and Fees

ACTION REQUESTED BY: City Staff
ACTION REQUESTED: Approve Intent to Adopt Ordinance 2019-496 Amending Section 1-12 Mandatory Penalty and Fees
SUMMARY BY: City Staff

PROJECT DESCRIPTION / FACTS

The Aztec Police Department has implemented a new system for issuing traffic violations electronically. Due to the way the data must be entered, several codes cited in Section 1-12 for traffic violations need to be corrected to allow for multiple offenses.

The changes to Section 1-12 do not affect the fines for traffic violations.

PROCUREMENT

N/a

FISCAL IMPACTS

N/a

SUPPORT DOCUMENTS: Ordinance 2019-496

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Intent to Adopt Ordinance 2019-496 Amending Section 1-12 Mandatory Penalty and Fees

**City of Aztec
Ordinance 2018-496**

Amending Section 1-12 Mandatory Penalty and Fees

WHEREAS: The Aztec Police Department and Municipal Courts have reviewed and determined that citing for traffic repeat traffic offenses requires an update to conform to the electronic citations system.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2018-496 amends Section 1-12 in general to be adopted as attached.

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2019.

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

Mayor Victor C. Snover

ATTEST:

Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

Chapter 1 GENERAL PROVISIONS

Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:
 - (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both;
 - (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
 - (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) a day for each violation.
(Code 2007, 1-12-1)
2. Specific Penalty Schedule. A fine and fee schedule for specific penalties.
 - (1) *Traffic and Offenses*. In reference to Chapter 12 and 24.

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-3-1	Vehicle Subject To Registration	No	\$56	\$29	\$85
12-1/66-3-4.A	Register and Certificate of Title	No	\$56	\$29	\$85
12-1/66-3-6	Temporary Permit Required	No	\$56	\$29	\$85
12-1/66-3-13	Registration Required	No	\$56	\$29	\$85
12-1/66-3-17	License Tag Expired	No	\$56	\$29	\$85
12-1/66-3-17.A	Registration Renewals/Sticker Only	No	\$56	\$29	\$85
12-1/66-3-17.B	Replacement of Plate	No	\$56	\$29	\$85
12-1/66-3-17.C	Owner Shall Apply & Obtain Replacement Plate	No	\$56	\$29	\$85
12-1/66-3-18	Display of Registration Plates	No	\$56	\$29	\$85
12-1/66-3-19	Renewal of Registration	No	\$56	\$29	\$85
12-1/66-3-23	Registration Address Change	No	\$56	\$29	\$85
12-1/66-3-104	Use Registration Wrong Vehicle	No	\$106	\$29	\$135
12-1/66-3-105 (IPMC 107.6)	Transfer of Ownership	No	\$56	\$29	\$85
12-1/66-3-301	Registration By Non-residents	No	\$56	\$29	\$85

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-3-401	Operate Vehicle with Special Plate	No	\$56	\$29	\$85
12-1/66-3-701	Bicycles; Effect of Regulations	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-702	Traffic Laws Apply To Persons Riding Bicycles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-703	Riding On Bicycles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-704	Clinging To Vehicles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-705	Riding On Roadways and Bicycle Paths	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-706	Carrying Articles On Bicycle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-707	Lamps and Other Equipment On Bicycles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-801	Equipment Violation	No	\$46	\$29	\$75
12-1/66-3-802	When Lighted Lamps Required	No	\$46	\$29	\$75
12-1/66-3-804	Headlamps Required (# Required)	No	\$46	\$29	\$75
12-1/66-3-805	Tail Lamps Required (LP Lamp)	No	\$46	\$29	\$75
12-1/66-3-806	Motor Vehicle To Be Equipped with Reflectors	No	\$46	\$29	\$75
12-1/66-3-807	Stop Lamps & Turns Signals	No	\$46	\$29	\$75
12-1/66-3-810	Color of Lamps - Front/Side/Rear/License	No	\$46	\$29	\$75
12-1/66-3-813	Lamps/Reflectors On Trailers	No	\$46	\$29	\$75
12-1/66-3-824	Lamp/Flag Projecting Load	No	\$46	\$29	\$75
12-1/663-825	Lamps On Parked Vehicles	No	\$46	\$29	\$75
12-1/66-3-827	Stop Lamps / Auxiliary Lamp	No	\$46	\$29	\$75
12-1/66-3-828	Signal Lamps & Devices (Brake Lamps White)	No	\$46	\$29	\$75
12-1/66-3-829	Additional Lighting Equipment	No	\$46	\$29	\$75
12-1/66-3-831	Multiple-Beam Equipment (Dimming)	No	\$46	\$29	\$75
12-1/66-3-834	Number of Driver Lamps Required	No	\$46	\$29	\$75
12-1/66-3-835	Spec Restrict On Lamps (Driving Lights)	No	\$46	\$29	\$75
12-1/66-3-840	Brakes	No	\$46	\$29	\$75
12-1/66-3-841	Improper Height / Handle Bar Mc	No	\$46	\$29	\$75
12-1/66-3-842	M/C Maneuverability	No	\$46	\$29	\$75
12-1/66-3-843	Horns and Warning Devices	No	\$46	\$29	\$75
12-1/66-3-844	Mufflers	No	\$46	\$29	\$75

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-3-845	Mirrors	No	\$46	\$29	\$75
12-1/66-3-846	Obstructed Windshield	No	\$46	\$29	\$75
12-1/66-3-846.1	Tinting on Windshields and Windows	Yes	\$46	\$29	\$75
12-1/66-3-847	Restrictions As To Tire Equipment	No	\$46	\$29	\$75
12-1/66-3-852	Stop Vehicle Interfere with Traffic	No	\$46	\$29	\$75
12-1/66-3-874	Safety Belts Required In Vehicles	No	\$46	\$29	\$75
12-1/66-3-887	Slow-Moving Vehicle Identification	No	\$46	\$29	\$75
12-1/66-3-901	Unsafe Condition – Vehicle	No	\$106	\$29	\$135
12-1/66-3-1003	Off Hwy Motor Vehicle Registration	No	\$56	\$29	\$85
12-1/66-3-1011	Operation On Streets or Highways	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-1012	Movement of off-Highway Vehicles Adjacent To Highway	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-1101	Mopeds: Standard, Operator Requirement	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-4-3	Use of Temporary Permits	No	\$56	\$29	\$85
12-1/66-5-2	Drivers Must Be Licensed	No	\$56	\$29	\$85
12-1/66-5-5	Person Not To Be Licensed	No	\$56	\$29	\$85
12-1/66-5-7	Driver's License Class / Exam	No	\$56	\$29	\$85
12-1/66-5-8	Instruction Permit / Temp License	No	\$56	\$29	\$85
12-1/66-5-9	Appl For License / Temp License	No	\$56	\$29	\$85
12-1/66-5-14	No Motorcycle Endorsement	No	\$56	\$29	\$85
12-1/66-5-16	Driver's License Carried/Exhibited On Demand	No	\$56	\$29	\$85
12-1/66-5-18	Altered / Forged / Fictitious License	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-19	Restricted Licenses	No	\$56	\$29	\$85
12-1/66-5-20	Duplicate Licenses	No	\$56	\$29	\$85
12-1/66-5-21	Expiration of License	No	\$56	\$29	\$85
12-1/66-5-22	Driver's License Address Change	No	\$56	\$29	\$85
12-1/66-5-34	No Operation Under Forged License On Suspension	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-37.A	Unlawful Use of License	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-38	False Affidavit Perjury	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-39	Driver's License Suspended/Revoked	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-40	Permit Minor To Drive	Yes	Set at Hearing	\$29	Set at Hearing

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-5-41	Permit Unauthorized Person To Drive	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-59	Commercial Driver's License Required	No	\$56	\$29	\$85
12-1/66-5-205	Vehicle Must Have Insurance	No	\$306	\$29	\$335
12-1/66-5-205.1	Uninsured Motorist/Req Following Accident	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-230	Surrender of License and Registration	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-231	Forged Evidence of Insurance	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-409	Unlawful Use of Identification Card	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-4	Obedience To Police Officers	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-6	Authorized Emergency Vehicles	No	\$56	\$29	\$85
12-1/66-7-7	Traffic Laws Apply To Riding/Driving/Animals	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-104	Obedience Traffic Devices (Cover All)	No	\$66	\$29	\$95
12-1/66-7-105	Traffic Control Signal Legend (Lights)	No	\$66	\$29	\$95
12-1/66-7-106	Pedestrian Control Signal	No	\$46	\$29	\$75
12-1/66-7-108	Display Unauthorized Sign	No	\$46	\$29	\$75
12-1/66-7-109	Interfere with Traffic Dev	No	\$66	\$29	\$95
12-1/66-7-201	Duty Accident - Death or Injury	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-202	Accident Involving Damage Vehicle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-203	Duty To Give Information / Render Aid	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-204	Duty Upon Striking Unattended Vehicle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-205	Duty Upon Striking Fixtures/Other Objects	No	Set at Hearing	\$29	Set at Hearing
12-1/66-7-206	Immediate Notice of Accident	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-207	Written Reports On Accident	No	\$66	\$29	\$95
12-1/66-7-208	Driver Unable To Report	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-210	False Report	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-301.A.1	Speeding School Zone	No	\$106	\$29	\$135
12-1/66-7-301.A.2	Speeding 1 To 15 Mph Over	No	\$66	\$29	\$95
12-1/66-7-301.A.3	Speeding 16 To 25 Mph Over	No	\$81	\$29	\$110
12-1/66-7-301.A.4	Speeding 26 Mph and Up	No	\$126	\$29	\$155

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-7-301.B.1	Speeding Basic Rule	No	\$66	\$29	\$95
12-1/66-7-303.1	Construction Zone	No	\$71	\$29	\$100
12-1/66-7-303.A.4	Construction Zone with Sign	No	\$126	\$29	\$155
12-1/66-7-303.D	Restricted Speed Zone	No	\$66	\$29	\$95
12-1/66-7-305	Minimum Speed	No	\$56	\$29	\$85
12-1/66-7-308	Improper Lane - Wrong Side	No	\$66	\$29	\$95
12-1/66-7-309	Improper Pass - Opposite Direct	No	\$56	\$29	\$85
12-1/66-7-310	Improper Pass - Overtake - Left	No	\$56	\$29	\$85
12-1/66-7-311	Improper Pass - On Right	No	\$56	\$29	\$85
12-1/66-7-312	Limitations On Overtaking On The Left	No	\$56	\$29	\$85
12-1/66-7-313	Further Limit On Driver/Left of Center of Roadway	No	\$56	\$29	\$85
12-1/66-7-314	Hazardous Vehicles Movement/Escort	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-315	No Passing Zone	No	\$56	\$29	\$85
12-1/66-7-316	One Way Roadway	No	\$66	\$29	\$95
12-1/66-7-317	Driving On Roadways Laned For Traffic	No	\$76	\$29	\$105
12-1/66-7-318	Following Too Closely	No	\$76	\$29	\$105
12-1/66-7-319	Driving On Divided Highway		\$76	\$29	\$105
12-1/66-7-320	Restricted Access Violation	No	\$56	\$29	\$85
12-1/66-7-321	Controlled Access Violation	No	\$56	\$29	\$85
12-1/66-7-322	Required Position/ Method Turning	No	\$56	\$29	\$85
12-1/66-7-323	Turn On Curve or Crest	No	\$56	\$29	\$85
12-1/66-7-324	Starting Parked Vehicle	No	\$56	\$29	\$85
12-1/66-7-325	Turn Movement & Required Signals	No	\$56	\$29	\$85
12-1/66-7-326	Signals By Hand / Arm or Signal Device	No	\$56	\$29	\$85
12-1/66-7-327	Method of Giving Hand / Arm Signals	No	\$56	\$29	\$85
12-1/66-7-328	Fail Yield / Approach Enter	No	\$56	\$29	\$85
12-1/66-7-329	Fail Yield / Turn Left	No	\$56	\$29	\$85
12-1/66-7-330	Vehicles Entering Stop or Yield Intersection	No	\$56	\$29	\$85
12-1/66-7-331	Fail Yield / Enter Private Drive	No	\$56	\$29	\$85
12-1/66-7-332	Operation of Vehicle On Approach of Emergency Vehicle	No	\$106	\$29	\$135
12-1/66-7-332.1	Approach of Oncoming Vehicle: Yield Right of Way	No	\$56	\$29	\$85

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-7-333	Pedestrian - Violation	No	\$56	\$29	\$85
12-1/66-7-334	Pedestrian – Right-of-Way	No	\$56	\$29	\$85
12-1/66-7-335	Cross - Other Than Crosswalks	No	\$56	\$29	\$85
12-1/66-7-336	School Crossings	No	\$66	\$29	\$95
12-1/66-7-337	Drivers To Exercise Due Care	No	\$56	\$29	\$85
12-1/66-7-339	Pedestrian On Roadways	No	\$56	\$29	\$85
12-1/66-7-340	Pedestrians Solicit Rides/Bus in Roadway	No	\$56	\$29	\$85
12-1/66-7-345	Fail Stop - Stop / Yield Sign	No	\$66	\$29	\$95
12-1/66-7-346	Fail Stop - Alley / Private Drive	No	\$56	\$29	\$85
12-1/66-7-347	Passing School Bus	No	\$106	\$29	\$135
12-1/66-7-349	Stop / Stand / Park Districts	No	\$46	\$29	\$75
12-1/66-7-350	Remove Illegally Stopped Vehicle	No	\$46	\$29	\$75
12-1/66-7-351	Stop / Stand / Parking Prohibited	No	\$35	-	\$35
12-1/66-7-352	Additional Parking Regulations	No	\$35	-	\$35
12-1/66-7-352.5	Unauthorized Use: Penalty (Handicap Parking)	No	\$105	-	\$105
12-1/66-7-353	Unattended Motor Vehicle	No	\$56	\$29	\$85
12-1/66-7-354	Limitation On Backing	No	\$56	\$29	\$85
12-1/66-7-355	Improper Riding - Motorcycles	No	\$56	\$29	\$85
12-1/66-7-356	Helmets Required	No	\$46	\$29	\$75
12-1/66-7-357	Obstructing Drivers View / Mech	No	\$56	\$29	\$85
12-1/66-7-360	Coasting Prohibited	Yes	\$56	\$29	\$85
12-1/66-7-361	Following Fire Apparatus	No	\$56	\$29	\$85
12-1/66-7-362	Crossing Fire Hose	No	\$56	\$29	\$85
12-1/66-7-363	Animals On Highway	No	\$101	\$29	\$130
12-1/66-7-364	Put Glass, Etc On Highway	No	\$106	\$29	\$135
12-1/66-7-366	Occupy Moving House Trailer	No	\$56	\$29	\$85
12-1/66-7-367	Improper Opening of Doors	No	\$46	\$29	\$75
12-1/66-7-369.A.1	Child Restraint Device Required 1st offense	No	\$66	\$29	\$95
12-1/66-7-369.A.2	Child Restraint Device Required 2nd offense	No	\$76	\$29	\$105
12-1/66-7-369.A.3	Child Restraint Device Required 3rd offense	No	\$86	\$29	\$115
12-1/66-7-372	Mandatory Seatbelts Law	No	\$56	\$29	\$85
12-1/66-7-374	Texting While Driving	No	\$66	\$29	\$95

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-7-401	Weight & Size Limitations	No	\$46	\$29	\$75
12-1/66-7-402	Width of Vehicles	No	\$46	\$29	\$75
12-1/66-7-403	Projecting Loads / Passing Vehicle	No	\$46	\$29	\$75
12-1/66-7-404	Height & Length - Vehicles	No	\$46	\$29	\$75
12-1/66-7-405	Minimum Vehicle Size	No	\$46	\$29	\$75
12-1/66-7-406	Special Load Limitations	No	\$46	\$29	\$75
12-1/66-7-407	Improper Load	No	\$46	\$29	\$75
12-1/66-7-408	Trailers & Towed Vehicles	No	\$46	\$29	\$75
12-1/66-7-413.A	Overload Permit	No	\$46	\$29	\$75
12-1/66-7-416.B	Liability For Damage	No	\$106	\$29	\$135
12-1/66-8-2	Improper Use of Registration	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-10	Duplicate or Replacement Registration Plate	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-102	DWI	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-102.D	DWI Aggravated	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-113	Reckless Driving	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-114	Careless Driving	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-115	Racing on Highways	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-120	Parties to a Crime	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-121	Offenses Person Owning/Controlling Vehicle	No	\$66	\$29	\$95
12-1/66-8-138	Open Container In Vehicle	No	\$106	\$29	\$135
12-1/24-25	Use of a Handheld Mobile Communication Device while Operating a Motor Vehicle				
12-1/24-25.A.1	1 st Offense	No	\$76	\$29	\$105
12-1/24-25.A.2	2 nd Offense	No	\$151	\$29	\$180
12-1/24-25.A.2	3 rd Offense	No	\$301	\$29	\$330
12-1/24-25	Fines are doubled for violation in an Active School Zone				
12-1/24-25.A.4	1 st Offense	No	\$152	\$29	\$181
12-1/24-25.A.5	2 nd Offense	No	\$302	\$29	\$331
12-1/24-25.A.6	3 rd Offense	No	\$602	\$29	\$631
12-2	Aiding An Illegal Activity	Yes	Set at Hearing	\$29	Set at Hearing

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-3	Concealing	Yes	Set at Hearing	\$29	Set at Hearing
12-21	Assault	Yes	Set at Hearing	\$29	Set at Hearing
12-22	Battery	Yes	Set at Hearing	\$29	Set at Hearing
12-23	Libel	Yes	Set at Hearing	\$29	Set at Hearing
12-41	Criminal Damage To Property	Yes	Set at Hearing	\$29	Set at Hearing
12-42	Destructing/Defacing of Property	Yes	Set at Hearing	\$29	Set at Hearing
12-43	Tamper with Utilities	Yes	Set at Hearing	\$29	Set at Hearing
12-61	Petty Larceny	Yes	Set at Hearing	\$29	Set at Hearing
12-62	Shoplifting	Yes	Set at Hearing	\$29	Set at Hearing
12-63	Falsely Receive Services	Yes	Set at Hearing	\$29	Set at Hearing
12-64	Fraud	Yes	Set at Hearing	\$29	Set at Hearing
12-65	Receiving Stolen Property	Yes	Set at Hearing	\$29	Set at Hearing
12-81	Worthless Check – Notice	Yes	Set at Hearing	\$29	Set at Hearing
12-82	Worthless Check – Purpose	Yes	Set at Hearing	\$29	Set at Hearing
12-83	Worthless Check – Exception	Yes	Set at Hearing	\$29	Set at Hearing
12-84	Unlawful To Issue Worthless Check	Yes	Set at Hearing	\$29	Set at Hearing
12-85	Intent To Defraud - Worthless Check	Yes	Set at Hearing	\$29	Set at Hearing
12-101	Criminal Trespass	Yes	Set at Hearing	\$29	Set at Hearing
12-102	Wrongful Entry Public Facility	Yes	Set at Hearing	\$29	Set at Hearing
12-103	Wrongful Use of Public Property	Yes	Set at Hearing	\$29	Set at Hearing
12-104	Simple Trespassing	Yes	Set at Hearing	\$29	Set at Hearing
12-105	Idling, Loitering or Prowling	Yes	Set at Hearing	\$29	Set at Hearing
12-121	Disorderly Conduct	Yes	Set at Hearing	\$29	Set at Hearing
12-122	Unlawful Assembly	Yes	Set at Hearing	\$29	Set at Hearing
12-123	Disturbing The Peace	Yes	Set at Hearing	\$29	Set at Hearing

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-124	Obstructing Movement	Yes	Set at Hearing	\$29	Set at Hearing
12-125	Unreasonable Noise	Yes	Set at Hearing	\$29	Set at Hearing
12-127	Disorderly House	Yes	Set at Hearing	\$29	Set at Hearing
12-141	Removal of Barricades	Yes	Set at Hearing	\$29	Set at Hearing
12-142	Open Container	Yes	Set at Hearing	\$29	Set at Hearing
12-161	Unlawful Use of Deadly Weapon	Yes	Set at Hearing	\$29	Set at Hearing
12-162	Negligent Use of a Deadly Weapon	Yes	Set at Hearing	\$29	Set at Hearing
12-163	Unlawful Propulsion of Missiles	Yes	Set at Hearing	\$29	Set at Hearing
12-164	Unlawful Possession of Weapons	Yes	Set at Hearing	\$29	Set at Hearing
12-165	Firing of Rifle or Pistol	Yes	Set at Hearing	\$29	Set at Hearing
12-181	Curfew of Minors	Yes	Set at Hearing	\$29	Set at Hearing
12-182	Drinking in Public	Yes	Set at Hearing	\$29	Set at Hearing
12-183	Unlawful Possession of Marijuana	Yes	Set at Hearing	\$29	Set at Hearing
12-184	Obscenity	Yes	Set at Hearing	\$29	Set at Hearing
12-185	Prostitution	Yes	Set at Hearing	\$29	Set at Hearing
12-186	Patronizing Prostitutes	Yes	Set at Hearing	\$29	Set at Hearing
12-187	Indecent Exposure	Yes	Set at Hearing	\$29	Set at Hearing
12-188	Unlawful Possession of Drug Paraphernalia	Yes	Set at Hearing	\$29	Set at Hearing
12-206	Impersonating Public Officer	Yes	Set at Hearing	\$29	Set at Hearing
12-207	False Reports of Crimes	Yes	Set at Hearing	\$29	Set at Hearing
12-208	Resisting or Obstructing an Officer	Yes	Set at Hearing	\$29	Set at Hearing
12-209	Escape from Custody	Yes	Set at Hearing	\$29	Set at Hearing
12-210	False Alarms	Yes	Set at Hearing	\$29	Set at Hearing

(Ord. 2019-493, eff. 2019-Sept-15; Ord. 2018-485, eff. 2019-Jan-13; Ord. 2018-479, eff. 2018-Jul-18; Ord. 2014-440, eff. 2015-Jan-21; Ord. 2013-428, eff. 2013-Aug-22)

Staff Summary Report

MEETING DATE:	October 22, 2019
AGENDA ITEM:	X: LAND USE HEARING (A)
AGENDA TITLE:	ZC 19-03 - Zone Change request from the C-2 General Commercial And Wholesale District to the O-1 Office And Institutional District for property located at 902 N. Rio Grande Ave, Aztec, NM.

ACTION REQUESTED BY:	Jordan Kreilick
ACTION REQUESTED:	Zone Change, by Jordan Kreilick
SUMMARY BY:	Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant	Jordan Kreilick
Representative	N/A
Date of Application	10/2/2019
Requested Action	ZC 19-03 - Zone Change request from the C-2 General Commercial And Wholesale District to the O-1 Office And Institutional District
Location	902 N. Rio Grande Ave, Aztec, NM.
Dimensions	Tax ID # R0001284
Existing Land Use	Residential
Existing Zoning	C-2 General Commercial And Wholesale District
Surrounding Zoning	North: C-2 General Commercial And Wholesale District South: C-2 General Commercial And Wholesale District East: C-2 General Commercial And Wholesale District West: C-1 Neighborhood Commercial
Notice	Property owners within 100 feet were sent notice by certified mail on October 2, 2019, and a classified ad was placed with the Daily Times and published on October 4, 2019.
Floodplain Area	No
Access	N. Rio Grande Ave

Summary

The petitioner requests a zone change from the C-2 General Commercial and Wholesale District to the O-1 Office and Institutional District for approximately 0.11 acres located at 902 N. Rio Grande Ave, NM 87410. According to San Juan County Assessors a residential dwelling sits on the parcel and was constructed in 1945. The house is approximately 1,008 square feet in size.

The applicant seeks the zone change in order to sell the said property. The zoning and the use do not align with the current district. The use is residential, and the zoning is commercial. Therefore, 902 N. Rio Grande Ave is considered a "lawful non-conformance" pursuant to COA

Sec 26-4-502 *"The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance (Code 2007, 26-502).*

Since, the 2008 financial crisis, lending institutions are more stringent in lending practices. This is especially true related to zoning. As a result, numerous lending institutions are not willing to finance mortgagees with zoning conflicts. The C-2 General Commercial and Wholesale District does not allow single-family dwelling units by right. Also, there are little to no development standards, such as lot size, height, and setbacks associated with single-family houses in the C-2 District. Therefore, property located at 902 N. Rio Grande is a lawful non-conformance or grandfathered. The O-1 Office and Institutional District allow for single-family residential units, and development standards are defined for dwelling units in the O-1 district.

In 2015, the petitioner purchased the property and at the time a local appraisal company stated, *"per the City of Aztec there are no restrictions should the property be more than 50% destroyed it could be rebuilt as a single family residence as long as it continues its use as a residence"*, please see the attached section of the appraisal report from.

does not disclose line dimensions. Subject site is of typical size and utility for this residential neighborhood of Aztec. The subject has views of other homes. No adverse easements or encroachment were noted at the time inspection. The subject is a legal non-conforming property. Per the City of Aztec there is no restriction should the property be more than 50% destroyed it could be rebuilt as a single family residence as long as it is a continued use as residential, should it be vacant for a period of year it would have to be rebuilt to conformance. Below is the City of Aztecs code.

In the event of the non-conforming use of any dwelling, building or other structure and of any land or premise is discontinued for a period of one (1) year, any further use thereof shall be in conformance with the provisions of this ordinance. For the purpose of this ordinance, discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had previously occurred. (Code 2007, 26-503)

The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance. (Code 2007, 26-502)

Figure 1: Appraisal Report

Aztec City Ordinance(s) does not include language stating "no restrictions should the property be more than 50% destroyed it could be rebuilt as a single family residence". Below are verbatim sections of the city code cited in the report.

Sec. 26-4-502. Lawful Non-Conformance.

The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance. (Code 2007, 26-502)

Sec. 26-4-503. Discontinuance and Abandonment.

In the event of the non-conforming use of any dwelling, building, or other structure and of any land or premise is discontinued for a period of one (1) year, any further use thereof shall be in conformance with the provisions of this ordinance. For this ordinance, discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had previously occurred. (Code 2007, 26-503)

C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT

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.

(2007, 26-71)

Uses Permitted

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

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 nonconforming 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 principal 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 principal structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.

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.

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.

Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except for disciplinary or mental institutions.

Retail and Service Establishments. This includes such facilities as a bank, barbershop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical cannabis dispensaries, 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.

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.

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.

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.

Studios. Studios may include photography, music, or dance of a commercial nature, provided all musical activities are confined within the building or structure.

Mortuary.

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 should be so arranged as not to reflect into any contiguous lower district.

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 the 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.
(Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-72)

Pursuant to COA 26-2-76, no conditional uses allow for single-family residential dwelling units in the C-2 District.

O-1: OFFICE AND INSTITUTIONAL DISTRICT

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)

Uses Permitted

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

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 applicable 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.

Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, as 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.

Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings, or dwelling units are permitted if 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

Condominiums or Town Houses. Attached single-family dwellings known as Condominiums or Town Houses are permitted if 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.

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 be furnished at the rate of one (1) parking space for every motel or hotel room.

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.

Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except for disciplinary or mental institutions.

Pursuant to COA 26-2-55, the O-1 District provides development standards for single-family, multiple-family, and office structures. A single-family dwelling unit can be rebuilt in the O-1 District if substantially damaged.

Analysis

Pursuant to Chapter 26 Land Use Regulation, the regulations, restrictions, and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 2002), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time (Code 2007, 26-3). Community Development notes all public notice requirements have been made in advance of the hearing and no comments related to the requested application were received. The determination of appropriateness for granting or denying the zone change rests with the consistency of applicable statutes, codes, and policies and with the Commission's analysis of the impacts on the surrounding properties and the community at large.

Consistency with the Comprehensive Plan:

The Comprehensive Plan includes sections pertaining to existing economic activity in the PPJ. In addition, the Comp Plan provides suitable locations for local-serving commercial uses in proximity to growing residential areas. The subject property does not serve as an existing economic use. The Comprehensive Plan "encourages new economic activity" (CompPlan2002, Pg 33). Zoning along Aztec Blvd was master-planned to encourage economic activity along a commercial corridor. As a result, residential usages along Aztec Blvd are discouraged.

Creation of adverse impacts and the ability to mitigate these impacts:

The change from C2 to O-1 District should not create any adverse impacts, such as increases in noise, traffic, parking, or any other negative externality associated with commercial uses. However, the combination of the C-2 and O-1 District in close proximity

creates issues; for example, Reeves Auto Finish uses, and residential dwelling units are often at odds.

Not allowing a zone change from the C-2 to O-1 District may also create a negative externality, as the valuation of 902 N. Rio Grande Ave may suffer, as the dwelling unit may not sell at its desired price based on the legal non-conforming status. However, the economic benefit for the sole property owner is speculative. With all things remaining equal, commercial properties typically have a higher valuation than residential properties; this is to assume, and the property can adhere to commercial development requirements, codes, and other applicable standards.

The ability of the proposed use to be accomplished by the proposed zoning district:

The O-1 District allows the applicant to accomplish the proposed residential use and allow the house to be rebuilt if damaged by more than 50%. The O-1 Office and Institutional District allow for single-family residential units, and development standards are defined for dwelling units in the O-1 district. The O-1 zoning is the only district in the City of Aztec to allow for single-family, multiple-family, and office uses. No commercial district would allow the applicant to rebuild the dwelling unit in its current state if substantially damaged. The property would need to come into conformity with the underlying-zoning district. Therefore, if damaged by more than 50%, the property needs to be rebuilt as commercial, per the C-2 zoning.

The suitability of the land for the proposed development:

The subject property is operating as a nonconforming use.

The existence of or the applicant's ability and willingness to provide adequate public facilities:

The residential dwelling units are required to connect to water, sewer, and electric utilities. If the dwelling unit were converted into an office, all building and fire codes would apply.

Whether the proposed zoning constitutes a spot zone:

A spot zoning is, where a particular tract within a larger area is specifically zoned to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges. The proposed zone change is a spot zone. There is no O-1 zoning in close proximity. The applicant would solely benefit from this zone change. However, the City of Aztec's master plan to retain and encourage commercial development along Aztec Blvd is impaired if the zoning to the O-1 District is granted.

The change from C-2 to O-1 is considered a downzone. A downzone restricts or limits density in high development areas. Downzone is typically not desirable along with a commercial coordinator.

Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:

The requested zone change is partially compatible with the character of the neighborhood, as it is next to a residential dwelling unit directly north of the subject property. However, commercial uses and zoning surround the property to the east and south of 902 N. Rio Grande Ave.

COMMUNITY DEVELOPMENT CONCLUSION

The Community Development Department understands the petitioner's desire to sell the property in its current use and empathizes with the applicant, based on the inaccurate information from the 2015 appraisal report. However, the requested zone change goes against the City's master plan to retain and encourage property for economic development. Additionally, this rezone request is considered a spot zone. However, there is no zoning district in Aztec, that would allow for single-family residential units and not be considered a spot zone, based on current zoning at 902 N. Rio Grande Ave. Lastly, this is considered a downzone, which can negatively set a precedent for future zoning and planning in Aztec. Therefore, the Community Development Department recommends denial of the zone change application based on legal and planning issues.

SUPPORT DOCUMENTS:

1. Application
2. Map
3. List of Adjacent Property Owners
4. Adjacent Property Owner Notification Letter
5. 2002 Comprehensive Plan

DEPARTMENT'S RECOMMENDED MOTION: Move To deny zone change 19-03, a request from Jordan Kreilick, for a zone change from the C-2 General Commercial and Wholesale District to the O-1 Office and Institutional District for property located at 902 N. Rio Grande Ave, Aztec, NM.



Figure 2: 902 N. Rio Grande



Figure 3: East



Figure 4 North



Figure 5 North 2



Figure 6 West

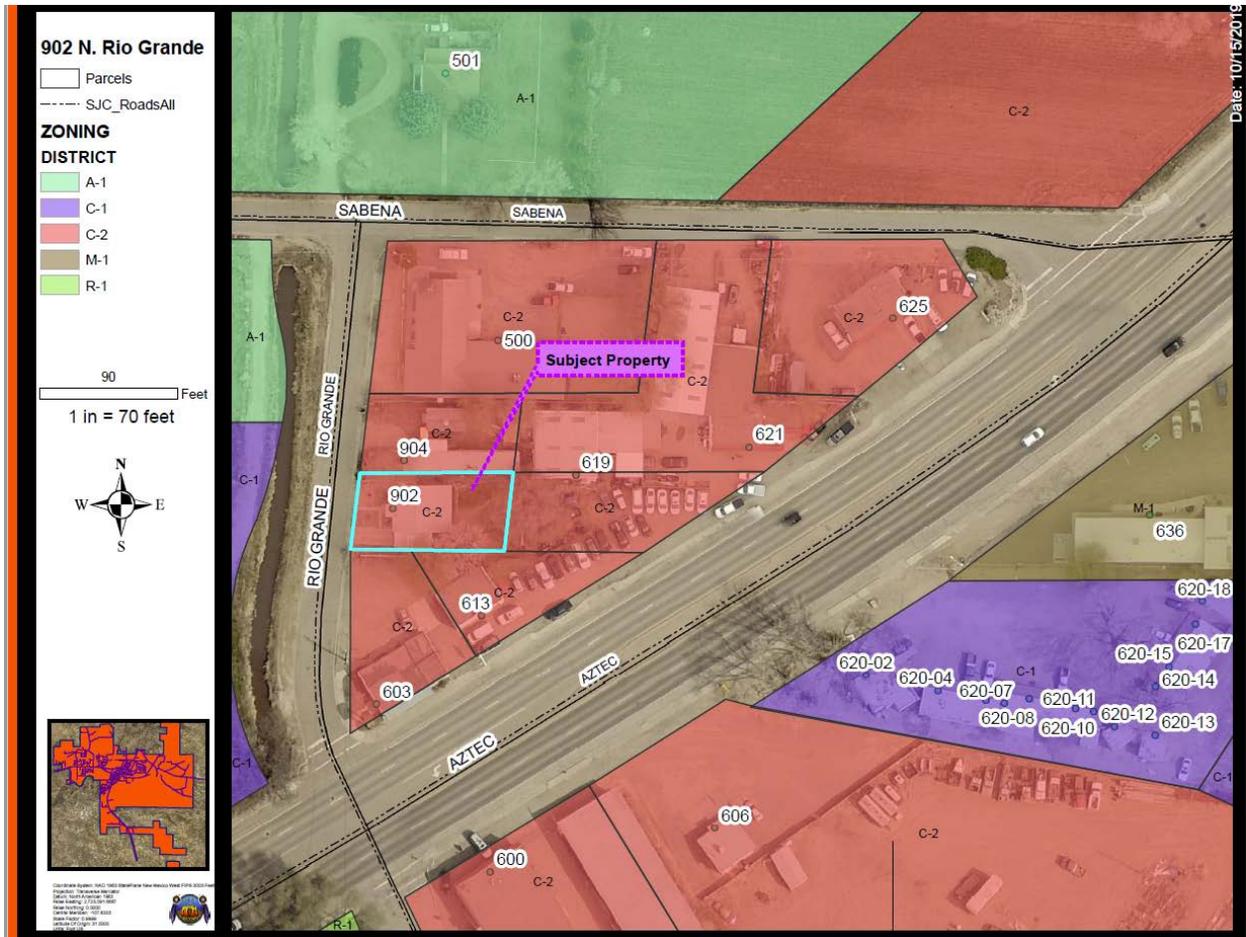


Figure 7 Zoning Map

PETITION APPLICATION



Community Development Department
City of Aztec
 201 W. Chaco St.
 Aztec, NM 87410
 (505) 344-7605
 (505) 344-7609 (fax)



PROJECT TYPE (Check Those Applicable)

- Annexation
- Alt/Summary Plat
- Preliminary Plat
- Final Plan

- Variance
- Residential/ Commercial Development

- Zone Change to 01 District
- Conditional Use Permit
- Well site equipment modification
- Sign Permit
- Other

INFORMATION

Applicant's Name: <u>Jordan Kreilick</u>	Project Location: <u>902 N. Rio Grande Ave Aztec, NM 87410</u>
Address: <u>902 N. Rio Grande Ave Aztec, NM 87410</u>	Existing Use: <u>Residential</u>
E-Mail: <u>kreilick1327@gmail.com</u>	Proposed Use: <u>office - 01</u>
Telephone: <u>505-947-7408</u>	Current Zoning: <u>C2</u>
Relationship to Property Owner: <u>Self</u>	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property:

Is the Property in a Flood Zone? Yes No

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name:	E-Mail:
Phone:	Address:

OWNERSHIP

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

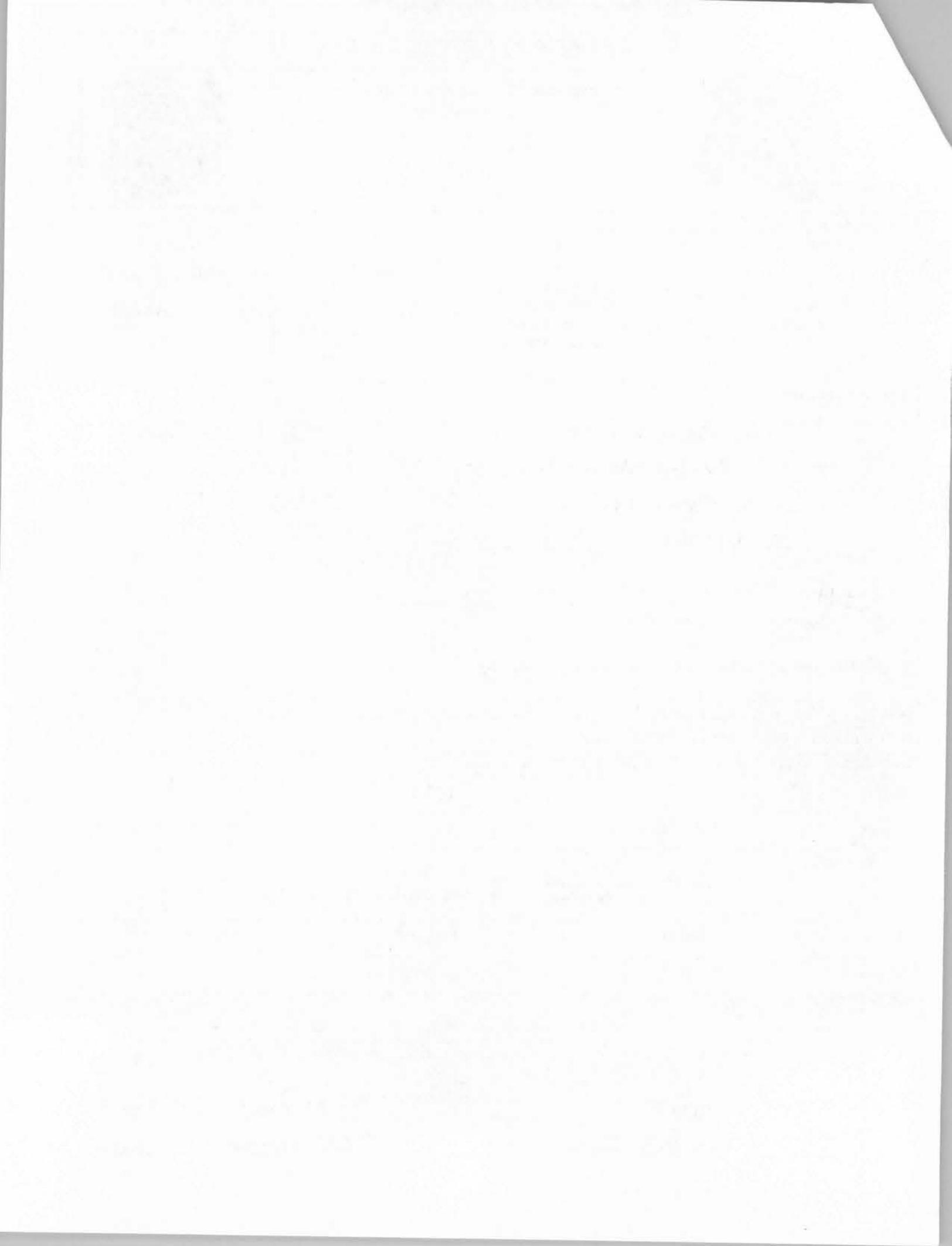
OWNER CERTIFICATION

* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Aztec to enter the premises described in this application. I understand applications will generally be reviewed by City Commission at their first regular session following City staff review.

Name: <u>Jordan Kreilick</u>	Address: <u>902 N. Rio Grande Ave Aztec, NM 87410</u>
Owner's Signature: <u>Jordan Kreilick</u>	Phone / Email: <u>505-947-7408, kreilick1327@gmail.com</u>

****All sections of this application need to be completed**
***This application accompanies the project/request**





CITY OF AZTEC ZONE CHANGE APPLICATION

Permit #: _____ Date Started: _____ Date Approved: _____ Fees Paid: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Jordan Kreilick
Mailing Address: 902 N. Rio Grande Ave Aztec, NM 87410
Phone: 505-947-7408
Email: kreilick1327@gmail.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 902 N. Rio Grande Ave Aztec, NM 87410
Tax ID: R0001284 Parcel Size (ac): 4,792
Current Zone District: C2
Current Use: Residential
Proposed Zone District: Office - 01
Proposed Use: _____
Flood Zone Designation: _____

REASON FOR REQUESTING A ZONE CHANGE

Conform to current regulations

APPLICANT SIGNATURE

I, applicant/ Jordan Kreilick representing _____ 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: Jordan Kreilick Date: 10-2-19

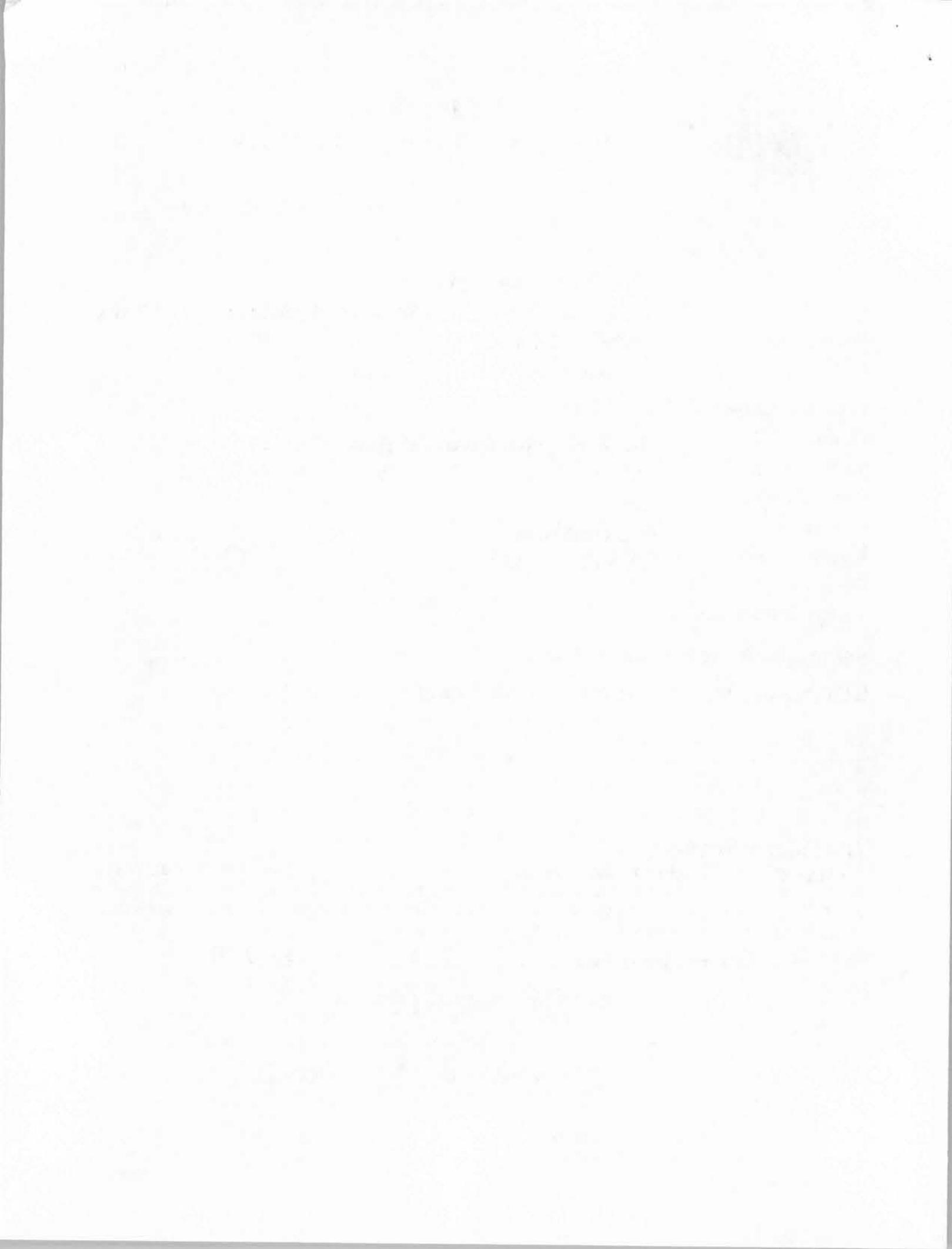
CITY of AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$250 first acre and \$5 each additional acre. Total \$ _____





CITY OF AZTEC ZONE CHANGE CHECKLIST

Applicable Fees

Administrative Fee	\$10
Zone Change	\$250 (first acre)
	\$5 (for each additional acre)

Detailed site map which includes the following:

- Address of property and adjacent properties
- Property boundary (all sides)
- Existing or proposed street(s) adjoining property (labeled)
- North arrow and scale
- All utility easements
- All utility lines
- All utility meters
- Existing and/or proposed structures
- Location of improvement(s)
- Setbacks for front, side and rear yards
- Driveway location (required for new addresses)
- Proposed parking area (if different than driveway)
- Location of all drainages

Ownership

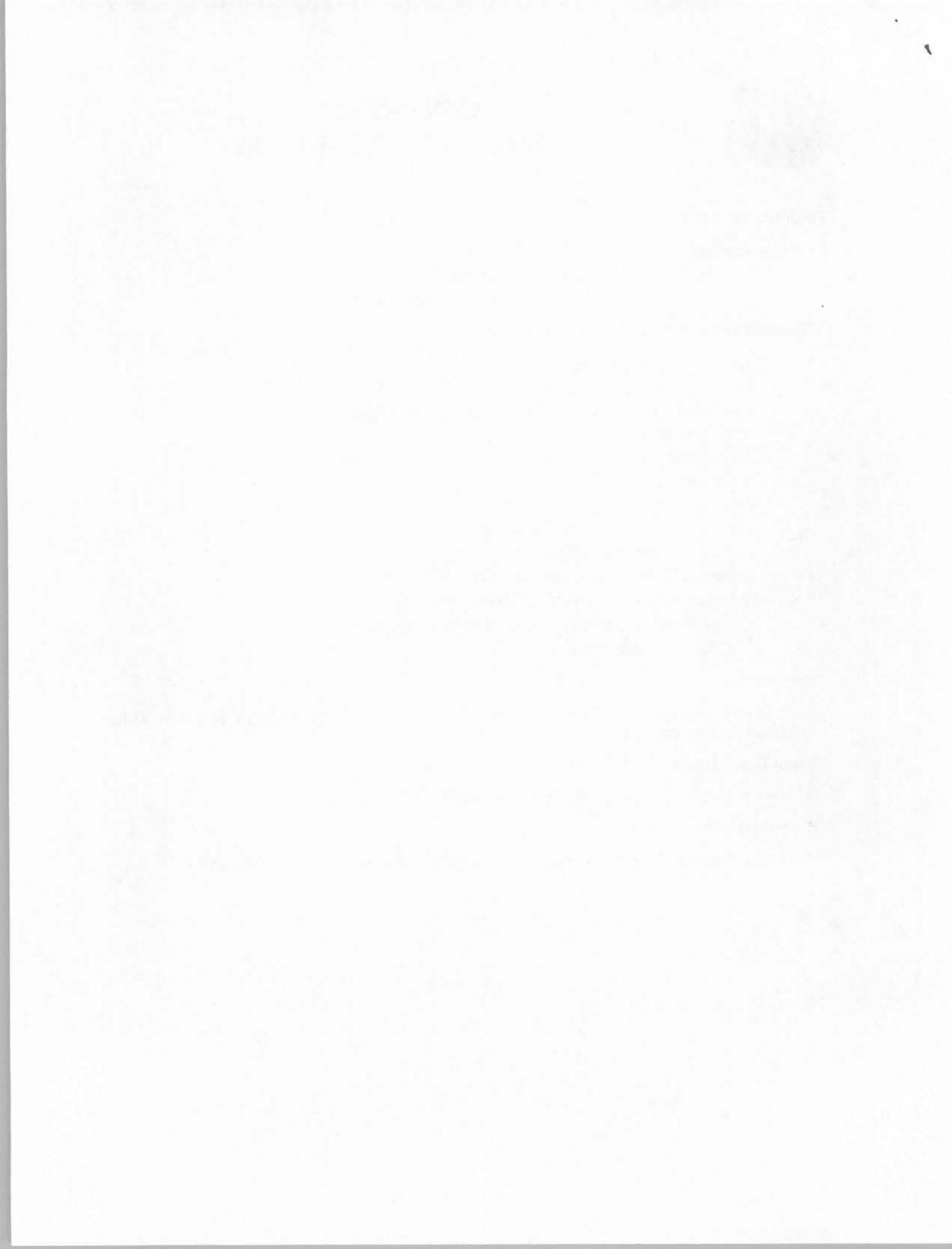
A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description

Includes the legal description or physical address of the property.

Proposed Use

Statement describing the proposed use of the buildings, structures, premises, etc.

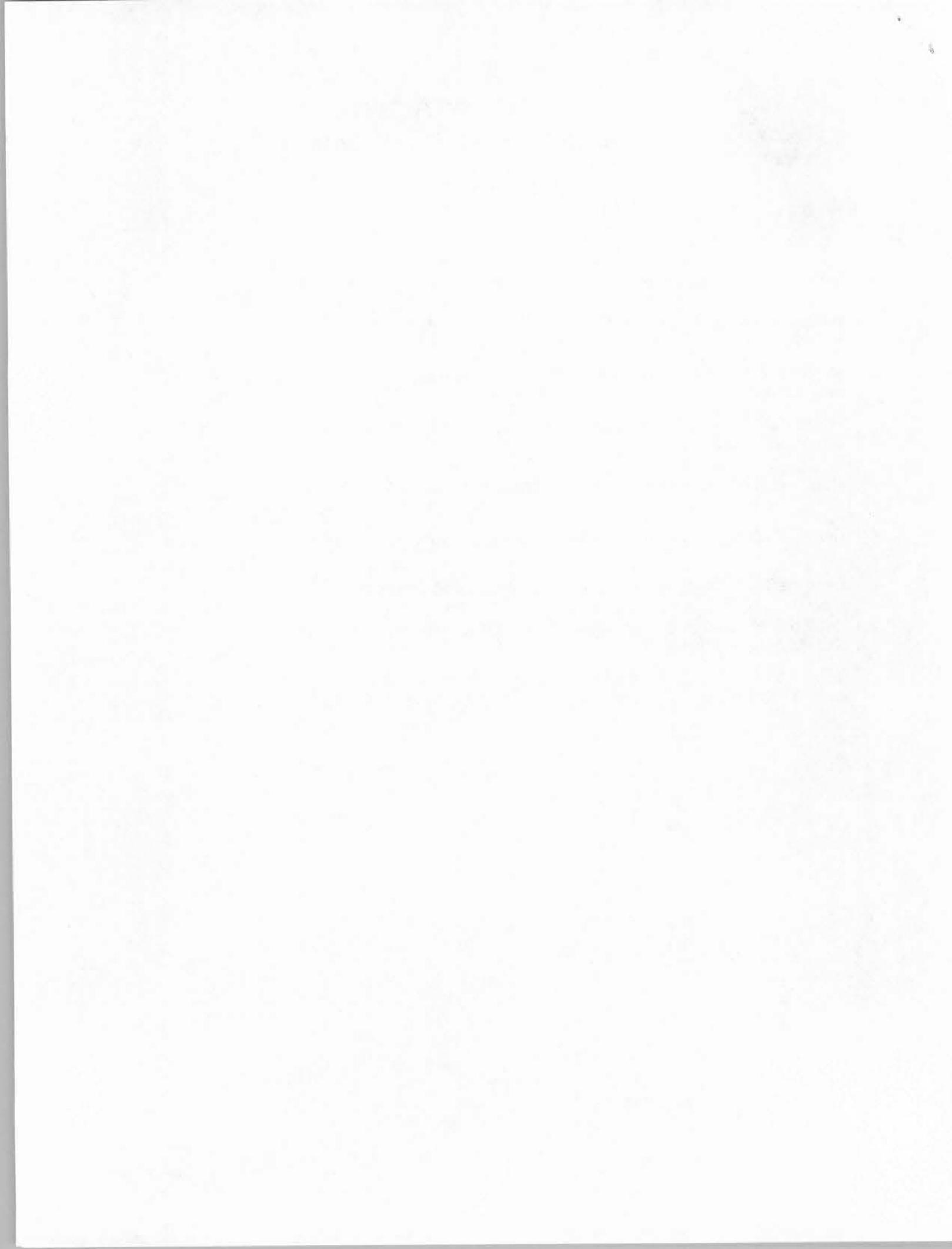




CITY OF AZTEC ZONE CHANGE EVALUATION

Permit #: _____

1. Is the Zone Change detrimental to the property? No Yes
2. Is the Zone Change detrimental to surrounding properties or the neighborhood? No Yes
3. Does the Zone Change alter the character of the surrounding neighborhood? No Yes
4. Will the Zone Change set a precedent which may alter the intent of the Land Use regulations? No Yes
5. Does the Zone Change impose a health issue on the public? No Yes
6. Does the Zone Change impose a safety issue on the public? No Yes
7. Does the Zone Change have the approval of surrounding neighbors? No Yes
8. Will the Zone Change be consistent with the Aztec Comprehensive Plan and Master Zone District Map? No Yes
9. Is there an alternate Land Use Action that might be considered to accomplish the applicant's intent without altering the Zone District Map? No Yes





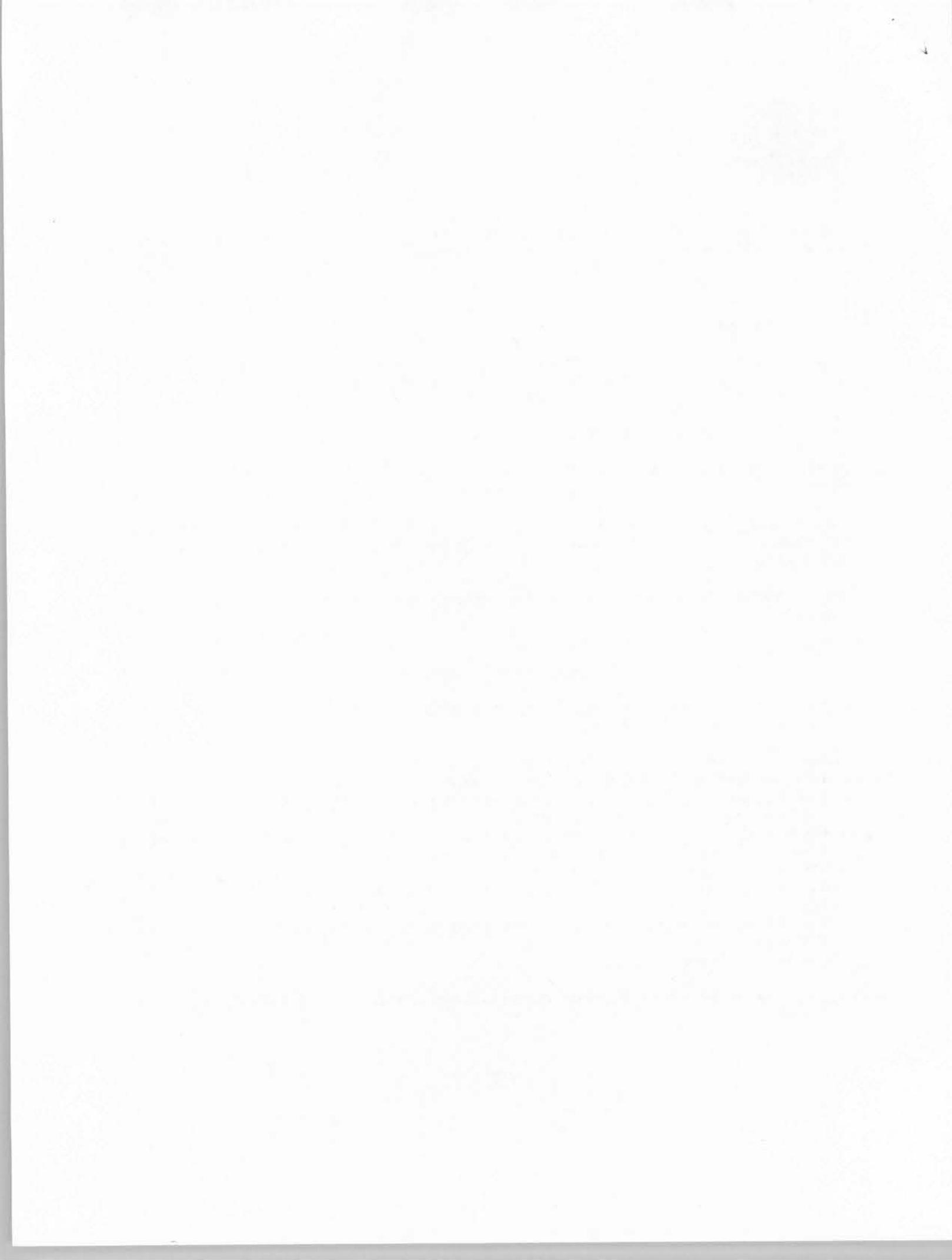
CITY OF AZTEC ZONE CHANGE REQUIREMENTS

The requirements of a Zone Change are defined in Chapter 26 Land Use Regulations, Article IV., Division 2. An excerpt from Aztec Municipal Code which identifies the requirements of a Zone Change is included below for your reference. If you need assistance identifying the zone district of your property please consult the Community Development Office at (505) 334-7604.

Sec. 26-4-521. Process.

1. Application. Application for the amendment of the Official Land Development Map or text of this Chapter shall be to the Municipality (Community Development Department, Planning Board, and City Commission). Required documents or information will include:
 - (1) A completed "Application For District Change" form;
 - (2) A recent survey;
 - (3) Legal description or proper street address of the subject property;
 - (4) Reason for the request to change the current district.
2. Publication and Notification. Public notification will be conducted by the Planning Department. Such notification will include all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way).
3. Fees. A non-refundable fee of the following will be charged (regardless of whether the application is approved or denied):

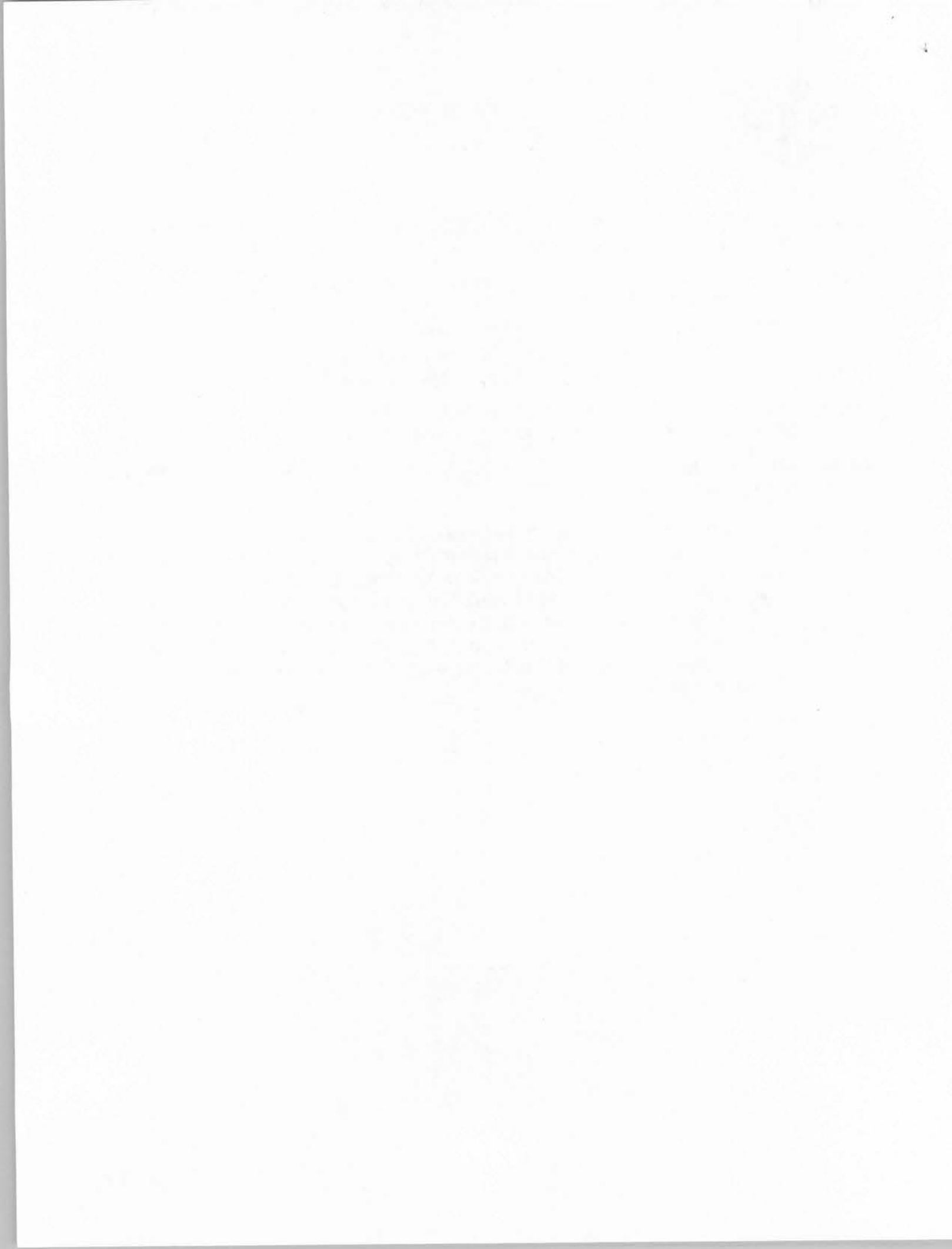
One acre or less:	\$250. ⁰⁰
One acre or more:	\$250. ⁰⁰ plus \$5. ⁰⁰ for each additional acre.
4. Approval or Denial. A request for change in any district can be denied by the City Commission based upon, but not limited to, the following circumstances:
 - (1) Failure to provide the proper documentation;
 - (2) Failure to meet the required deadline for public notification;
 - (3) Failure to demonstrate notification through certified mail of adjoining property owners within one hundred (100) feet of the area of proposed change;
 - (4) Presentation of written protest signed by the majority of owners that are within the proposed change or within one hundred (100) feet of the area proposed for change.
 - (5) The City Commission determines that the change could be detrimental to the surrounding area, or may have significant impact on the general health, safety, and/or welfare of property owners in the general area.
 - (6) That the request for change in type of district was not approved by the majority vote of the City Commission.
 - (7) Failure to pay the proper fee.
5. Duration. Once approved, the application of change of district will become part of the Official District Map and Regulation.





CITY OF AZTEC ZONE CHANGE PROCESS

- Step 1** Schedule a meeting with the Community Development Director to review your zone change request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Zone Change Application Checklist* to the Community Development Department at least 21 days prior to the regularly scheduled City Commission meeting.
- Step 3** The Community Development Department will send out land notifications to property owners within 100 feet of your property boundary.
- Step 4** Once all fees and documentation has been received, the Zone Change Application will be placed on the next City Commission agenda as a Land Use Hearing item.
- Step 5** On Tuesday, _____, the City Commission will meet at City Hall Commission Room at 6:00 p.m.
- Attendance is required by the applicant or by an authorized representative; applicants wishing to be represented by another party must submit this authorization to the Community Development Department in writing.
 - Failure to appear at the meeting may cause the Variance Application to be postponed until the next regularly scheduled Commission meeting.
 - City Commission will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order approving or denying the Variance request.



City of Aztec
10/02/2019 16:11 CD2

CM DEV LAND USE PERMITS

U-B102309	AMOUNT
FMSD CM DEV LAND USE PERMITS	260.00

PAYMENT RECEIVED	AMOUNT
CHECK: 219	260.00
TOTAL	260.00

CITY OF ASTORIA
 10/03/2018
 BULKY WASTE
 1-8102-08
 PAID BY LEV DATA
 HAYDEN RECEIVED
 CHECK #18
 TOTAL
 20.00
 20.00
 AMOUNT
 20.00

902 N. Rio Grande

▭ Parcels

- - - - - SJC_RoadsAll

ZONING

DISTRICT

- A-1
- C-1
- C-2
- M-1
- R-1

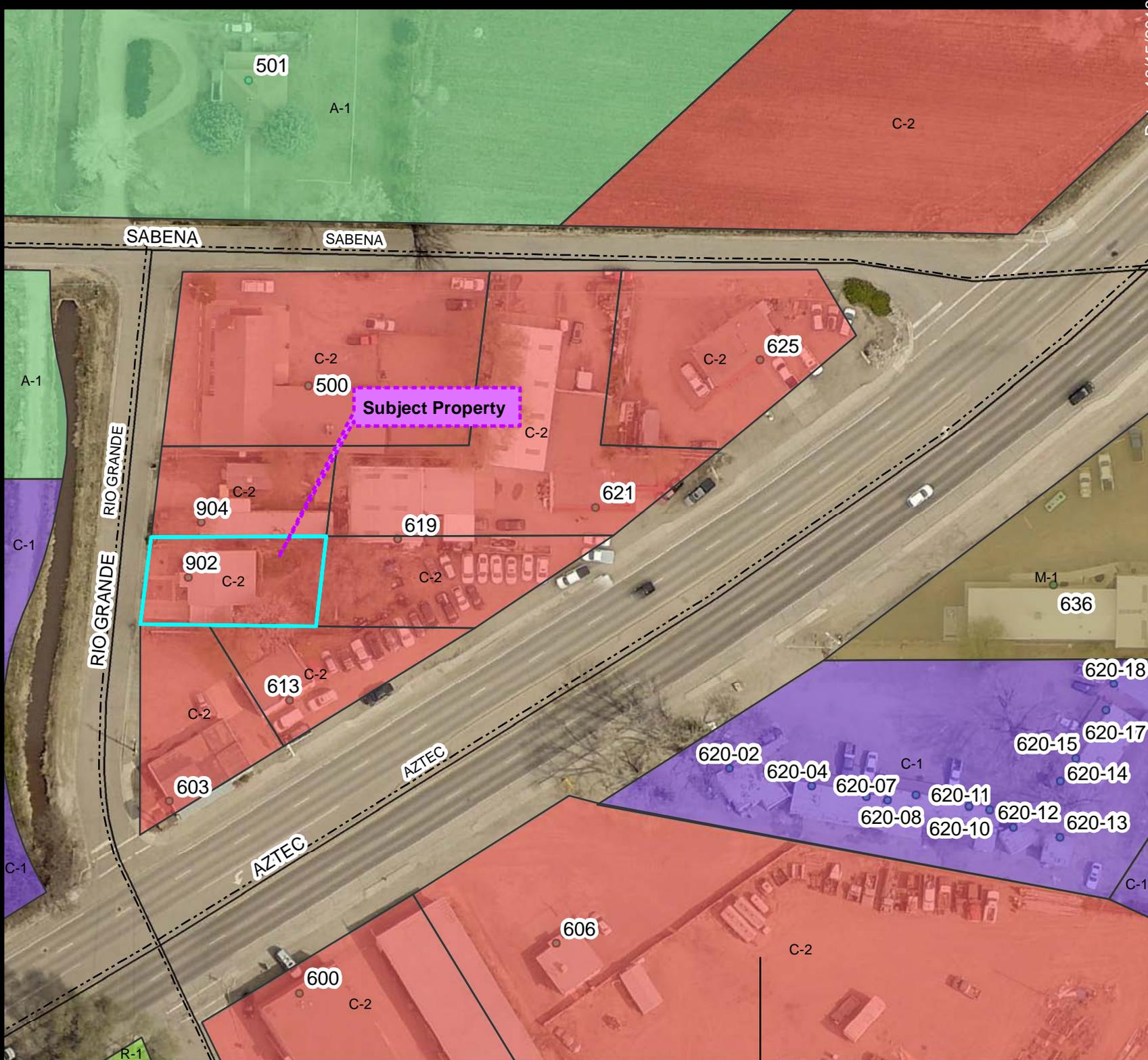
90

Feet

1 in = 70 feet



Coordinate System: NAD 1983 StatePlane New Mexico West FIPS 3003 Feet
Projection: Transverse Mercator
Datum: North American 1983
False Easting: 2,723,091.6667
False Northing: 0.0000
Central Meridian: -107.8333
Scale Factor: 0.9999
Latitude Of Origin: 31.0000
Units: Feet US



Subject Property

Zone Change Application
ZC19-03 902 N. Rio Grande Ave

Notice is hereby given that an application has been filed with the City of Aztec-Community Development Department for a zone change from the current General Commercial and Wholesale District (C-2) to the Office and Institutional District (O-1), (COA 26-4-521, COA 26-2-42) for property located at 902 N Rio Grande Ave, Aztec, NM (TAX ID R0001284).

LEGAL DESCRIPTION

**S 172 FT AND W 586 FT FROM NE CORNER OF SW/4 NW/4 OF SEC 10 30 11.
THENCE S89-11-0E 100 FT, S7-0-0W 50 FT, N89-11-0W 100 FT, N7-0-0E 50 FT TO BEG.**

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that Aztec's City Commission will hear this petition in a public hearing on **Tuesday, October 22, 2019 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, NM 87410. Should you have any questions or concerns regarding this application, please contact the City of Aztec at (505)334-7604.

Text of Ad: 10/03/2019

**Zone Change Application
ZC19-03 902
N. Rio Grande Ave**

Notice is hereby given that an application has been filed with the City of Aztec-Community Development Department for a zone change from the current General Commercial and Wholesale District (C-2) to the Office and Institutional District (O-1), (COA 26-4-521, COA 26-2-42) for property located at 902 N Rio Grande Ave, Aztec, NM (TAX ID R0001284).

LEGAL DESCRIPTION

**S 172 FT AND W 586 FT
FROM NE CORNER OF SW/4
NW/4 OF SEC 10 30 11.
THENCE S89-11-0E 100 FT,
S7-0-0W 50 FT, N89-11-0W
100 FT, N7-0-0E 50 FT TO
BEG.**

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that Aztec's City Commission will hear this petition in a public hearing on Tuesday, October 22, 2019 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, NM 87410. Should you have any questions or concerns regarding this application, please contact the City of Aztec at (505)334-7604.

Legal No. 3826567 published in The Daily Times on Oct 4, 2019.

Addresses for 902 N. Rio Grande

R0001285/ 619 Aztec Blvd
Robert and Ruby Rivas
24 Road 3124
Aztec, NM 87410

R0001126/ 621 Aztec Blvd
Robert and Ruby Rivas
20 Road 3124
Aztec, NM 87410

R0000381/ 500 E. Sabena St
Animas Valley community Church
500 E. Sabena Street
Aztec, NM 87410

R0001550/ 901 Aztec Blvd
Spargo Family Ltd Partnership
Attn: Daven
733 Rivera
Mulvane, KS 67110

R0001549/ 901 Aztec Blvd
Charles W and Ella A Spargo Trust
Attn: Daven
733 Rivera
Mulvane, KS 67110

R0001481/ 603 Aztec Blvd
River Next LLC
PO Box 357
Aztec, NM 87410

R0000930/ 613 Aztec Blvd
Robert and Ruby Rivas
20 Road 3124
Aztec, NM 87410

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 19-03**

October 7, 2019

Dear Property Owner:

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Zone Change from the General Commercial and Wholesale District (C-2) to the Office and Institution District (O-I) (COA 26-4-521, COA 26-2-22) for property located at 902 N Rio Grande under Tax ID R0001284, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

BEG S 172 FT AND W 586 FT FROM NE CORNER OF SW/4 NW/4 OF SEC 10 30 11. THENCE S89-11-0E 100 FT, S7-0-0W 50 FT, N89-11-0W 100 FT, N7-0-0E 50 FT TO BEG.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by Aztec's City Commission on Tuesday, October 22, 2019 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed request. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco Street, 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 the Community Development Department at 505-334-7604.

Sincerely,

Erikka A. Martinez
Community Development Department
City of Aztec



Tending to the Heart of Rural Community in a Changing Landscape

City of Aztec Comprehensive Plan Update

December 2002

Prepared for:

Prepared by:



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I. INTRODUCTION & BACKGROUND

As a number of community members tell it, the area surrounding the City of Aztec has always been a rural ranching and farming community that complemented and extended the small town flavor of Aztec. Regulations were traditionally as sparse as residential subdivisions. The rural landscape was maintained by a mutual respect for the rural lifestyle, the land, and the relationships that sustained all who lived on it. The lifeblood of this landscape was the water of the Animas River and its nerve center was Aztec. The irrigation system that connected the Animas River to the fields of the working farms and to the cisterns of the residences in Aztec was the product of a strong civic sense, cooperation and pride. It is symbolic of the close-knit connection of the rural landscape to the city of Aztec.

Today, water remains just as important as it ever was in the relationship between town and country. And yet, much has changed in the area outside of Aztec over the last half century. Farming and ranching have declined dramatically, while the number of people living on the land has increased dramatically. Between 1990 and 2000, the City of Aztec grew by a modest 10.1%, while neighboring rural areas grew by almost 65%.

The oil and gas industry has replaced agricultural pursuits as the dominant employer and productive use of the landscape. Residential housing on the land is rapidly growing. Country roads have become highway corridors flanked by strip malls. Formerly large agriculture and ranching landholdings are being subdivided into increasingly smaller parcels. Aztec now refers to itself as a city, and along with other municipalities in the region has been aggressively annexing neighboring areas.

In the process, "newcomers" have moved into the area, changing the face of the community in many ways. And yet, to their credit, members of the greater Aztec community still view themselves as a rural small town community. According to several community members, whether you are embraced as a member of the community depends more on your attitude and your participation in community life than on your place of birth. One person concluded, "If you come in and act like a Californian, you will be treated like a Californian."

This sense of community has roots in a time when members of the community collectively built and maintained the irrigation system upon which the historic town and rural landscape depended. In the face of recent dramatic changes, this attitude has been



Figure 1: Cottonwood, Acequia & Mobile Home Court



transformed into a kind of spirited activism that transcends many political and ideological boundaries in an effort to 1) hold local government and big business accountable for abuses, and 2) find a common ground that will allow for change and yet preserve the essential small town rural community character. Greater Aztec is not alone in this struggle – many other rural places in New Mexico and nation-wide are struggling with many of the same concerns.

In this spirit, the City of Aztec has undertaken an open-ended comprehensive planning process to develop an approach to dealing with change in the surrounding area that is rooted in local community values. By law, the city has the authority to plan for impacts of growth in the community in the three-mile area surrounding the city known as the Planning and Platting Jurisdiction, or PPJ (see Figure 3).

The specific values, priorities and preferences of people who live in this area are not well understood. Also unknown is how residents perceive the impact of growth on what they value, and potential land use controls that could be used to manage it. In the past, some people have loudly expressed concern that growth threatens Aztec's quality of life. Others have objected equally loudly to efforts by the City of Aztec to extend its regulatory control over development occurring beyond the city limits.



Figure 2: Recent Development on Crouch Mesa

But by and large, the attitudes of most residents are just not known. As a result, the bedrock for this planning process has been to provide a public forum for the community to discuss the issues, concerns and approaches to future change in the greater Aztec area.

Also missing from the discussion so far has been a detailed description of recent development activity in the PPJ. Many if not most people probably have an intuitive grasp that significant changes are happening in the community, and some aspects of this growth are readily evident to

anyone who drives through the countryside surrounding Aztec. But to understand the full extent of the changes that are occurring, a more systematic investigation of growth trends and impacts in the area is needed. Consequently, another key purpose of this planning process has been to provide a comprehensive description and analysis of growth in the PPJ in order to inform the community's discussion about what the future should be for Aztec and its surroundings.

The following problem statement was developed to guide this comprehensive plan update:

The community's values regarding development in the City of Aztec's 3 -mile extraterritorial jurisdiction are unknown. As a result, it is unclear whether the c urrent



pattern of growth and development is in keeping with the community's preferences for the area.

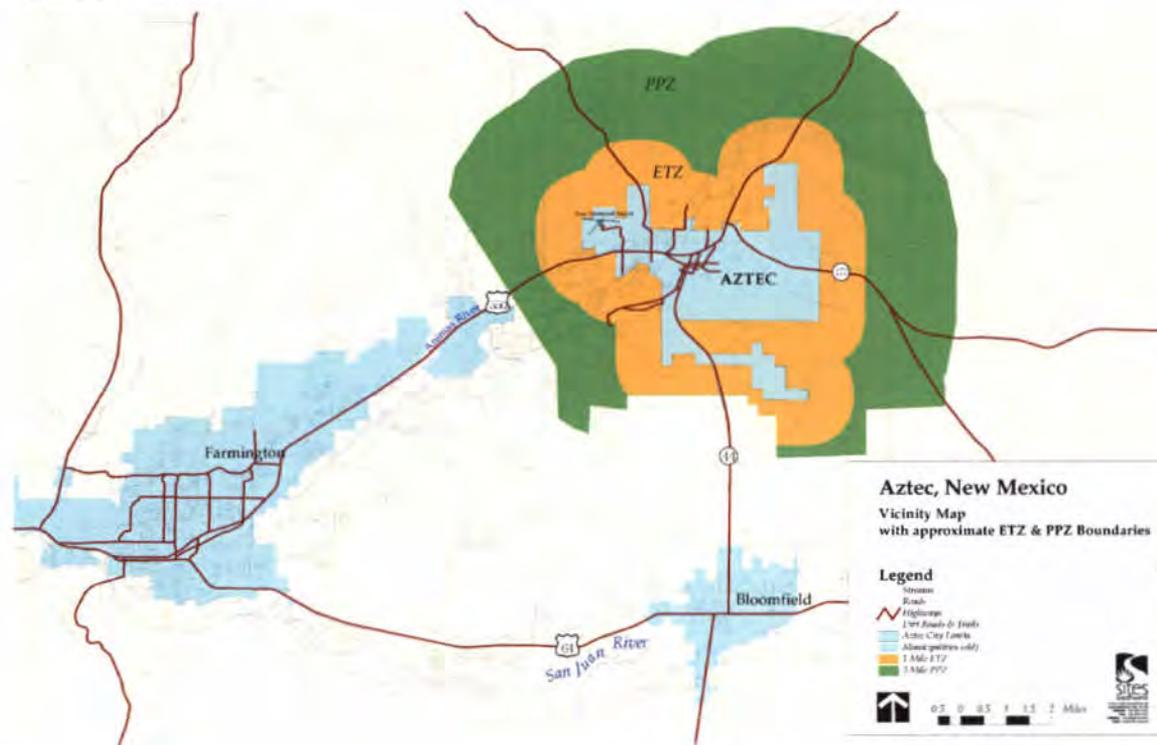
The purpose of the planning process was to:

1. Work with the greater Aztec community to understand the development trends in Aztec's extraterritorial jurisdiction;
2. Develop a vision for future growth based on community values; and
3. Advise the City on how it can best accomplish this vision.

The key questions that needed to be answered in the planning process were:

1. What do people in the Aztec area value in their community and local landscape?
2. What impact has recent growth had on the things that people value?
3. What kind of growth does the community want in the future - where should development happen and what should it look like?
4. What can the City do to get the re?

Figure 3: The PPJ



II. COMMUNITY VALUES

As noted above, the City of Aztec identified community input as a critical component of the Plan Update effort. The City planning staff and Commission were interested in who the community of the PPJ is, what they value and what their vision of future growth is. With this in mind, a four-pronged strategy was designed to secure the greatest possible input during the planning effort: 1) a series of public meetings 2) a community survey, 3) regular steering committee meetings; and 4) interviews with local stakeholders (business and real estate people, school officials, and local government officials.)

A particular effort was made to obtain as broad a participation process as possible from residents of the PPJ. The main outreach strategy was to work through the area's water user associations, whose membership encompasses most of the households in the PPJ. Meeting notices and the community survey were distributed with the monthly association newsletters.

The following discussion summarizes the community input that was received through the public meetings and the community survey.

What Places are Important to the Community?

In the first public meeting, people were led through a community mapping process in which they were asked to identify spaces and places of significance in the community landscape. They were then asked to prioritize and weight their value. The goal of these exercises was to get important geographical information about the community, such as landmarks, shopping, recreation, resource areas, and a sense of what the people valued in the community landscape.

Most of the participants reside in the PPJ, although there are a number who live within Aztec proper. Few of the participants work in Aztec. Most work in Farmington, Bloomfield or have local businesses that they operate out of their homes in the PPJ. Several participants are retired and a few are homemakers.

For the participants, notable local geographic landmarks such as the La Plata River, the hill coming into Aztec, Main Street and the Animas River created a sense of home for them.



Figure 4: Main Street Aztec



Several community members mentioned the Safeway in Aztec as their favorite shopping place. Apparently, this is a place to hear a lot of community news, and the some participants even mentioned it as a community gathering place as well. Another large contingent indicated that they did their shopping at various places in Farmington. A few mentioned downtown Aztec generally as their favorite shopping area and also as a key community gathering place. Other community gathering places included the Civic Center, a church, the ball fields at the municipal park, and the controversial Aztec Speedway. Historic/ cultural places identified by the participants included the Old Courthouse, Main Street Downtown, and the Aztec Ruins.

Favorite recreational areas of the participants included the Animas River, Navaho Dam, the Glades area northwest of town, and the Alien Landing site northeast of town. Favorite scenic roads were Ruins Road, the road to Navaho Dam and Southside River Road. People also mentioned farms in the Animas River Valley as important features, especially the Blancett Ranch and the Emory Farm southwest of town. The favorite water feature in the area was the Animas River, followed by Navaho Lake. The principal water source identified by people was the Animas River, as well as the various rural water associations, all of which draw water from the Animas River and/or wells in the River corridor.

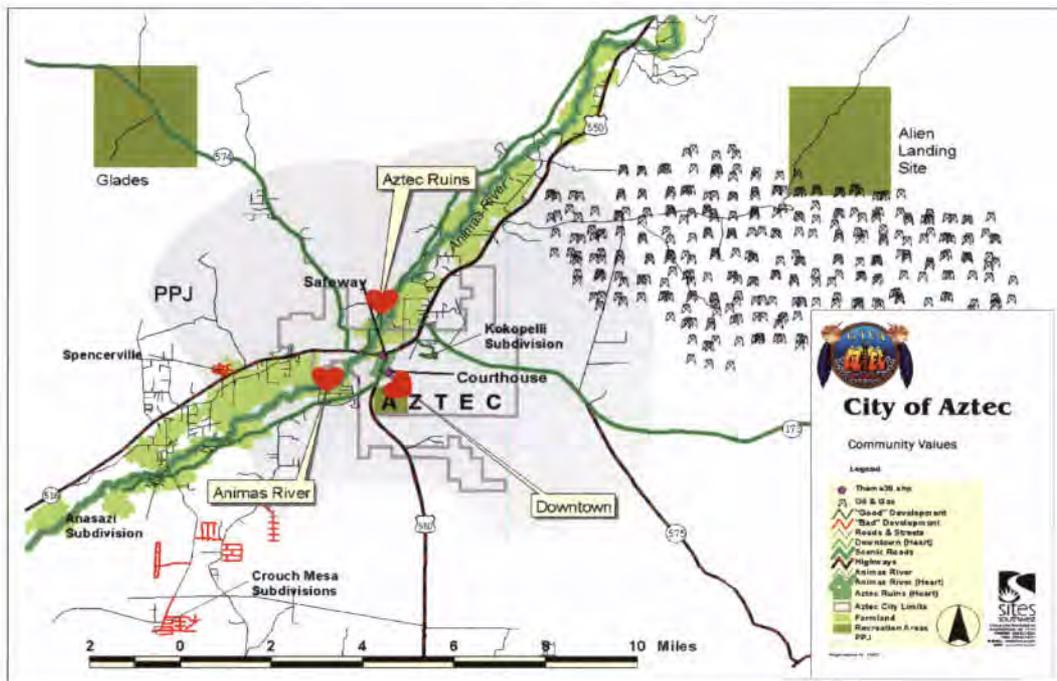


Figure 5: Community Values

Important natural resources with economic value in the area are the rich oil and gas deposits. The Animas River, Navaho Lake, open space generally, the air and the land itself were also mentioned as important natural resources. Environmental concerns of the participants also centered on the oil and gas industry and the power industry, and the potential impact on air quality and water quality/quantity in the Animas River. A couple of people even mentioned long-term sustainability as a significant concern.



Mobile home subdivisions on Crouch Mesa and residential development along the river were the prime examples cited for poor development. The oil and gas industry and Spencerville were also mentioned as types of development of which the participants would like to see less. The participants identified the Kokopelli Subdivision and downtown redevelopment as positive types of development.

At the end of this exercise, people were asked to share what they considered to be the "heart" of the Aztec community. The people, the rural lifestyle, Main Street, the Aztec Ruins, the Animas river and clean air were identified individually by a number of the participants as the heart of the community. The Community Values Map shown above synthesizes all of the input from this exercise.

What do Residents Value Most in Their Community and Landscape?

Community members were also asked what they value most in their community. Key features of the landscape were frequently mentioned, including the Animas River corridor, the adjoining bluffs and ridges, public parks, "green areas", plentiful open space (including public lands) and southwestern looking residential landscapes. One person remarked that "With all the public land, I have the biggest backyard in the country." The friendly people, the ability to know one's neighbor, the rural lifestyle, and main street preservation were also highly valued. Finally, many people agreed that water is the area's most important resource. On the other hand, the idea of Aztec, with its shopping and public services, serving as the center for the surrounding community received little support.

How is Growth Affecting the Things that the Community Values?

Community members identified the revitalization of Main Street, a good grocery store, increases in property values and tourism as positive effects of the area's growth. The list of negative impacts of growth is longer. Key negative effects include increasing traffic congestion, worsening air quality, higher property taxes, loss of agricultural lands and open space, more people, and less privacy for long-time residents.



Figure 6: Rangeland and Residential Development

What is the Community's Vision the Future of Aztec and the PPJ

Many people envision the greater Aztec area in the future as a place that has preserved its rural atmosphere, agricultural areas and open space. Specific improvements that they would like to see include a public swimming pool and that there be a synergistic development of public and private projects to further revitalize downtown and establish linkages with the river, parks and the Aztec Ruins. Many residents expressed a desire that



the community to be a place in which the public can have confidence in the accountability of the political process. To begin with, this would involve ensuring that Commission meetings were open to the public.

What Should Aztec Do to Achieve the Desired Vision for the Community?

Many community members strongly supported changes in Aztec's current land use policies in the PPJ, including putting an end to annexations and developing rural subdivision standards. Further discussion revealed that they were concerned about maintaining their property rights, and that in general, less regulation was preferable to more regulation. Some people went further and expressed opposition to any regulation by the city of activities in the PPJ. This negative perception appeared to reflect both a general distrust of governmental entities and a specific distrust of Aztec, due to what are seen as the sometimes secretive practices of the City Commission, the apparent inability of the City to provide services and infrastructure to areas that it has annexed, and the City's overly restrictive land use regulations. Not surprisingly, they also manifested a clear desire for an open public process with real public accountability with respect to planning related activities.

Not everyone saw Aztec in such a negative light. Some people indicated that Aztec should continue its efforts to plan for growth in the area. Other possible Aztec initiatives that received support were constructing a loop road for trucks around Aztec to relieve congestion on Main Street and promoting redevelopment/infill development in the city, including renovation and reuse of the old Courthouse.

To sum up, community members identified the area's natural features and open areas, a rural lifestyle, and the people of the community as the qualities that they most value about the area. They are most concerned about increasing traffic congestion and the loss of farmland, open space and the area's rural/small town character. They generally oppose new, more restrictive land use regulations for the PPJ, valuing the freedom to be able to do as they please with their property. At the same time, they would like to see the Animas River valley and open space elsewhere in the PPJ protected from development, and infill development encouraged in the city.



Figure 7: Community Members Visioning the Future



A. GROWTH ALTERNATIVES FOR AZTEC AND THE PPJ

In order to further explore community attitudes about growth and development, three different growth scenarios for Aztec and the PPJ resulting from different regulatory regimes and policies were presented for public review and comment: 1) a trend, or “no change” alternative, which provides for continued growth under existing land use regulations; 2) a “managed rural growth alternative,” which permits a more rural style of growth in the PPJ while preserving important values such as active farms, the opportunity for rural living, and the river valley; and 3) a “compact urban growth alternative,” which greatly restricts growth outside the current Aztec boundaries. The basis for these alternatives was community input on its values and an analysis of existing environmental conditions (see Section III below). Maps of the growth alternatives and more detailed descriptions can be found in Appendix F.

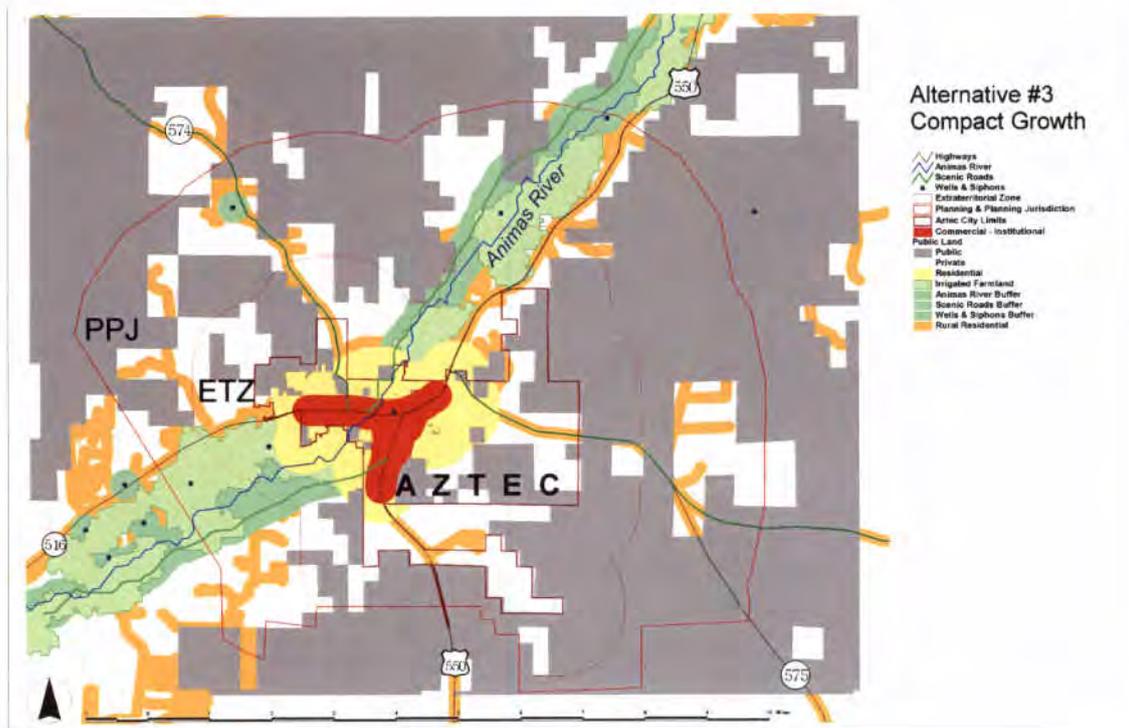


Figure 8: Compact Growth Alternative



Somewhat surprisingly, none of the growth alternatives received strong support from the public, despite an attempt to represent a full spectrum of growth characteristics. In each case, one or more aspects of the alternative elicited strong objections. For many people, the land use pattern of the Compact Urban Growth Alternative resonated most with their sense of current conditions of the PPJ and what they hope it would be like in the future, i.e., few people, lots of open land, and future growth concentrated in Aztec's newly annexed areas or in the vicinity of existing infrastructure. Yet the associated land use policies and regulations – continued enforcement of Aztec's subdivision ordinance in the PPJ, aggressive annexation, and zoning throughout the PPJ-were soundly rejected. The Managed Rural Growth Alternative received little support, despite its more flexible development standards and provisions for rural living, because people thought that it would encourage widespread development throughout the PPJ. The Trend Alternative seemed for many to represent the worst of both worlds, combining uncontrolled growth with Aztec's objectionable land use policies – annexation and enforcement of its subdivision ordinance in the PPJ.

More frequently, however, people opposed all of the alternatives. They indicated that the City of Aztec should not in any way be regulating or planning in the PPJ. A number of people asserted that the City should not worry about the PPJ as long as it was not willing or able to "taking care" of the existing area within the city limits (many people were not hooked up to sewer and water as yet). Finally, there was a concern that PPJ residents have no representation in the planning process that affected them ("regulation without representation"). In general, their point of view can be summarized as follows: "We chose to live outside of Aztec for a reason."

Generally speaking, community members were most in favor of growth occurring within the city of Aztec, near existing roads, utilities, and on recently annexed land. For many people, this seemed to mean "as far away from me as possible." They also expressed support for developing additional affordable and multi-family housing in Aztec. Conversely, they were most opposed to growth occurring within the Animas River corridor, on farmland, and in a widely dispersed way throughout the PPJ. Hence, they expressed support for the idea of protecting farmland along the river.

Community members were overwhelmingly against the specific land use policies and regulations associated with the growth alternatives. A majority of people viewed annexation by Aztec as an anathema and opposed land use controls even

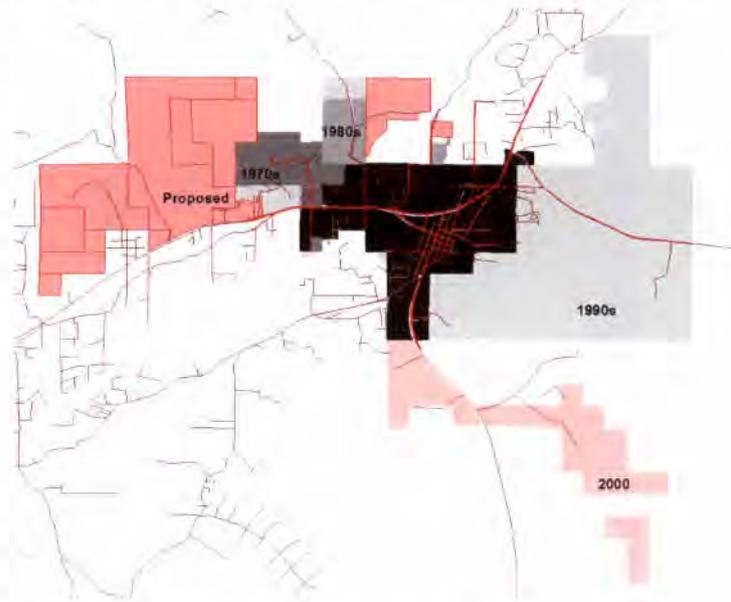


Figure 9: Recent Annexations by the City of Aztec



when they were aimed at preserving the rural landscape and rural lifestyle of the PPJ (e.g. rural subdivision regulations and rural/agricultural zoning regulations). Even non-regulatory efforts to encourage private and public conservation, such as voluntary land swaps with the BLM and conservation easements to protect farmland, were viewed negatively.

In seeming contradiction to the general preference for limited growth outside of the city, many people supported continuing the city policy of providing water through its system to the water user associations in the PPJ without restriction.

The Dilemma: What does Rural Lifestyle Really Mean?

To sum up, members of the community feel strongly that growth and development should occur closer in to the city of Aztec and opportunities for rural living should be preserved. They would like to see farmland and open space somehow kept from being developed. They want things to remain as they are. On the other hand, they strongly oppose the stricter land use policies and regulations that would be necessary to accomplish that objective.

Beneath these contradictions are the multiplicity of meanings and values that underlie the concept of "rural lifestyle." It is more than just open space and traditional agrarian uses. The following list is meant to summarize from the various comments and input of members of the community some of those meanings.

Rural Landscape	Rural Lifestyle vs.	Rural Freedom
open space		individual freedom and responsibility
a mixture of uses		no annexation
mostly agriculture & ranching		minimal regulations
limited on-site infrastructure		no land use planning
larger and fewer lots		
few residents & few neighbors		
few outsiders		
little growth and turnover		

Perhaps the fundamental, unresolved contradiction in the community's vision for the future is the desire on the one hand for limited regulations and the freedom to do as one wishes with one's property, and the desire on the other hand for an open rural landscape, with irrigated farmland, rangeland, and large spaces between dwellings.

The fundamental reality is that growth is happening in the PPJ. It is producing dramatic changes in the rural landscape and having a negative impact on the qualities that people in the area value most highly. The extent and impacts of this growth are revealed more specifically below. Yet there is no clear public consensus about what should be done. Many residents of the PPJ are torn between a desire to preserve the rural character of the



area and a strong dislike of land use regulations that restrict the rights of property owners. These attitudes cannot be reconciled completely, however, given the growth trends in the region.

At one time, say forty years ago, when the population of the region was smaller and the pace of growth was slower, it would have been possible to maintain both of these attitudes without apparent contradiction. At such a time it would have been hard to imagine an Aztec where open space would be disappearing and traffic congestion would become a problem. That time has now arrived, however, and the City of Aztec is confronted with a difficult choice between conflicting values.

In the long run, though, only one choice is reasonable. Allowing growth to continue unchecked preserves individual property rights for a while, but it will certainly result in the eventual loss of much of the area's rural character. It may also bring in newcomers who are more inclined to support typical urban and suburban land use regulations. The long-term result could be the loss of both the rural landscape and the chance for a rural lifestyle that is relatively free from regulatory control. The opportunity for rural living cannot long survive the loss of a healthy rural landscape.

On the other hand, managing growth in the PPJ will place additional limits on individual property rights, but it can be a way to validate and protect activities that are characteristic of rural living from future efforts to regulate them out of the landscape. It can preserve the right of residents to use their property in ways that have long been part of the area's customs and culture.



Figure 10: Rural-Urban Edge



III. EXISTING CONDITIONS & THE IMPACT OF GROWTH

In recent years, the pace of growth in the Aztec area has accelerated, fueled by a strong regional economy and an influx of newcomers drawn to the region's natural beauty, pleasant climate and good quality of life. Most of this growth has been concentrated outside of the city of Aztec in the PPJ. Areas that were once open range land or river valley farmland are now increasingly the sites for new subdivisions as people seek out appealing natural settings to live in, or affordable home ownership opportunities. Meanwhile, oil, gas, coal and power generation industries have become the primary economic engine for the area, bringing a very different use to the open rural landscape from agriculture. This shift has implications for environmental health and has attracted additional newcomers to fill jobs in the industry. Both types of growth will in all likelihood continue for the foreseeable future, bringing further changes to the qualities that many people value in the area: its rural landscape, small-town character and rural way of life.

The following section summarizes the nature and extent of this growth. It reviews several factors pertaining to development in the PPJ, including:

- Land Use Planning and Regulation
- Recent and Projected Population Growth
- The Location and Character of Residential Development
- Economic Development and Changes in Land Use
- Water and Existing Infrastructure
- Roads and Traffic
- Public lands and Open Space
- Community facilities and services
- Environmental Health

A more detailed description of existing conditions in the PPJ is contained in Appendix A.

A. LAND USE PLANNING AND REGULATION

The City of Aztec has authority to regulate varying aspects of land use within the PPJ. By state statute, the city's planning and platting authority extends to all territory within three miles of its municipal boundary. The City is empowered to adopt a master plan for the physical development of the municipality and those areas within the three-mile planning and platting jurisdiction that in the City's judgment bear a relationship to the planning of the municipality.

The City also has joint authority with San Juan County to review and approve subdivision plats in the PPJ. New subdivision proposals must meet the requirements of both the City's and the County's subdivision ordinances. However, in certain key instances the City and County differ as to how this review process should occur. For instance, the County interprets the relevant state statutes to mean that its subdivision requirements for so-called summary subdivisions take precedence of the City's requirements. Unlike the City, the



County does not require such subdivisions to provide improvements such as streets, water systems, or waste treatment systems. Likewise, the County holds the position that the exemptions contained in county subdivision ordinances in the state of New Mexico should apply in the PPJ. These exemptions include, among others, creating a parcel for an immediate family member or creating a single parcel for sale.

In keeping with its interpretation of state statutes, the County permits subdivision plats in the PPJ approved under its summary review process to be filed in the office of the county clerk without approval by the City. It also does not discourage exempt subdivision activity in the PPJ.

B. POPULATION GROWTH AND DEMOGRAPHIC CHANGE

Between 1990 and 2000, San Juan County's population grew at the fairly rapid rate of 24.2%, from 91,605 people to 113,801 people. In the same period, the city of Aztec grew at a more moderate rate of 10.1%, from 5,792 people to 6,378 people. Within the PPJ, however, population growth far outpaced both the city and the county. Total population went from 2,982 people to 4,913 people -- an increase of 64.8%. Figure 11 below shows this change with most significant change happening in the PPJ. Of course, the PPJ had a small population base to begin with, so a higher growth rate is not surprising; but even considering the absolute growth in population, the net population increase in the PPJ was three times greater than in the city of Aztec (1,931 vs. 586).

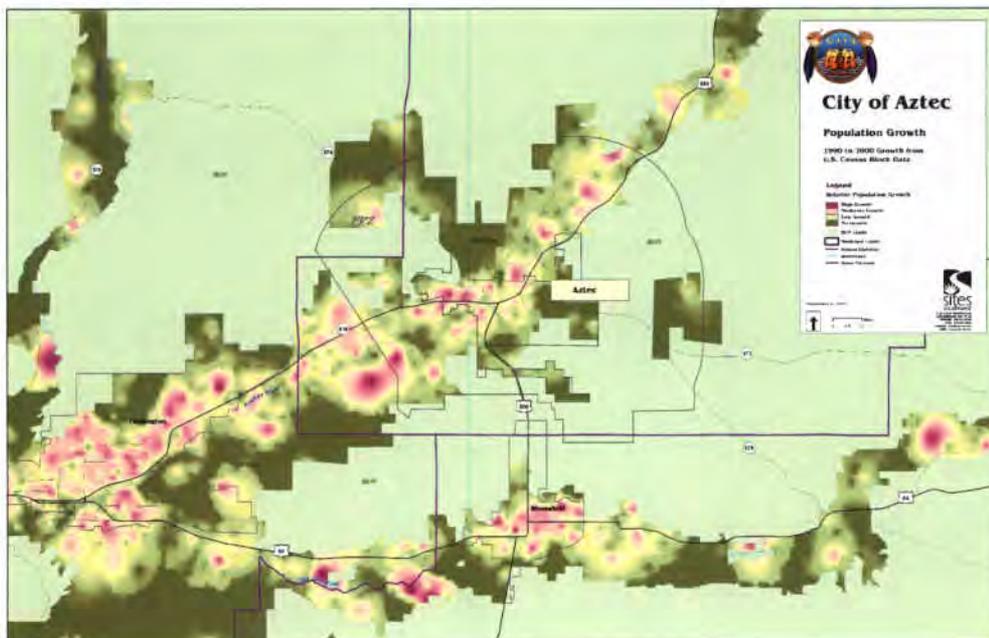


Figure 11: Map of Recent Population

In addition, the number of people over the age of 50 grew by over 30% between 1990 and 2000 in the greater Aztec area. Figure 12 shows that the majority of these new arrivals are concentrated in the Aztec PPJ.



Aztec's appealing climate, rural small town character, and available services and retail in the region make it an ideal retirement destination. Families with transportable careers seeking a change from suburbia are drawn to the community's proximity to public open space, small town quality of life and a good school system. The current trend for the development of bedroom communities in the greater Aztec area for Farmington will also likely continue. Farmington continues to grow as a regional employment and economic center for the Four Corners area. Finally, as noted below, the oil and gas industry is likely to increase production in the coming decade, causing an in-migration of additional workers.

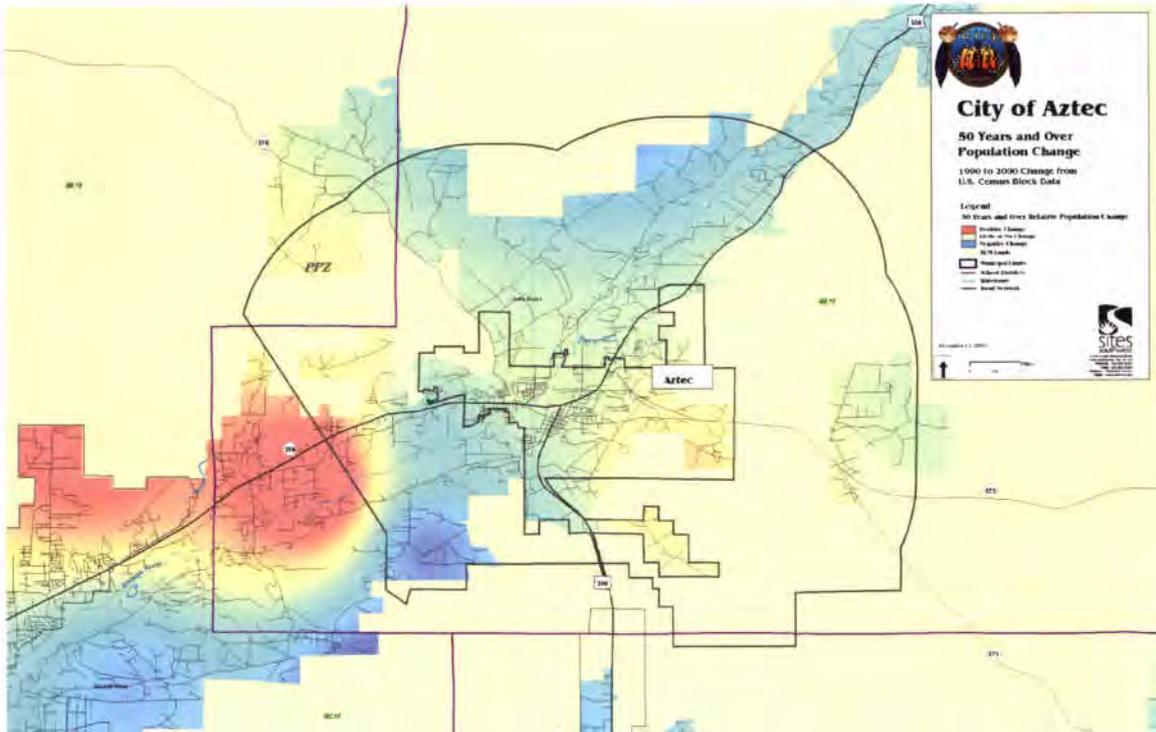


Figure 12: Spatial Distribution of Growth in Over 50 Persons

By the year 2020, population in the PPJ is expected to grow 37.7% to 6,766 people. The city of Aztec is expected to grow another 8.8% to 6,940 people. Depending on assumptions about average lot size for residential development and the amount of related commercial, office and institutional development, this population growth could translate into 1,000-2,000 acres of additional developed land in the Aztec area.

C. RESIDENTIAL DEVELOPMENT

Development in the PPJ has consisted largely of residential development. Some commercial development has occurred along the main highways, particularly between Aztec and Farmington, but very little elsewhere in the PPJ. The main locations of residential development in the PPJ are discussed below. Figure 13 is a map showing the locations of new subdivisions.



Crouch Mesa

One area that has seen significant growth is Crouch Mesa. Located in the middle of the triangle formed by the cities of Aztec, Bloomfield, and Farmington, and lying partly within each city's PPJ, Crouch Mesa has seen a significant amount of mobile home subdivision development. One county official estimates that as many as 2,500 lots have been developed on Crouch Mesa in the past eight years. In the typical case, mobile homes on 3/4 to 2 acre lots are sold through real estate contracts for as little as \$300 down and \$300 a month. This makes them more affordable than the cheapest rental housing in the area. Many of the residents of Crouch Mesa are employed in the oil and gas industry, holding down relatively low-paying jobs that often come and go with the boom-and-bust cycles of the energy industry. According to a number of community members, many of them prefer the option of home ownership on three-quarters of an acre on Crouch Mesa to an apartment in Aztec or one of the other municipalities.

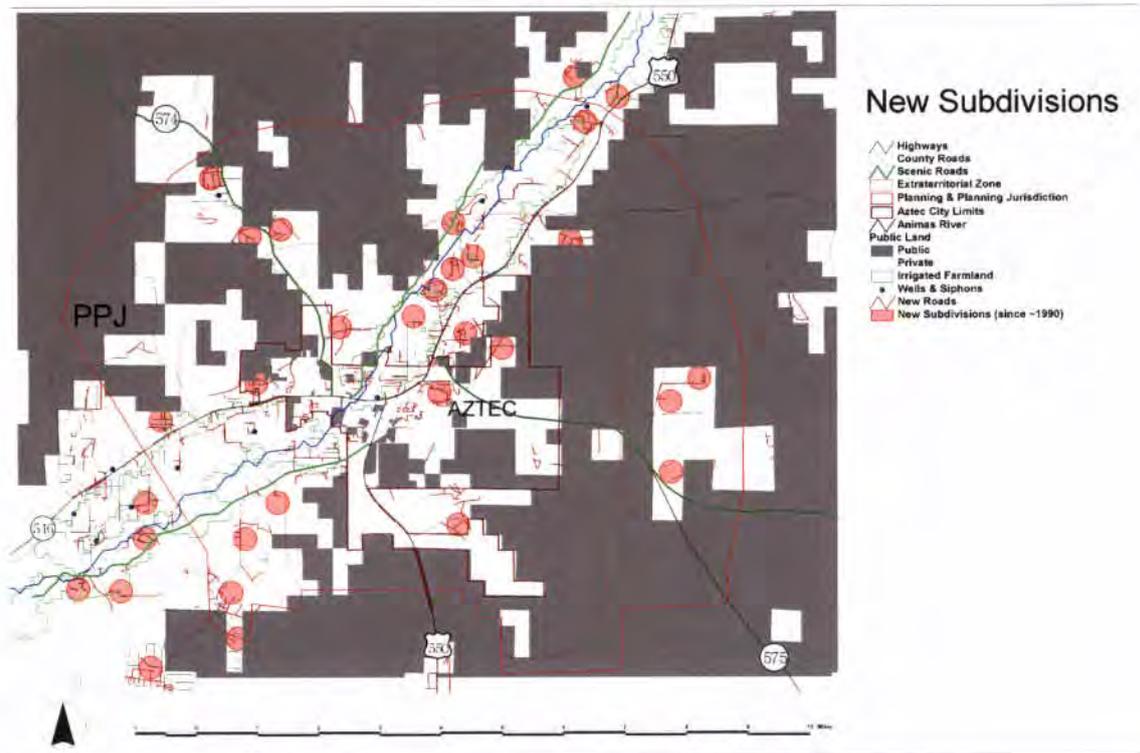


Figure 13: Map of New Subdivisions

These subdivisions impact the rural landscape because their density and aesthetic quality are out of keeping with the rural landscape. The subdivisions themselves are often poorly built and the residents often do not have the means or the desire to maintain their lots. Due to the boom and bust nature of the oil and gas industry, the migratory nature of this type of employment, and the structure of the financing arrangements, owners often abandon their lots and mobile homes when times change.



Animas River Corridor

Although not as dramatic in appearance as the changes on Crouch Mesa, the impact of development on community and environmental values is potentially much greater in the Animas River Corridor. Older communities such as Flora Vista, Spenserville, and especially Cedar Crest just north of the PPJ have experienced significant growth. However, the fastest growing areas appear to be just northeast and southwest of the City. There is also significant development on the bluffs on the southeast side of the corridor and in the vicinity of the National Monument. In general, this development includes a greater diversity of housing types than on Crouch Mesa. There are site-built single-family homes as well as mobile home subdivisions. The larger subdivisions appear to be happening up on the bluffs, while smaller subdivisions and mobile home courts seem to be the pattern in the valley. The Kokopelli subdivision and others like it are viewed by many community members as model subdivisions.

All the river corridor developments impact the rural quality of life by displacing the traditional farming and ranching activities, which are essential to the community's long term sense of identity. Above the flood plain, the newer bluff subdivisions affect the overall visual quality of the corridor. Most of the housing being developed in the corridor is either on the upper or lower end of the housing market, and it tends to be acquired by "outsiders" who, according to long-time community members, do not necessarily value the rural quality of life or the small town community.



Figure 14: Recent Residential Development in the Animas Corridor

Opportunities and Constraints for Future Residential Development

Many of the growth trends described above are likely to continue. A key question confronting the greater Aztec community is the following: where can, and should, this new growth occur? The opportunities for and constraints on development in Aztec and the PPJ are discussed below.

Several factors affect the suitability of a given tract of land for development. The cost to build is lower in areas that are close to existing road, water, and sewer infrastructure. Areas with views of the river and areas adjacent to public open spaces are desirable for amenity reasons. In the Aztec area, these factors would tend to favor upland areas located along the main roads, the river valley, and, to a lesser extent, areas closer in to the City and its water and sewer systems and other community services. The pattern of growth in recent years bears out this conclusion.



Potential constraints on development include the limited supply of private land, environmentally sensitive areas, arable farmland, and important community values. As noted below, approximately 55% of the land in the PPJ is publicly held and therefore not

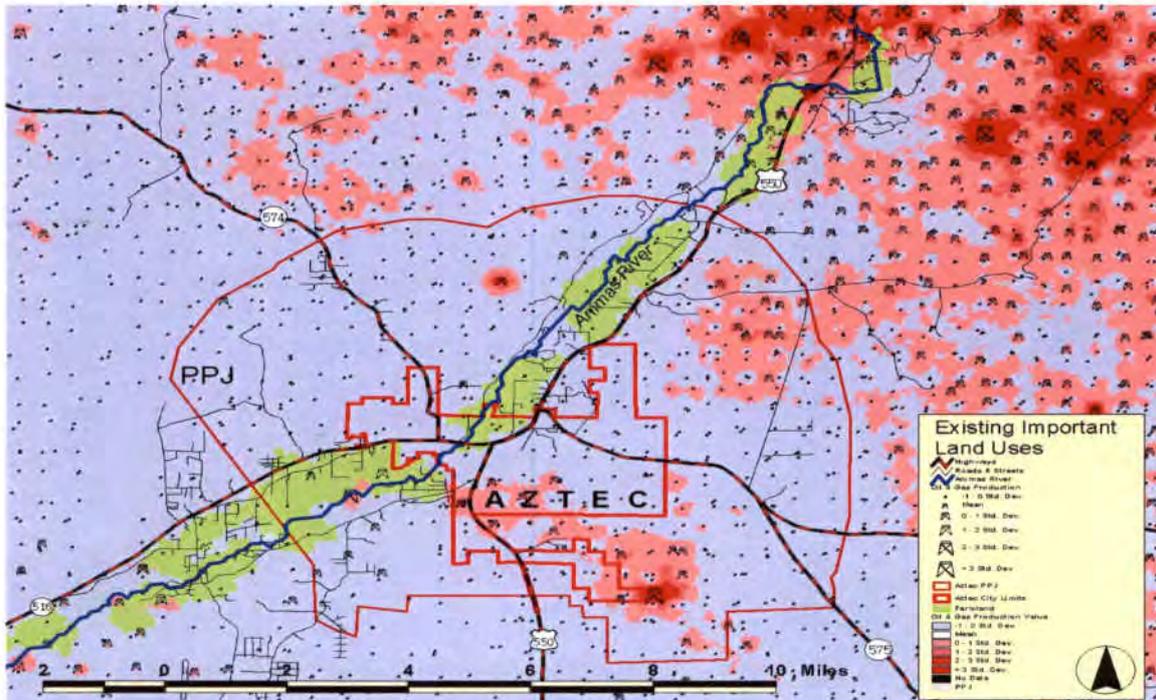


Figure 15: Existing Important Land Uses

developable except as a public resource. Environmentally sensitive areas include lands along the Animas River and other riparian areas that play an important role in the hydrologic system or provide key wildlife habitat. Arable farmland is land primarily along the Animas river corridor with very productive soils and access to irrigation water. This area is also the most readily identifiable rural landscape for the community, based on these factors.

The greatest potential constraints to development also occur in the Animas River corridor. This analysis highlights a difficult dilemma for the community: the Animas River valley is both a highly desirable location for new development and the most environmentally sensitive and highly valued landscape in the area.

D. ECONOMIC DEVELOPMENT AND LAND USE CHANGE

The principal growth engine in recent years has been the oil and gas industry. Service industries and jobs have also increased, while agriculture and other industries continue to decline. Figure 15 above shows the location of new and the traditional extractive industries in the area. This shift has important implications for the rural lifestyle that is so



highly valued by members of the greater Aztec Community. As farms and ranches sell out or go out of business, their land is often purchased and over time developed into subdivisions, replacing fields and grazing livestock with homes and cars.

The oil and gas industry has a more complex impact on the rural lifestyle. The industry provides jobs directly and indirectly through services required by the industry and its employees. The industry also pays a significant portion of local taxes, reducing the burden on the residential tax payers. Much like the low cost and abundance of water outlined below, the oil and gas industry functions as subsidy for rural residents, defraying the actual cost of public services and infrastructure. However, the oil and gas industry negatively affects the aesthetic qualities of the rural landscape, through the plethora of unsightly and loud drilling sites with their rigs, as well as the large number of storage facilities for spare parts,

equipment, petroleum products and refining operations. Exploration and drilling operations are expected to increase significantly in the next decade, which will compound the positive and negative impacts on the greater Aztec community. A key issue is what will happen to the local economy when the resource begins to be depleted in the next twenty years, or if energy prices dip significantly in the interim.

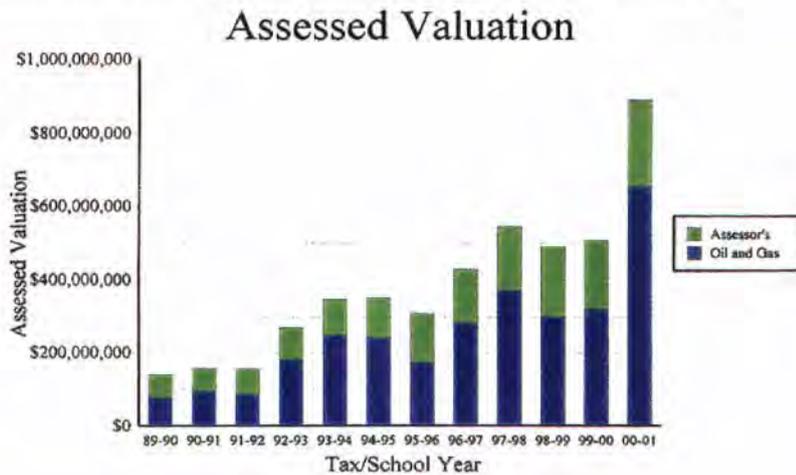


Figure 16: Assessed Valuation for Oil and Gas

E. WATER RESOURCES & RELATED INFRASTRUCTURE

The Animas River and the aquifer underneath the river corridor are the principal sources of water for the greater Aztec area. Water quality and quantity for the area is by and large good. The City of Aztec and several private water user associations are the dominant players in the water system. The former owns significant priority water rights in the area and sometimes supplies local rural water users associations when they are unable to meet customer demand.

Water service in the PPJ is provided largely through the rural water user associations and other private water providers. Below are the three primary providers of water in the PPJ and their size and growth rates in numbers of house holds (hh):

<i>Name</i>	<i>Founded</i>	<i>Size</i>	<i>Growth</i>
Flora Vista Water Users Association	1967	1100hh	40-60hh/yr
North Star Water Users Association	1981	765hh	60-70hh/yr
Southside Water Users Association	1966	408hh	14hh/yr



The water for all for all of the associations is either diverted from the Animas River or mined from the aquifer underneath the river. Some of the water, including all of the water supplied by the Southside Water Users Association comes from the City of Aztec Water System.

The rural water user associations are eligible to receive grants and loans to develop water systems from the Rural Utilities Service, an agency of the U.S. Department of Agriculture. This financial arrangement is a key factor underlying rapid growth in the PPJ. By enabling rural water associations to expand their water systems into outlying areas, it greatly facilitates residential development in places that otherwise would have no water service, or would require costly individual wells. At this point in time, the City of Aztec has little control over the extension of water service in the PPJ; limits on the sale of water to local water associations by the City of Aztec Water System could slow down the "water-association-suburban-growth-machine" described above. Over the long term, the current rate of growth will be difficult to sustain with existing water resources and rights associated with them.

Wastewater Treatment

Most wastewater treatment in the PPJ is accomplished by means of individual on-site septic systems. Because of New Mexico Environment Department requirements for septic systems, the minimum allowable lot size is 3/4 acre.

In most cases, septic systems appear to be an adequate approach to wastewater treatment, given the soil types and depths to groundwater that prevail in much of the PPJ. In areas with high water tables in Animas River riparian zone, however, such as Flora Vista and Kirtland, there have reportedly been some problems with groundwater contamination. On Crouch Mesa, depth to bedrock is reportedly minimal, requiring excavation into the soft underlying sandstone to provide adequate area and depth for percolation for on-site systems. If highly concentrated development continues throughout this area, then this could pose a potential problem for ground and surface water contamination. Higher than normal water temperatures and nutrient loads measured near the confluence of the Animas and the San Juan suggest this may already be a problem.

Wastewater that is a byproduct of some oil and gas operations may also have an impact on surface water quality, through increasing the level of salts found in surface water sources.

Storm Water Management

Most storm water is managed on-site or within major subdivisions through inexpensive bar ditches that divert the water off-site into adjacent undeveloped areas. As the development increases flows will increase in size and concentration, resulting in erosion and negative impacts to water quality. In some areas, in subdivisions built on the bluffs and adjacent to the river may have already resulted increased erosion and sediment loads.



F. ROADS AND TRAFFIC

According to the Public Works Department, the County has built only one new road since 1990. Virtually all of the new roads in the PPJ are residential subdivision roads built by developers or new residents. In addition, hundreds of miles of dirt roads crisscross San Juan County. In most cases, these roads were put in to facilitate oil and gas exploration.

Currently there are plans to construct a four-lane road from Flora Vista to US 64. The proposed alignment extends for eight miles across Crouch Mesa and is located outside of Aztec's PPJ. The final review and approval of this road project was a controversial process, with local residents, community and environmental watch-dog groups voicing concern and opposition. Residential lands in the vicinity of Flora Vista will have to be condemned in order for this roadway to be completed, and an enlarged bridge will impact Animas River riparian zone. The only proposed long-range road project is the construction of



Figure 17: Storm Water Swale

Highline Parkway, which would extend east from County Road 3500 to US 550. The start of this project is at least five years off.

Earlier this year, San Juan County revised its road policy to require asphalt paving on subdivision roads. Between 1998 and this year, the San Juan County Road Policy permitted roads with a chip seal surface instead of asphalt paving. Before 1998, the Road Policy had no paving requirement for subdivision roads. As a result, many subdivisions in the PPJ and elsewhere in the County lack paved roads. Once again, because the roads are the province of the county, the City of Aztec has little control over the extension of these facilities within the PPJ.

The chief impact on the road system of recent development has been increased traffic congestion and maintenance costs associated with the enlarged network, as well as wear and tear. Growth in the Oil and Gas industry has resulted in negative impacts to the Main Street area of Aztec due to increased truck traffic. There are currently several proposals afoot to divert truck traffic around Main Street and downtown.

G. PUBLIC LANDS AND OPEN SPACE

Within the PPJ, the majority of the land, or approximately 55%, is publicly owned. Public agencies with holdings in the PPJ include the Bureau of Land Management (BLM), the New Mexico State Land Office (SLO), San Juan County and the National Park Service



(NPS). The overwhelming majority of this public land is managed by the BLM, followed by the SLO. SJC owns only a small amount of land and the NPS land consists of the Aztec National Monument.

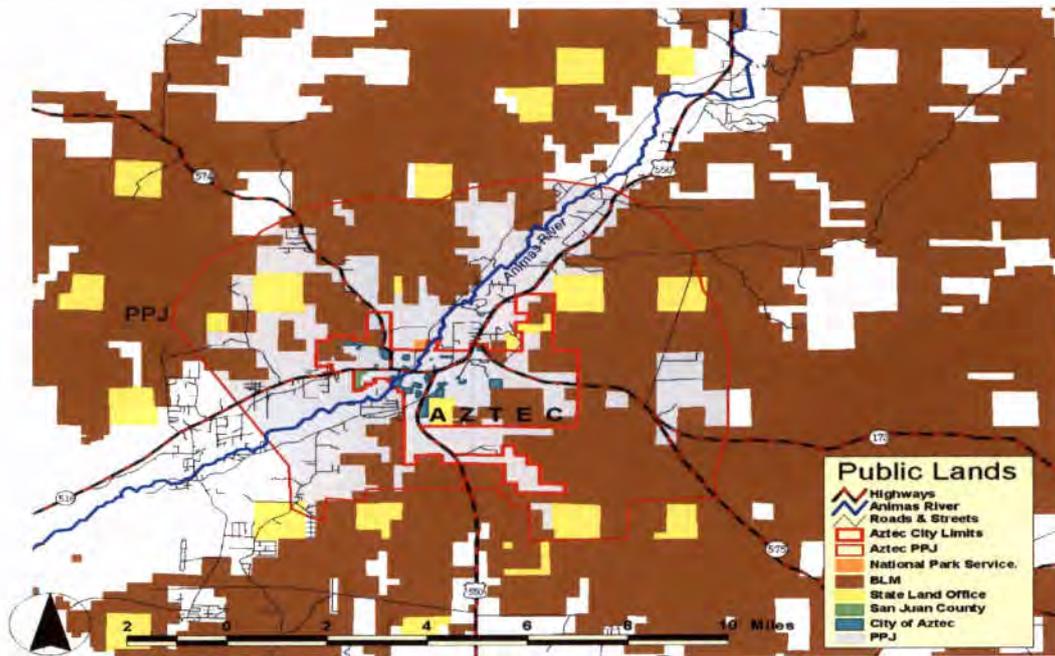


Figure 18: Public Lands in the Aztec Area

The predominant uses of these lands in the Aztec area are for oil and gas industry drilling and ranching. Because of the nature of disturbance and noise, this type of development has negatively impacted the quality of open space in many places. Another primary use, which has only recently been embraced by these agencies, is as public open space. Many local residents use the lands for various recreational purposes ranging from hiking, horse riding and camping to ATV riding, hunting and fishing. Places such as the Glades and Navaho Dam area seeing a steady increase in usage resulting from the increasing number of residents in the area. BLM lands in the area also provide critical habitat to at least three endangered species. One proposed use of the BLM land is for community centers or parks/open space for the PPJ.

H. COMMUNITY FACILITIES AND SERVICES

One concern raised by the City of Aztec about growth in the PPJ is that residents place an increasing demand on City infrastructure, facilities and services but do not pay taxes to the City. The following section considers the main city utilities and services to determine the extent of this problem.

Water and Wastewater

The city wastewater treatment system provides service only within the city limits. The city water system also mainly serves the city. In those cases where it provides water to rural



water user associations, the associations pay for the water and are responsible for building and maintaining the distribution system outside of the city.

Police and Fire Protection

The City of Aztec Police Department has law enforcement authority only within the city limits. The City of Aztec Fire Department, a volunteer organization, has one fire house in the PPJ. This is primarily staffed by people living in the PPJ. Continued growth at the current rate will necessitate the construction of additional fire houses northeast and southwest of town.

Schools

The Aztec school district, which includes all of the PPJ, is one of the better ones in the state and a prime attraction for immigrant families. There are no school buildings in the PPJ, but all district residents pay property taxes to support the system. Recent development has not greatly impacted the schools. The net number of pupils has not increased and Title I and Title II



Figure 19: School and Irrigation Ditch

services have only increased slightly, suggesting a marginal increase in the number of impoverished students. Transportation service costs have increased, with additional buses being required for the Crouch Mesa and Cedar Crest portions of the district. If current trends of development continue, these trends are also likely to continue.

Parks

The City of Aztec's park facilities receive a significant amount of use from outside of the city. Residents of the PPJ, according to the Parks and Recreation Director, account for as much as two-thirds of total park use, mainly through participation in athletic leagues. This use places a significant demand on department staff time for scheduling and maintenance. Increased growth in the PPJ will exacerbate this situation, and new parks may need to be constructed in the PPJ to increase recreational capacities.

Library

The Aztec Public Library likewise is heavily used by county residents. Of roughly 11,000 people with library cards, about 4,500 people, or 41% of the total, live outside of the city. San Juan County currently gives the library \$1,000 each year to partially defray the cost of this usage, but this is just a token amount. The Aztec library is working with other libraries across the state to persuade the state legislature to establish county library districts with taxing and bonding authority. The current growth trend is only likely to increase the burden on the library.



Roads

Finally, PPJ residents use city of Aztec roads, although how much has not been quantified. This use presumably increases the amount of required road maintenance.

In summary, growth in the PPJ appears to be having at most a moderate fiscal impact on city of Aztec facilities and services. In many instances, the city does not provide service to the area, is able to charge the users, or (in the case of the school system) tax the residents. In the case of the park system, the city could reduce the impact of non-resident use by restricting the parks to city teams only or by charging user fees for non-city teams. Likewise, the city library could charge user fees for non-city residents.

I. ENVIRONMENTAL HEALTH

Air Quality

Air quality is one of the heart qualities of the greater Aztec landscape. Traditionally high air quality associated with high elevation arid landscape of the Colorado Plateau has been undermined by recent developments. Increased production by the oil and gas industry, as well as the related power industry has dramatically negatively affected the air quality of the region. Increased numbers of vehicles associated with increased numbers of residents is also impacting air quality, especially in the Animas River valley. If the projected trends continue with respect to both oil and gas industry expansion and increased residential development, air quality will likely continue to deteriorate.

Wildlife

The riparian areas with their fecund bosques, marshes, wetlands and neighboring agricultural fields are critical habitat for a number of resident and migratory species, including two endangered species. Residential and commercial development in the Animas River corridor is having a negative impact on wild life in the area. This impact is likely to increase if the current rate of development continues.



Figure 20: Bald Eagle



IV. GOALS AND RECOMMENDATIONS

A. GROWTH MANAGEMENT GOALS FOR THE PPJ

This comprehensive plan update recommends that Aztec adopt additional policies and regulations to manage growth in the PPJ, but in a way that preserves and strengthens the rural identity of the area.

If policies of the City of Aztec over the last decade are any indication, there will be either little or no development at all in the PPJ, or in the alternative uncontrolled development. This outcome will depend entirely on the willingness of Aztec to enforce its current onerous subdivision regulation in the PPJ. Figure 21 on the next page represents a typical area in the PPJ with a few houses on large lots. If the City of Aztec continues to enforce its subdivision regulation as it does now in the PPJ, then there is unlikely to be any change to this area other than the occasional lot split off of a larger lot. If the City opts to no longer enforce its subdivision regulation as it once did, then sprawl similar to areas closer to Farmington is the likely outcome. Such development will result in a loss of the rural landscape and its current uses to the community, as well as an influx of outsiders who do not share the values of the community. In the worst-case scenario, subdivisions such as those built on Crouch Mesa could be platted and built resulting in a pattern similar to Figure 22. If on the other hand, the community and the City act proactively and plan for growth that is consistent with a rural quality of life, then a pattern similar to Figure 23 could result. Appendix G explains these and other alternatives in greater detail, but based on conversations with members of the community and direct input during the public meetings, the latter result is the most desirable outcome.

The following goals are proposed to guide the City of Aztec in addressing with growth and development in the PPJ.

1. Preserve opportunities for quality rural living in the PPJ.
2. Preserve farmland and open space in the PPJ.
3. Preserve and enhance the undeveloped quality of the Animas River Corridor
4. Develop a cooperative approach with San Juan County to managing growth and development in the PPJ.
5. Educate residents of the PPJ about the consequences of growth and involve them in determining priorities for the community.



B. GROWTH MANAGEMENT RECOMMENDATIONS FOR THE PPJ

The City of Aztec has two options to address the issues of growth and development in the PPJ. It can try to manage growth on its own, or it can find a way to work cooperatively with San Juan County and other regional entities. These two choices are discussed below.

Current Aztec Policies

As mentioned above, Aztec's principal land use policies regarding the PPJ are annexation and enforcement of the city subdivision ordinance in the PPJ. These measures do give the City some degree of control over growth and development in the PPJ. Annexation brings with it the ability to zone land, whereas the subdivision ordinance establishes minimum development standards.

As currently administered, however, these measures are more effective in preventing undesirable development than in encouraging desirable development. For instance, the City has zoned the land it has annexed in recent years so as to prohibit mobile home development. Beyond this, however, it has not yet established priorities for how this land should be developed. Nor has it established policies for extending roads and utilities that could support a given set of land use priorities. Further, Aztec has annexed significantly more land in recent

years than will be required for the City's projected growth in the foreseeable future. It is hard to imagine that it will be able to continue annexing land at the same rate. Most of the land currently in the PPJ will remain outside of the City of Aztec for well into the future.

Likewise, the subdivision ordinance helps to discourage low-quality mobile home development, but it does not directly control the type, density, or location of development in the PPJ. As long as subdivisions meet the

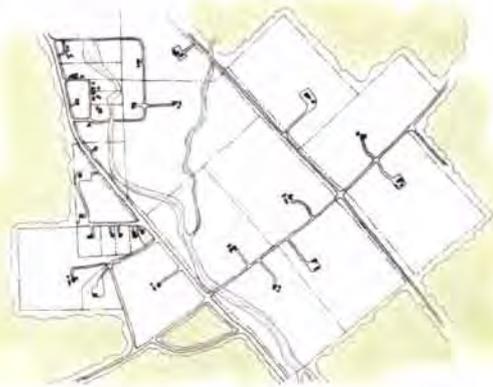


Figure 23: Existing Conditions



Figure 22: Minimum Lot Size Subdivision

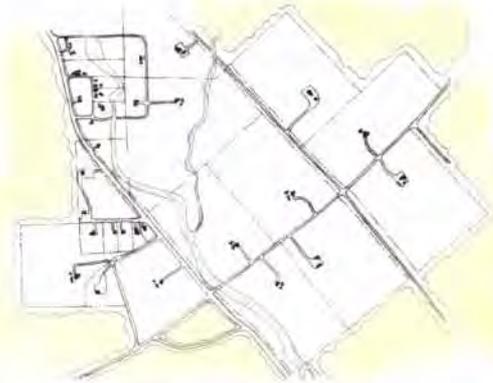


Figure 21: Agricultural Zoning Subdivision



City's design standards, they can go up in sensitive areas such as the Animas River valley or spread out across the PPJ without any restriction.

Further, substandard development that is discouraged in the PPJ can merely move to other parts of San Juan County. The problem is not eliminated, just displaced to other places in the region where land use controls are less stringent.

To conclude, these policies may be necessary stop-gap measures given the pace of growth in the PPJ and the conflicting land use management priorities of the City and County, but they do not take the place of more proactive regional growth management initiatives.

Voluntary Land Protection Measures

In addition to its current land use management policies, Aztec could also encourage and support certain voluntary initiatives to protect farmland in the Animas River valley.

- **BLM land swap/lease back program**

Under this initiative, the City of Aztec would work with the BLM to arrange land swaps with willing property owners. The BLM would trade land of equivalent value elsewhere in the PPJ for farmland in the valley. Ideally, this land would be located near to existing roads and infrastructure. The BLM would then lease the land back as farmland to the current farmers. In this way, farmers could continue to farm, prime farmland would be retained, and property owners would receive fair market value for their property.

- **Conservation easements/Purchase of Development Rights**

Under this initiative, the City or an appropriate non-profit organization would purchase the development rights to farmland, or, alternatively, property owners would donate them in order to obtain a tax benefit. A conservation easement would be placed on the property to prevent future development. The property owners could continue to farm the land, or they could sell it, but only as farmland.

City/County Cooperation

A cooperative effort between the City and the County would offer the best prospects for managing growth in the PPJ. For this to be possible from a political point of view, however, both jurisdictions would have to make compromises in the way they currently regulate development in the area. The County would need to accept a greater degree of land use regulation in the PPJ, while the City would need to acknowledge the validity of a rural lifestyle for much of the PPJ.



Figure 24: Farm Land in the Animas River Corridor



The outlines of a possible compromise might include the following:

- Aztec would agree to support rural development standards within much of the PPJ.
- San Juan County would agree to support urban development standards in those parts of the PPJ that are close to the city limits or that Aztec is likely to annex in the next ten years or so.
- San Juan County would agree to a higher level of planning and land use regulation in the PPJ.
- Aztec would support as a planning goal the protection of the kind of rural living that many residents in the PPJ value.

City/County cooperation in managing growth and development in the PPJ could include one or more of the following measures:

- **A revised subdivision review process**

Design standards for new subdivisions would vary according to a number of criteria, such as:

- Proximity to the city sewer system
- Proximity to the city limits
- Number of lots in the subdivision
- Average subdivision lot size
- Proximity to environmentally sensitive lands

For example, City of Aztec subdivision standards could apply within the one-mile extraterritorial zone (ETZ) and where the City plans to annex within the next ten years. Within the rest of the PPJ, San Juan County subdivision standards could apply.

Small subdivisions would be held to less stringent design standards. For subdivisions of up to about 12 homes, access could be provided through a "country road" finished with good gravel surface. For subdivisions of up to 5 homes, access could be provided through a common drive.

Exempt land divisions under the County subdivision ordinance would need to obtain City approval. Within the ETZ, they would need to meet the existing city design standards. In the rest of the PPJ, however, they would only need to provide legal access to each lot.

- **Zoning**

The City and County could jointly establish zoning within the ETZ. Zoning in the rest of the PPJ would require a County zoning ordinance.

Opposition to zoning in rural areas often reflects a belief that zoning means the imposition of city standards and restrictions that will eventually make it impossible for residents to enjoy a rural way of life. Yet zoning can be used to protect aspects of rural living that people value. Two types of zoning should be considered for the PPJ.

- **Agricultural Zoning**



This zoning would apply mainly to the agricultural areas along the Animas River. Rural/agricultural land uses would be protected as permissive uses. Property owners would retain the right to maintain livestock, to engage in various home-based occupational activities, and to store related equipment on the property.

There are two basic approaches to agricultural zoning:

Minimum Lot Size - Under this approach, the minimum lot size is set at the minimum farmable tract area for the region. This assures that land is not subdivided into parcels too small to farm. However, it does not prevent the land from being converted to non-farm uses.

Area-Based Allocation Zoning - This approach establishes a low-density requirement and a maximum lot size requirement for non-farm dwelling units (e.g., one acre). Property owners can split off a limited number of lots for retirement purposes or to provide home sites for their children, but most of the property has to remain as farmland.

- **Rural Residential Zoning**

In much of the PPJ, the issue is not so much preservation of actual farmland as preservation of rural living. A zone to protect a rural lifestyle might include the following provisions:

- A relatively large minimum lot size (e.g., two acres)
- Multiple family residences included as permissive uses.
- Various rural/agricultural activities included as permissive uses.
- The ability to store related equipment on the property.

- **Special Zoning Districts**

New Mexico state statutes permit the establishment of special zoning districts in areas without an adopted zoning code, where 51% of the registered voters residing in the area give their approval. A special zoning district would be a way to protect specific areas, such as agricultural land in the Animas River valley, without having to establish zoning for the entire county.

- **Annexation Plan**

The City and County could agree to an annexation plan for Aztec. This plan should specify criteria for annexation, a general timetable, likely areas to be annexed in the near-to-medium-term, and City commitments to provide public facilities and services. This would establish a clear and defensible rationale for Aztec's future annexations and provide County residents some say, through their County officials, in the development of this land use policy.

Ongoing Public Input and Public Education

The cooperative approach discussed above to dealing with growth holds the best prospects for achieving a balance between two basic but conflicting community priorities: the desire on the one hand not to restrict property rights and the desire on the other hand to retain the traditional rural landscape and way of life. Yet given the current relations



between the City and County and existing public opinion, the chances of successfully developing such an approach are slim. The reality is that many residents have not accepted the fact that, in the current circumstances of rapid growth, there are necessary trade-offs between these values. Without a basic understanding of how growth brings these values into conflict, public support for a City/County growth management initiative will be weak.

Another factor that undercuts the ability of the City of Aztec to build support for growth management in the PPJ is the fact that residents do not have political representation in Aztec's land use regulation process. Because residents of the PPJ do not vote for the city commissioners who pass the land use regulations and appoint the city planning commission, they view the process as being unaccountable to them. As long as they lack representation, many residents will remain deeply suspicious about the motives behind any initiative Aztec takes regarding the PPJ.



Figure 25: Structure From the Past

Until Aztec addresses these fundamental problems – the lack of public understanding of the consequences of growth, and the lack of public trust in the land use regulation process – it will have little success in building a regional consensus about growth and development in the PPJ.

Therefore, the City's first step in this effort should be to create a mechanism for PPJ representation in Aztec's existing land use regulation process. This could be done either informally or formally. An informal approach could involve establishing an ad hoc advisory group of PPJ representatives that would advise the City on general land use policies and individual land use cases pertaining to the PPJ. A more formal approach would be to work with the County to establish a separate ETZ planning commission with authority to review development proposals and address other planning issues in the PPJ. (In other New Mexico Communities, such extra-territorial commissions have been established with subdivision review authority only.) This commission would be accountable to both city and county elected officials.

The next step should be to undertake an ongoing public education process to inform the public about the impacts of growth in the area and to consider possible solutions. To obtain significant participation from skeptical PPJ residents and County officials, the City



will need to demonstrate its commitment to make this a truly open-ended process, without a predetermined conclusion. In a series of public meetings, for instance, information could be presented about how growth is affecting the things that people value about their community and what similar communities around the country have done to respond to this growth. Based on this information, discussions could be held to work through the community's conflicting values and build consensus around a vision for the future of the PPJ.



Figure 26: Cottonwoods at the Aztec National Monument

Specific Recommendations

This plan recommends that the City of Aztec pursue the following strategies to address growth in the PPJ.

- 1. Establish an ad hoc PPJ advisory committee to advise the City about growth and development in the PPJ.**
- 2. Initiate a public education process about the impacts of growth in the PPJ.**
- 3. Protect agricultural land along the Animas River Valley.**

The City of Aztec's initial goal should be to address growth and development along the Animas River. This area is probably the most critical part of the PPJ. It is highly valued by residents for farmland, wildlife habitat, and for the river itself. It is also the part of the PPJ that is subject to the strongest development pressures.

Initially, the city should explore the feasibility of the voluntary measures discussed above – land swaps with BLM and conservation easements. If significant numbers of property owners show an interest, the city should work to encourage preservation of farmland in these ways (assuming the willingness of the BLM to cooperate and/or the ability to identify the necessary organizations and resources to purchase conservation easements). This approach has the advantage of offering farmers market value for the development rights in their land, a key factor for farmers who may need that equity to hang on in difficult times.

If property owners do not show an interest in participating in voluntary agricultural land protection measures, the city should consider annexing the river valley in the PPJ and zoning it for agriculture.



The alternative - trying to develop a cooperative approach to the area with San Juan County - might take years to accomplish or might not happen at all. In the meantime, development would continue to consume farmland in the valley.

4. Work with San Juan County to develop a cooperative approach to address growth in the PPJ.

The City of Aztec’s long-term goal should be to find a way to work with San Juan County. This will require a sustained effort of outreach by Aztec’s elected officials to the County leadership in order to achieve the kind of land use policy compromises discussed above. It will also require an ongoing effort by City and County staff to work out the details of new land use policies and regulations. Finally, it will require a public education effort to inform residents of the likely impacts of unrestrained growth in the PPJ, and to persuade them that land use controls can be used to protect the things they value.

Over time, the City should strive to undertake the following initiatives with San Juan County.

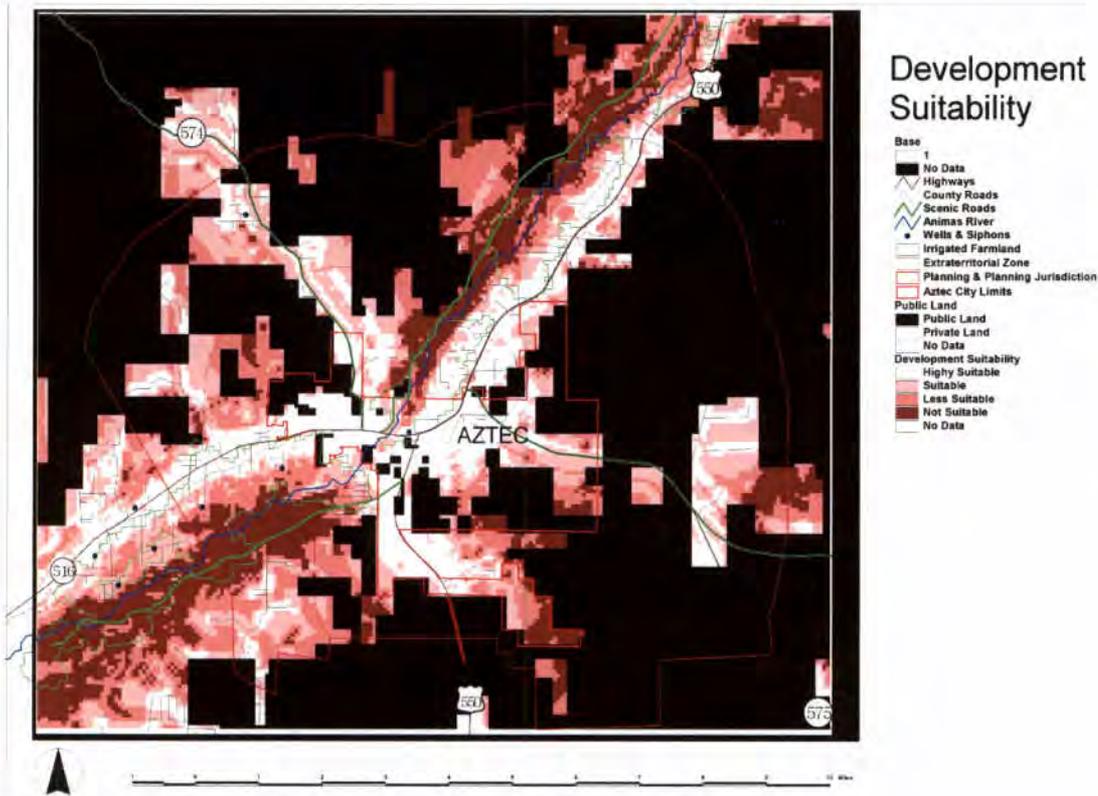


Figure 27: Map of Development Suitability

- *Establish an ETZ Planning Commission.*
- *Undertake a joint City/County planning effort to establish priorities for growth and development in the PPJ.*



- *Develop an agreement on the regulation of subdivisions in the PPJ.*
As discussed above, this agreement would permit rural subdivision standards in appropriate locations in the PPJ.
- *Develop an annexation plan.*
- *Jointly establish extraterritorial zoning in the one-mile ETZ.*

As discussed above, much of this area would be zoned for agriculture or rural residential. Areas identified for annexation within the Aztec Annexation Plan could be given a more urban zoning classification.

- *Establish zoning in the remainder of the PPJ.*

It would probably be most feasible to attempt first to establish special zoning districts in parts of the PPJ. Success with these zones would strengthen the case for a countywide zoning code. Most of this area would be zoned for rural residential.

5. Annex the private land areas of the PPJ and zone for rural residential.

In the event that the City and San Juan County are unable to develop a cooperative approach to address growth in the PPJ, Aztec’s only remaining alternative would be to annex the PPJ. It would be essential for the City to emphasize that the purpose of annexation is to preserve the rural character and way of life that many residents value highly.

C. ADDITIONAL GOALS AND RECOMMENDATIONS

The emphasis of this comprehensive plan update has been on growth management issues for the City of Aztec’s PPJ. This is reflected in the goals and recommendations just described, which focus primarily on controlling the location and character of development in the areas surrounding the city, in light of the community’s values and preferences.



Figure 28: Signs of Change

A full set of goals and recommendation for other topic areas typically addressed in a comprehensive plan have not been prepared, however, for several reasons. First, San Juan County, which shares regulatory authority in the PPJ and is responsible for providing roads, utilities and other public services, has a different sense of how to deal with growth in the area and, further, chose



not to participate in this planning effort. Second, as noted above, the public input received in this current planning process revealed that many residents of the PPJ remain unconvinced of the need to plan and unsupportive of a city-led effort. In addition, there are significant unresolved disagreements and contradictions with respect to the values that people hold.

Given the absence of a key player from the process and the limited public support and readiness at this time for comprehensive planning in the PPJ, preparing a full set of goals and objectives for specific areas such as roads and utilities seemed premature. Indeed, the plan's initial recommendations to undertake an ongoing public outreach and information effort are an acknowledgement of the need for further education, clarification of values, and consensus building. However, a more limited number of goals and recommendations have been developed where there was an opportunity to directly support the growth management objectives presented above. In most cases, the City of Aztec can carry them out without need of significant involvement from the County.

Housing

Goal: Provide affordable housing to meet the needs of the community's lower-income residents.

Recommendations:

- o Seek grants and other funding sources to help finance affordable housing development

- o Provide incentives (for example: density bonuses, streamlined development approval) to encourage affordable housing development

Economic Development

Goal 1: Retain existing economic activity in the PPJ.

Recommendation:

- Prevent the loss of existing farms and ranches in the PPJ (for example, through agricultural zoning, land swaps, conservation easements)

Goal 2: Encourage new economic activity in the PPJ.

Recommendation:

- Provide suitable locations for local-serving commercial uses in proximity to growing residential areas in the PPJ.



Infrastructure

Water

Goal: Provide adequate water service to developing areas, consistent with the growth management goals of this plan.

Recommendations:

- o Work with area rural water user associations to develop policies regarding the extension of water service in the PPJ.

- o Develop policies regarding the extension of City water service to previously and newly annexed areas.

Wastewater

Goal: Provide adequate wastewater treatment service to developing areas, consistent with the growth management goals of this plan.

Recommendations:

- Develop policies regarding the extension of City wastewater treatment service to previously and newly annexed areas.

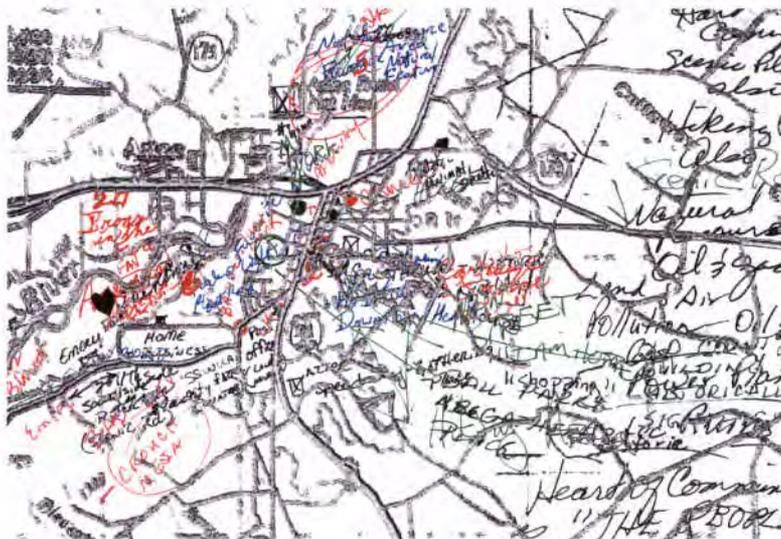
Roads

Goal: Provide a regional system of roads to meet the needs of growing areas in Aztec and the PPJ.

Recommendations:

- o Work with San Juan County to develop a long-range road plan that addresses the future need for roads in the PPJ.
- o Provide a truck bypass route that brings heavy truck traffic around Aztec's main street.

Figure 29: Composite of Community Mapping



APPENDICES



APPENDIX A. PLANNING AUTHORITY & PLANNING AREA (PPJ & ETZ)

The City of Aztec has varying degrees of authority to regulate land use within the city boundaries and surrounding areas.

By state statute, the City of Aztec's planning and platting authority extends to all territory within three miles of its municipal boundary. The City is empowered to adopt a master plan for the physical development of the municipality and those areas within this three-mile planning and platting jurisdiction that in the City's judgment bear a relationship to the planning of the municipality.

Once a municipality adopts a master plan, the planning commission must approve all proposals to build or extend new public roads, public facilities, or utilities (both publicly or privately owned) within the area of the master plan. However, any public agency that is not under the jurisdiction of the municipality can overrule the planning commission and proceed with such a proposal upon a two-thirds vote of its board of directors.

The City of Aztec also has joint authority with San Juan County to review and approve subdivision plats in the PPJ. New subdivision proposals must meet the requirements of both the City's and the County's subdivision ordinances. One area of disagreement between the City and County is the treatment of "summary subdivisions". Under the County ordinance, subdivisions with five or fewer lots, any one of which is less than ten acres in size, are eligible for summary review and are not required to provide improvements such as streets, water systems, or waste treatment systems. Under the City ordinance, in contrast, only subdivisions that create no more than two parcels are eligible for summary review, and these subdivisions still must meet the subdivision design standards of the ordinance for roads and utilities. The County, however, interprets the relevant state statutes to mean that in this case its summary review process should take precedence over the City's summary review process. Accordingly it permits subdivision plats approved only under its summary review process to be filed in the office of the county clerk.

The City and the County also disagree about the treatment of the exemptions contained within county subdivision ordinances. By state statute, thirteen types of land division are exempt from the requirements of county subdivision ordinances, including, for instance, creating a parcel for an immediate family member or creating a single parcel for sale, lease or other conveyance in any five-year period. Here again, the County's position is that these exemptions still apply within the PPJ, despite the fact that the City of Aztec ordinance does not contain them..

Over half of the land within the PPJ is owned by the federal government or the state of New Mexico. As a result, it is largely exempt from local land use regulations.



APPENDIX B. RELEVANT PLANS, ORDINANCES & STUDIES

The following plans, ordinances and studies pertaining to Aztec and the PPJ are summarized below:

- a) Aztec Community Development Plan
- b) Aztec ICIP
- c) Aztec Land Subdivision Regulations
- d) San Juan County Subdivision Regulations
- e) Draft Farmington Resource Management Plan and Environmental Impact Statement

Community Development Plan (1999)

The Community Development Plan is an update of the 1990 General Plan that was developed by the Northwest Council of Governments.

The plan's vision statement for the community of Aztec emphasizes the following qualities:

Aztec's small-town character

A visually inviting community

Durable neighborhoods and commercial districts

Economic growth that is locally-oriented and environmentally-friendly

Aztec's downtown as the symbol of the community

The importance of cooperative participation in planning for change

The plan proposes several guiding principals to help achieve the vision for Aztec, including: encouraging sustainability; establishing a balance between the automotive scale and the human scale; addressing connectivity of streets and neighborhoods and traffic circulation together; promoting development that is harmonious and compatible with adjacent areas and the entire community; requiring growth and development to pay for itself; and making citizen involvement and participation an essential element of the planning and implementation process.

The plan proposes several land use goals:

Goal One:To promote a balance of land use types within and surrounding the city.

Goal Two:To preserve open space within and near the city.

Goal Three:To provide for affordable housing.

Goal Four:To provide adequate transportation.

Goal Five:To maintain community character.

Goal Six:To manage and plan for growth with a Tri-City regional planning effort.

To meet this goal, the plan proposes that Aztec, Farmington and Bloomfield establish a joint committee to address regional growth issues. The plan also recommends that the Tri-Cities prohibit the extension or connection of services to developments that do not comply with regional guidelines and local development regulations.



Goal Seven:To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

- To meet this goal, the plan recommends the following policies
- Where development at non-urban densities is permitted within Aztec and its extraterritorial jurisdiction, it must be designed to accommodate urban development when urban services are available.
- The City requires adequate public services and facilities to be in place (or a commitment to provide them) concurrently with urban development. This applies to the following services: water, wastewater, streets, fire stations, schools, floodplain development, and storm water management.

The plan notes that San Juan County frequently waives the requirements for subdivisions to provide paved streets with curb, gutter and sidewalks. This presents significant issues for subdivision development in Aztec's three-mile planning and platting jurisdiction. The City of Aztec's subdivision ordinance requires paved streets, curbs, gutters and sidewalks in subdivisions with parcels smaller than 5 acres.

According to the Plan, growth within Aztec's three-mile planning and platting jurisdiction is placing increasing demands upon the City's infrastructure, community facilities and public services without providing additional tax revenues to support that increased demand.

City of Aztec Infrastructure Capital Improvements Plan (ICIP) (2001)

The ICIP presents the proposed capital improvements projects for the city of Aztec through 2005.

The ICIP notes that the area outside of the city limits has experienced significant population growth in recent years. The ICIP suggests that one result of this growth has been an increase in the number of county residents using city facilities and services, without a corresponding increase in city tax revenues.

The plan also recommends that existing city infrastructure should be improved and/or replaced before the city undertakes further system extensions. It notes that much of the city's infrastructure was constructed in the 1950s and in some places is nearing the end of its life expectancy.

City of Aztec Land Subdivision Regulations: Ordinance No. 305

The Land Subdivision Regulations ordinance governs the subdivision of land within the jurisdiction of the City of Aztec. This jurisdiction includes the City's three-mile planning and platting jurisdiction within the County. According to state statute, a subdivision in the PPJ must receive approval from both the city and the county before the plat is file in the office of the county clerk.

The Land Subdivision Regulations ordinance provides the procedure for subdividing; design standards for streets, blocks, lots, easements, improvements, and other components of the subdivision; minimum requirements for plats and data; provisions for obtaining variances; and penalties for violations of the ordinance.



The Land Subdivision Regulations ordinance establishes an urban standard for subdivision improvements. Subdividers must provide paved streets with curbs and gutters, sidewalks, and streetlights. Moreover, every subdivided lot must have access to a publicly dedicated street. Individual lots must also connect to the public sanitary sewer system if it is within 2000 feet.

This ordinance does not distinguish between subdivisions according to number of lots or lot size. Any land division that creates two or more lots is subject to the same set of requirements and standards. In contrast, the subdivision ordinances for Farmington and Bloomfield establish different classes of subdivisions that are subject to different design standards depending on the average lot size. Generally speaking, subdivisions with larger average lot sizes are allowed to meet less stringent design standards for roads, storm drainage and other improvements.

San Juan County Subdivision Regulations

The San Juan County Subdivision Regulations ordinance governs the subdivision of land within the jurisdiction of the County of San Juan.

This ordinance establishes a more rural standard for subdivision improvements. Subdividers are required to provide paved streets and suitable access from the subdivision to an existing public road. They are not required, however, to provide curbs and gutters, sidewalks, or streetlights. Storm drainage is to be handled through bar ditches and culverts.

Draft Farmington Resource Management Plan and Environmental Impact Statement, U.S. Department of the Interior, Bureau of Land Management (2002)

This draft plan identifies the projected development of federal oil and gas reserves within the San Juan Basin in New Mexico and the proposed management direction for administration of public lands in the area administered by the Farmington Field Office of the Bureau of Land Management for the next 20 years. The draft plan focuses on five planning issues and the decisions needed to resolve them: 1) oil and gas leasing and development; 2) land ownership adjustments; 3) off-highway vehicle use; 4) management of specially designated areas; and 5) coal leasing suitability assessment.

To assist the agency decision-makers and the general public in choosing the appropriate solutions to the planning issues, the draft plan proposes and evaluates four alternatives: Alternative A-Current Management; Alternative B-Resource Production Focus; Alternative C-Resource Conservation Focus; and Alternative D-Balanced Approach. Alternative D is the preferred alternative. The intent is to resolve the five issues by providing a combination of resource uses that would protect important environmental values and sensitive resources while also allowing development of mineral resources that provide employment and tax revenues to the region. This alternative incorporates concepts from the resource production and resource conservation alternatives and encourages the use of new technology to lessen conflicts between the emphasis areas.



APPENDIX C. COMMUNITY PLANNING PROCESS

The City of Aztec identified community input as a critical component of the Plan Update effort. The City planning staff and Commission were interested in who the community of the PPJ is, what they value and what their vision of future growth is. With this in mind, a three-pronged strategy was devised to secure the greatest possible input during the planning effort: 1) steering committee meetings; 2) interviews with local stakeholders (business & real estate persons, school officials, and local government officials; 3) public meetings; and 4) a community survey.

STEERING COMMITTEE MEETINGS

The Steering Committee consisted of representatives of local stakeholder groups (Rural Water Associations), representatives of State and Federal Agencies operating in the area (BLM, COG and SWCS) and concerned citizens. The members are listed below. The Steering Committee played a pivotal role in giving guidance to the process. The Committee was a touchstone for validation of the process and many of its products. They also assisted in the interpretation of findings in the analysis phase and in the responses by participants in the public meeting.

Steering Committee Members:

Ray Barnes, City of Bloomfield
Edward Bledowski, DLR Group Architects
Tommy Bolack, San Juan Soil and Water Conservation District
Anita Choate, Flora Vista Water Users
Illa Hodges, North Star Water Users
Shirley McNall, City of Aztec Citizen
Bob Metzler, ASCE
Rick Mitchell, Southside Water Users
Bill Papich, Bureau of Land Management
Derald Polston, City of Aztec Citizen
Bob Richards, NW Council of Governments
Annette Tidwell, City of Aztec Chamber of Commerce

LOCAL STAKEHOLDER INTERVIEWS

Several local stakeholders were interviewed during the course of the planning process: The idea was to glean information and perspective from people who were actively engaged in the community dialogue on development. Some of them were members of the business community, others were government regulatory and agency personnel, and still others were community leaders in the public planning process. Information from these interviews was incorporated into the analysis of existing conditions and was used to identify key issues for the PPJ.

FIRST PUBLIC MEETING

The first public meeting was held on Thursday, June 27, 2002. The meeting was publicized through press releases in the local papers in Aztec and Farmington and flyers that were posted around the community.



First, meeting participants were led through a community mapping process in which they were asked to identify significant spaces in the community landscape on maps. The goal of the exercise was to get important geographical information about the community, such as landmarks, shopping, recreation, resource areas, and a sense of what the people valued in the community landscape. This information would provide critical baseline information for the planning process and help establish the community's sense of place as the common point of departure for the planning effort. The exercise began with the participants drawing in their homes and work places. The participants were then asked to identify specific features in landscape, including following:

- Important shopping areas
- Favorite recreation areas
- Favorite ranch or farm
- A roadway with beautiful views
- The place where your water came from
- A critical environmental issue
- An important community gathering place
- An important source of economic
- An historic/cultural place or building
- Residential developments that you think are positive or negative
- The place or land mark that tells you are home

Most of the participants reside in the PPJ, although there were a number who live within Aztec proper. Few of the participants worked in Aztec. Most worked in Farmington, Bloomfield or had local businesses that they operated out of their homes in the PPJ. Several participants were retired and a few were homemakers. For the participants, notable local geographic landmarks such as the La Plata River, the hill coming into Aztec, Main Street Aztec and the River created a sense of home for them.

Several participants mentioned the Safeway in Aztec as their favorite shopping place. Apparently, this is a place to hear a lot of community news, and the some participants even mentioned it as a community gathering place as well. Another large contingent indicated that they did their shopping at various places in Farmington. A few mentioned downtown Aztec generally as their favorite shopping area and also as a key community gathering place. Other community gathering places included the Civic Center, a church, the ball fields at the municipal park, and the controversial Aztec Speedway. Historic/cultural places identified by the participants included the Old Courthouse, Main Street Downtown, and the Aztec Ruins.

Favorite recreational areas of the participants included the Animas River, Navaho Dam, the Glades area northwest of town and the Alien Landing site north east of town. Favorite scenic roads were Ruins Road, the road to Navaho Dam and Southside River Road. Many farms were mentioned by the participants, most of which are located along the Animas River Valley north and south of town. The Blancett Ranch and the Emory Farm were named more frequently than any other farms. The favorite water feature in the area was the Animas River, followed by Navaho Dam. The principal water source identified by the participants was the Animas River, as well as the various Water Companies (Morning Star,



North Star, Southside and Aztec City), all of which draw water from the Animas River and/or wells in the River corridor.

Important natural resources with economic value in the area are the rich oil and gas deposits. The Animas River, Navaho Lake, open space generally, the air and the land itself were also mentioned as important natural resources. Environmental concerns of the participants also centered on the oil and gas industry and the power industry, and the potential impact on air quality and water quality/quantity in the Animas River. A couple participants even mentioned long-term sustainability as a significant concern. Participants identified mobile home subdivisions on Crouch Mesa and residential development along the river were the prime examples sited for poor development. The oil and gas industry and Spencerville were also mentioned as types of development that the participants would like to see less of. The participants identified the Kokopelli Subdivision and downtown redevelopment as positive types of development.

At the end of this exercise, the participants were asked to share what they considered to be the "heart" of the Aztec community.

The Heart of the Community

The following attributes were identified as the heart of the community:

- Main Street
- Aztec Ruins
- The people
- The river
- Aztec Ruins
- The country lifestyle
- People want to take care of each other.
- Clean air
- People care about what is going on with each other – part of rural living.

Other Comments

- Outsiders just want to make money – to buy and sell our land.
- Whether or not someone is considered an outsider depends on a person's personality. If you come in and act like a Californian, you'll be treated like a Californian.
- It also depends on how soon you're willing to get involved in the community.
- Credit is due to the Aztec School System. It is one reason people move here. The teachers and administration are accessible.

Figure A1 (Community Values in Space) is a summary map based on the collective input from the other maps. Main Street, the Aztec Ruins and the Animas River all have hearts associated with them. It is significant that other core qualities were not tied to specific locations, although anecdotal comments during and after the meeting suggested that these values were associated with the rural landscape. The results of this mapping process were in turn digitized in the project GIS. The values associated with the elements of the landscape shown played a key role in the development suitability analysis (see below) and in shaping the growth alternatives used in the second community meeting.

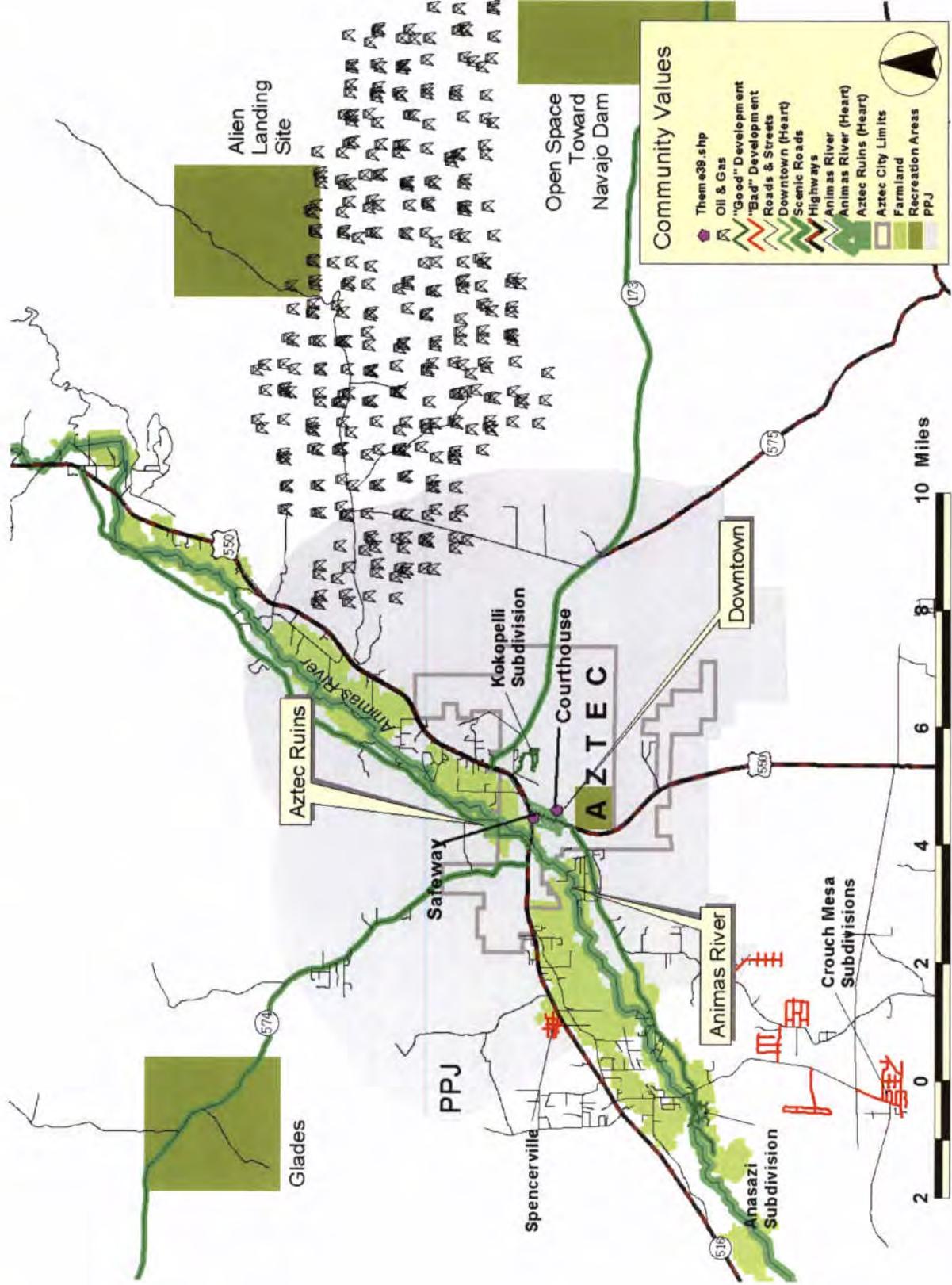


After the community mapping exercise, meeting participants divided into breakout groups and were given the following questions to answer:

- What do you value in your community and landscape?
- How has recent growth in Aztec affected the things that you value (positively or negatively)?
- What things should be done to improve the quality of life, and where?
- What should the community look like in the year 2025?



Figure A1: Community Values in Space



Each group reported its answers to the full group. Participants were then given the chance to evaluate the various comments. Meeting participants were given 7 green dots and 7 red dots and were asked to place them next to statements made during the public meeting to indicate whether they agreed or disagreed. A green dot indicates approval and a red dot indicates disapproval. The responses are summarized below; the number of dots each statement received is indicated in parentheses.

Summary of Responses

1. What do you value in your community and landscape?

- Protecting/embracing the river corridor (4 green dots)
- Parks (4 green dots)
- The people (2 green dots)
- Main street preservation (2 green dots)
- Rural lifestyle (2 green dots)
- Green areas (2 green dots)
- Preservation of bluffs and ridges (2 green dots)
- Southwest natural look (saves water) (2 green dots)
- New subdivisions w/o overhead utilities (1 green dot)

- New and improved golf course (7 red dots, 2 green dots)

2. How has recent growth in Aztec affected the things that you value (positively or negatively)?

Positive Effects

- Revitalizing mainstreet (7 green dots)
- Planning and Engineering involving the community (3 green dots)
- Community involvement in planning: roads, utilities (2 green dots)
- Improved medical facilities (2 green dots) (big enough to attract good physicians)
- A good grocery store (2 green dots)
- Projects that create quality of life (1 green dot)

Negative Effects

- Rush hour traffic (6 green dots)
- Air quality/ozone problems (3 green dots)
- Increased traffic (2 green dots)
- Growth has caused traffic problems (2 green dots)
- Lack of resources – water (2 green dots)
- Loss of open space (2 green dots)
- Increased property taxes (2 red dots)

The following statements received a mixture of positive and negative responses:

- Tourism for economic growth/quality of life (3 green dots, 1 red dot)
- Good developments, e.g., Kokopelli (2 green dots, 2 red dots)
- Racetrack (3 green dots, 15 red dots)



3. *What things should be done to improve the quality of life, and where?*

- No more annexation by Aztec (7 green dots)
- Do something with the Courthouse (3 green dots)
- Encourage infill development on available land closer in to the city (2 green dots)
- Do not develop wetlands or the floodplain (2 green dots)
- Leave open spaces in the county (2 green dots)
- Westside Plaza Safeway New Courthouse (2 green dots)
- Stop mobile home cities like Crouch Mesa (1 green dot)
- Plan to control junkiness (1 green dot)

The following comments received a mixture of positive and negative responses.

- Highway loop around Aztec (5 green dots, 1 red dot)
- Restricting the height of buildings (3 green dots, 1 red dot)

4. *What should the community look like in the year 2025?*

- Aztec has a public swimming pool (6 green dots).
- Commission meetings are open to the public (5 green dots).
- There are linkages between natural amenities like the river, downtown Aztec, and the ruins, etc. (4 green dots).
- Locate development projects to create a synergy (greater than individual projects) (4 green dots).
- Create and keep our "there" places (3 green dots)
- Utilities must be in first (before annexation?) (3 green dots).
- Vehicular circulation with good flow (3 green dots).
- Keep a visual separation between Farmington and the satellite cities (2 green dots).
- Create a green link (river corridor) between Farmington, Aztec, and Bloomfield (1 green dot).
- Keep open spaces in the county (1 green dot).
- Paved roads are a must (1 green dot).

The following comments received a mixture of positive and negative responses.

- A vibrant downtown (2 green dots, 1 red dot)

To sum up, participants identified the area's natural features and open areas, a rural lifestyle, and the people of the community as the qualities that they most value about the area. In their view, recent growth has brought benefits such as improved medical facilities and a new grocery store but also has increased traffic congestion, reduced air quality, and caused the loss of open space. They would like to see the Animas River valley and open space elsewhere in the PPJ protected from development, and infill development encouraged in the city. However, they strongly oppose further annexation by the City of Aztec. Looking forward to 2025, they would like to see the town center strengthened by new development projects that reinforce and strengthen existing resources like the main street, the ruins and the river. Finally, they would like the community to be a place in which the public can have confidence in the accountability of the political process.



COMMUNITY SURVEY

A survey was also sent to residents of the PPJ to determine their opinions about recent growth in the PPJ and their preferences for the future growth and development of the area. The survey was mailed to members of two water user associations. An announcement about the survey was placed in the newsletter of a third water user association, and surveys were available at the association offices for people to pick up and fill out. Eighty completed surveys were returned.

The survey asked respondents to evaluate various statements about current and future development in the Aztec area, including statements made by participants in the first public meeting. Respondents used the following scoring system: 1-strongly agree; 2-agree; 3-neither agree nor disagree; 4-disagree; and 5-strongly disagree.

“What things do you value about Aztec and its surroundings?”

- | | |
|-----------------------------|------|
| • The rural lifestyle | 1.16 |
| • Open Space | 1.50 |
| • The Animas River corridor | 1.79 |
| • Knowing your neighbor | 1.90 |
| • The people | 2.25 |
| • Main Street downtown | 2.41 |
| • The city’s parks | 2.62 |

“What statements characterize your sense of Aztec and the surrounding areas?”

Survey respondents agreed most strongly with the following statements:

- | | |
|---|------|
| • Water is the most important resource in our area. | 1.30 |
| • There is a lot of growth on Crouch Mesa. | 1.50 |
| • The people are the heart of the community. | 1.86 |
| • With all the public land, I have the biggest backyard in the country. | 1.99 |

Survey respondents disagreed most strongly with the following statements:

- | | |
|--|------|
| • Public services and shopping are the basis of Aztec’s community. | 3.59 |
| • The City of Aztec should not plan for growth in the area. | 3.56 |
| • The City of Aztec is doing a good job planning for growth in the area. | 3.40 |
| • Aztec is the center of the community for neighboring areas. | 3.37 |
| • The public services in Aztec are better than in neighboring areas. | 3.34 |
| • Housing in Aztec is better built than outside of Aztec. | 3.33 |

“How has growth in recent years affected the things that you value?”

Survey respondents agreed most strongly with the following positive effects of growth:

- | | |
|-----------------------------------|------|
| • Aztec has a good grocery store. | 1.89 |
| • Property values are increasing. | 2.38 |



- The amount of tourism is increasing. 2.58

Survey respondents agreed most strongly with the following negative effects of growth:

- Traffic congestion is increasing. 1.58
- Agricultural lands are being lost. 1.81
- There is less privacy and more new people. 1.89
- Property taxes are increasing. 1.92
- Open space is being lost. 1.99
- Air quality is declining.

“What should Aztec be like in 20 years?”

Survey respondents agreed most strongly with the following statements:

- Farms and ranches remain in the County. 1.86
- Open space will be preserved in the County. 1.87
- Aztec will have preserved its rural atmosphere. 2.07
- Aztec will have a public pool. 2.12
- Aztec’s road system will provide good traffic circulation and a truck bypass. 2.30
- Development in and around Aztec will be attractive. 2.40
- The Aztec economy will be based primarily on oil and gas. 2.40
- Rural subdivisions without curb, gutter and sidewalks will be allowed in the PPJ. 2.43
- Pedestrian pathways will link the downtown, the ruins and the river. 2.46
- Most roads will be paved. 2.51

“What should be done to preserve and strengthen the quality of life in the Aztec area?”

Survey respondents agreed most strongly with the following statements:

- Ensure that city commission meetings are open to the public. 1.22
- Preserve open space along the Animas River and elsewhere in the PPJ. 1.72
- Preserve working farms, ranches, and prime farmland from development. 1.86
- Encourage infill development. 2.06
- Build a highway loop around Aztec. 2.07
- Develop rural subdivision standards for the PPJ. 2.13
- Secure locations for community facilities in the PPJ. 2.15
- Develop pedestrian pathways to link the downtown, the ruins and the river. 2.18
- Create corridors of undeveloped land linking Aztec, Farmington and Bloomfield 2.21
- Develop apartments and affordable housing in Aztec. 2.25
- Stop annexations by the City of Aztec. 2.37
- Discourage mobile home subdivisions like those on Crouch Mesa. 2.38



Summary

Survey respondents most highly value the area's rural lifestyle, open space, the Animas River corridor, and the ability to know one's neighbor. They are most concerned about increasing traffic congestion and the loss of farmland and open space. In twenty years, they would like Aztec to be a place that has retained much of its farmland and open space and preserved its rural atmosphere. Finally, they would like to see farmland and open space preserved and infill development encouraged within the City of Aztec (including apartments and pedestrian connections to strengthen the downtown/main street area). On the other hand, they also showed support for changes in the Aztec's current land use policies in the PPJ, including developing rural subdivision standards and ending annexations.

SECOND PUBLIC MEETING

The second public meeting was held on Monday, September 9, 2002. This time, in addition to press releases and flyers, the meeting was publicized in the newsletters of the three water user associations that provide service to the PPJ. Together these groups have over 2,300 households as members.

The first part of this meeting consisted of a presentation of existing conditions in the PPJ, as well conditions affecting future growth, including:

- Population growth
- Recent subdivisions
- Water and other infrastructure
- Public land ownership
- A map of "community values" (synthesizing the results of the community mapping exercise from the previous public meeting)
- Land that is desirable for development
- Land that is environmentally suitable for development

In the discussion during and after the presentation, several meeting participants voiced strong objections to the city of Aztec exercising any kind of control over land use in the PPJ. The following comments are representative of the opinions expressed:

- "We can't vote for Aztec commissioners, so why should they be able to tell us what to do?"
- "Aztec has annexed areas that it still isn't serving with water and sewer."
- "We chose to live outside of Aztec."
- "Aztec just wants us for the money."

Next, three growth alternatives for the PPJ were presented:

- A trend, or no change, alternative
- A managed rural growth alternative, in which lower-density development in the PPJ would be permitted, and community facilities to serve it would be planned for
- A compact growth alternative, in which growth would be encouraged within the city and close to existing infrastructure and discouraged in the rest of the PPJ



These alternatives were based on input from the first meeting and a preliminary analysis of existing conditions and current growth patterns. The alternatives are further described in greater detail below.

Participants then divided into breakout groups and discussed the three alternatives.

Group One

The members of this group did not support any of the three growth alternatives. Under the Trend Alternative, they objected to Aztec's current annexation policy and its efforts to enforce its subdivision ordinance in the PPJ. Under the Managed Rural Growth Alternative, they objected to the notion of Aztec developing even more rural subdivision standards in the PPJ, as well as any public effort to preserve farmland along the river. Under the Compact Growth Alternative, they objected to virtually all of the suggested policies: the current Aztec subdivision ordinance, aggressive annexation, restrictions on water sales to water user associations, extraterritorial zoning, and public efforts to preserve farmland along the river.

Group Two

This group preferred the Compact Growth Alternative to the other two options. They were unanimous in supporting the idea of growth near existing sewer lines and within recently annexed areas, and in supporting the protection of sensitive lands. However, most of the group also opposed many of the suggested policies to carry out this alternative: aggressive annexation, enforcement of Aztec's subdivision ordinance in the PPJ, and extraterritorial zoning. One policy they did support unanimously was protection of farmland along the river.

This group objected to the Trend and Managed Rural Growth Alternatives for similar reasons. They saw each of these as permitting or encouraging growth beyond the reach of existing infrastructure. They felt that it was imperative that new development within the city be adequately served by infrastructure before growth happens farther out.

Group Three

This group as a whole did not prefer either alternative. The Compact Growth Alternative resonated with them visually, and some supported the Managed Rural Growth Alternative, because it would enable them to maintain their current rural lifestyle. A majority of the group was opposed to any of the alternatives, on the grounds that they thought the City of Aztec should not in any way be regulating the PPJ. This group consisted of individuals who had specific grievances with the way the city had handled enforcement of its subdivision ordinance. A number of this group were also concerned about the fact that the City was not "taking care" of the existing area within the city limits (many residents were not hooked up to sewer and water as yet) and that they would have no representation in the planning process ("regulation without representation"). Although everyone desired that the PPJ remain rural and that farming and ranching land be preserved, land use controls such as zoning and subdivision regulations were viewed as an anathema. Clearly two very different understandings of the meaning of rural were at play; one involving the idea of limited regulations and the freedom to do as one wishes with one's property, and



another involving a particular kind of landscape, with irrigated farmland, rangeland, and large spaces between dwellings.

Finally, the meeting participants individually evaluated the three growth alternatives. They placed colored dot stickers on display boards of each alternative to indicate their approval or disapproval of the respective characteristics and policies.

Overall, the growth alternatives were evaluated as follows:

- Compact Growth Alternative: 5 approve, 2 disapprove
- Trend Alternative: 2 approve, 6 disapprove
- Managed Rural Growth Alternative: 1 approve, 9 disapprove

The following growth characteristics received the most support:

- Growth occurring near existing sewer lines and roads within the city: 8 approve
- Growth occurring in recently annexed land: 8 approve
- Protection of sensitive lands in the PPJ: 7 approve
- Sites for future community facilities and open space in PPJ identified: 4 approve
- Sites for future commercial development in PPJ identified: 4 approve, 1 disapprove

The following growth alternatives received the least support:

- Significant growth throughout the PPJ: 10 disapprove
- Conversion of farmland to residential uses: 4 approve, 10 disapprove
- Significant growth in PPJ, especially along the river: 1 approve, 6 disapprove
- Decrease in amount of open space around Aztec: 4 disapprove

The following land use policies received the most support:

- Protect farmland along the river: 15 approve
- Develop additional affordable/multi-family housing in Aztec: 13 approve
- Continue to provide water to water user associations: 9 approve
- Address needs in PPJ for community facilities, open space, and commercial development: 4 approve

The following land use policies received the least support:

- Continue to annex aggressively: 29 disapprove
- Extraterritorial zoning: 10 disapprove
- Land swaps with BLM to protect farmland: 9 disapprove
- Zoning to protect farmland: 9 disapprove
- Enforce Aztec's subdivision ordinance in the PPJ: 2 approve, 8 disapprove

In summary, meeting participants felt strongly that growth and development should occur closer in to the city of Aztec and opportunities for rural living preserved. They would like to see farmland and open space somehow kept from being developed. On the other hand, they strongly opposed the stricter land use policies and regulations that would be necessary to accomplish the objectives.



APPENDIX D. EXISTING CONDITIONS

ENVIRONMENTAL CONDITIONS

The PPJ is defined by the Animas River valley and surrounding mesas. The La Plata Mountains to the North, the Knickerbocker Peaks to the East, the San Juan River valley to the South, Crouch Mesa and Farmington urban area to the West serve as landmarks for people living in Aztec and the PPJ. Much of the valley was originally part of the flood plain of the Animas River. The soils through this area are alluvial deposits and once drained are very productive. As is typical throughout much of New Mexico, these soils plus the proximity to water in the Animas River for irrigation provided the original basis for settlement in the area. The location of Aztec ruins and the city of Aztec with its historically extensive ditch and cistern system confirm this pattern. The climate of Aztec and PPJ is arid with only 8 to 10 inches of rain.

The ecosystem in the Aztec area reflects the arid climate, with significant expanses of dry foothill-piedmont grassland on the mesas and greater amounts of woody vegetation in the valleys and mountains reflecting access to increased amounts of moisture. Figure A2 is a Land Use Land Cover Map of the Aztec PPJ. Although, it does not appear so today, many of these areas were probably once healthy grasslands. There are reports of grass as high as a horse's belly on Crouch Mesa just after the Second World War. Since that time, much of this range area has been impacted by fire management, grazing and development practices. Now, these areas in the landscape support significant shrub communities of sage, cholla and juniper. However, it is this range area with its sparse population, plus the larger irrigated tracts of farmland in the Animas valley that the community associates with the rural quality environment, which is fundamental to their sense of place (see Community Process above).

Wildlife diversity also tracks areas of greater moisture in the landscape. Riparian areas and mountain areas support the greatest number of species in the Southwest. North facing bluffs also support larger numbers of species than adjacent irrigated farmland or upland grassland areas. Riparian areas are potential habitat for one endangered species, the Southwestern Willow Fly Catcher. The area is also within the range of the American Bald Eagle, another endangered species. Practices and regulations, which limit development in the riparian zone, on the flood plain and on the bluffs, would have a positive effect on critical wildlife habitat in the region.



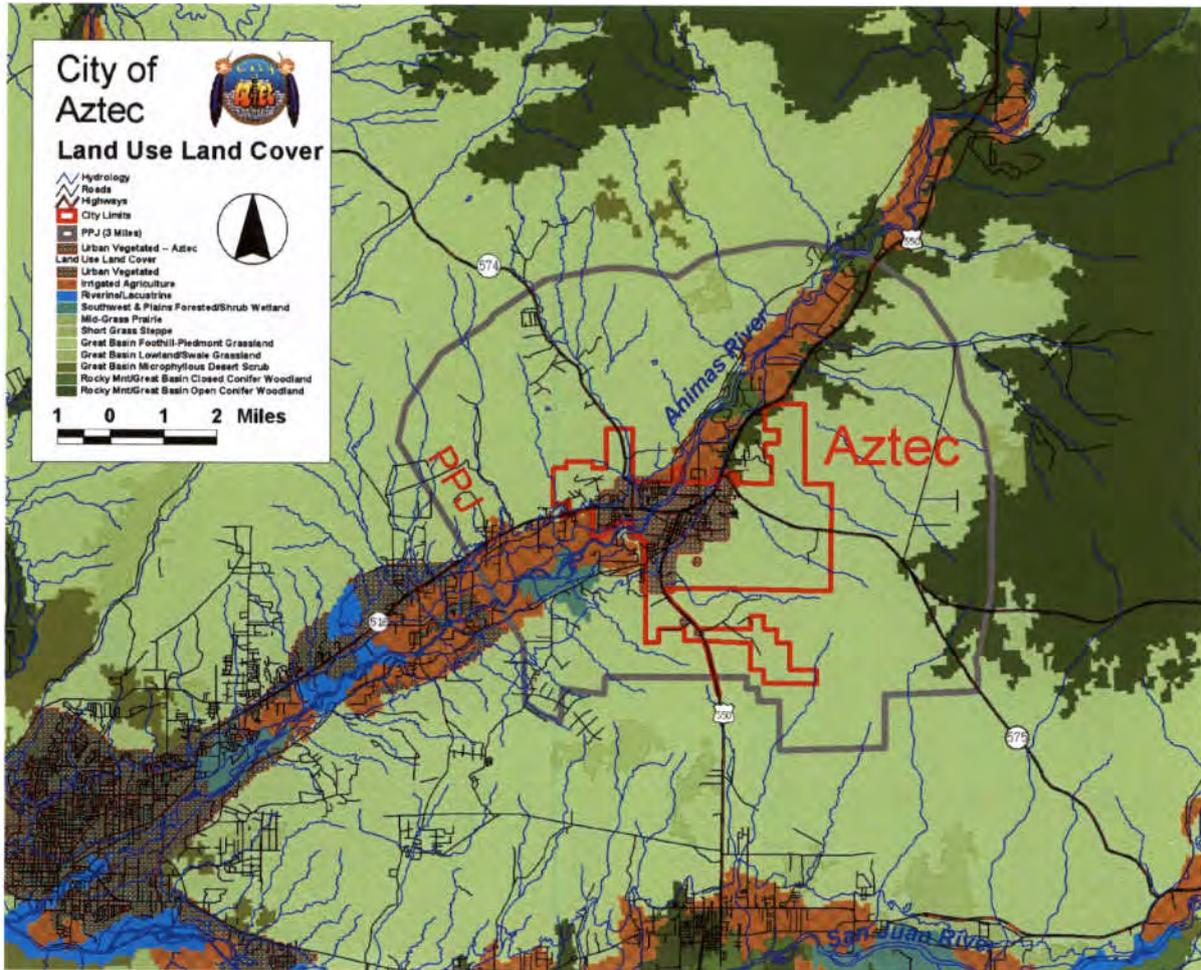


Figure A2: Land Use Land Cover Map



WATER RESOURCES & INFRASTRUCTURE

Hydrologic System

The Animas River is the key to the hydrology and water systems of the area. Aztec and the PPJ are falls within the lower quarter of the Animas River watershed. The watershed is located within both the San Juan River sub-basin of the Colorado River Basin and New Mexico's San Juan Hydrologic Unit. The Animas is permanently running stream that has its headwaters in the alpine elevation mountains above Durango, Colorado. 15 tributary arroyos feed into Animas within the PPJ, including the Barton, Kochis, Estes, Cook, and 10 unnamed arroyos. The largest appears to be the Estes Arroyo on the east side of the River. The total area drained by PPJ portion of the system is approximately 67,000 acres, an area slightly smaller than the total area of the PPJ and the City of Aztec. The Animas River is considered largely a warm water fishery in the New Mexico portion of its reach.

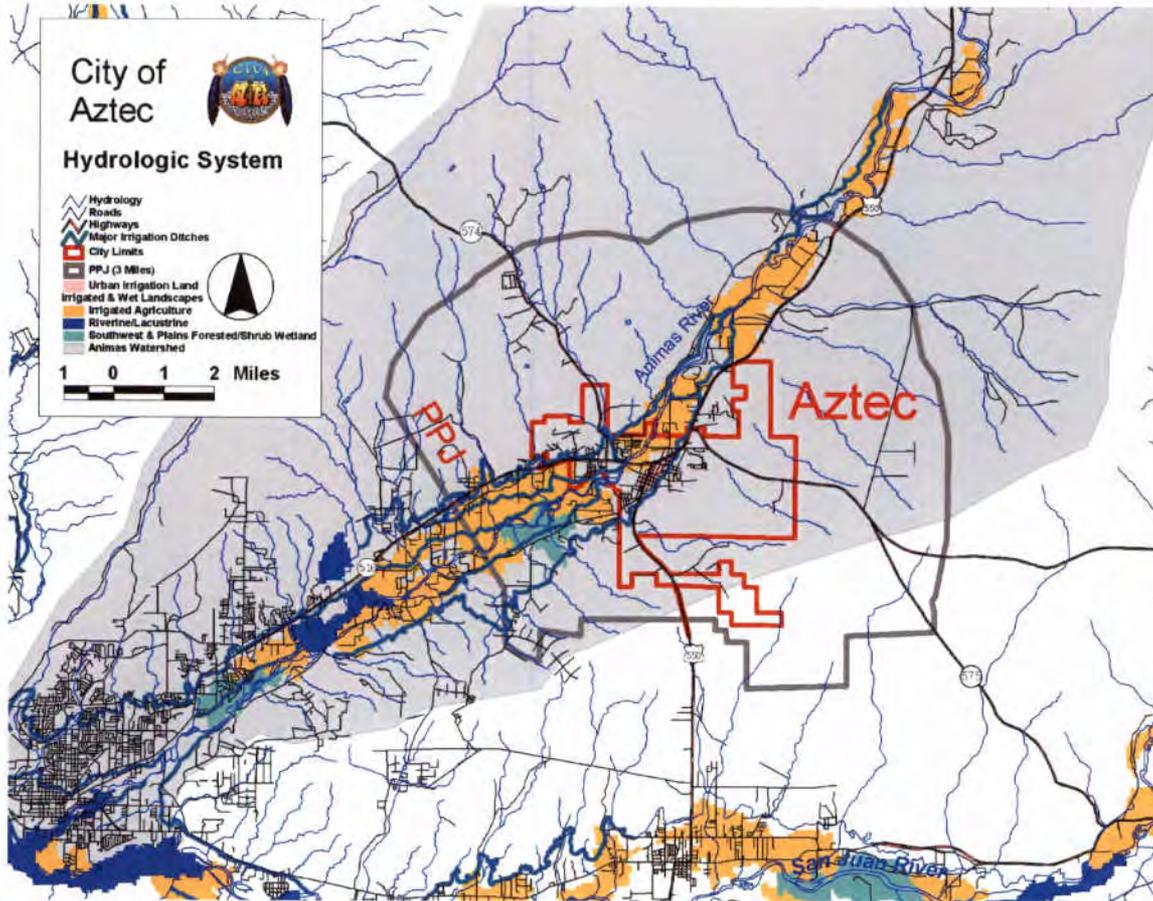
There are three river gauges within the New Mexico portion of the Animas, one of which is found just above the PPJ at Cedar Hill and another a fair distance below the PPJ just above Farmington. Flows at the Cedar Hill gauge have historically ranged from an average low of 15,200 acre-feet in the month of January to an average high of 179,600 acre-feet in the month of June. Other water resources in the area consist of approximately 10,000 acre-feet of ground water in the middle San Juan Basin aquifers.

There are six diversions of water within the PPJ portion of the Animas River for irrigation: the Lower Animas Ditch (including a piece formerly part of the Inca Ditch), the Farmer's Ditch, the Elledge Mill Ditch, the Kello Blancett Ditch, and the Halford Independent Ditch. Approximately 4500 acres of land are irrigated in the Animas River, almost all of which lies within the PPJ northeast and southwest of the City of Aztec. There are three diversions for potable water in the lower Animas River: 1) Aztec Water Treatment Plant, which draws water off of the Animas River, the Aztec Ditch and the Lower Animas Ditch; 2) the Farmington Water Treatment Plant which draws water from the Animas River, Farmington Lake and the Willett Ditch; and 3) the Flora Vista Water Treatment Plant, which draws water off of the Animas River. In addition, there is water drawn from seven production wells in the PPJ, five of which are located along the Animas River Corridor. There are reports of several other smaller residential wells northwest and southeast of the City. Figure A3: Hydrologic System is a map of the hydrologic system.

According to City of Aztec Water officials, water supply is currently not an issue in the area at least in the near term, provided reasonable conservation measures are maintained and the City continues to purchase senior water rights. In the absence of a major drought, water resources and rights to those resources are sufficient to comfortably accommodate projected growth. According to the Water Supply Assessment for the San Juan Hydrologic Unit Regional Water Plan prepared by the San Juan Water Commission, the principal threats to water quality in the reach of the Animas that includes the PPJ are phosphorous loading upstream of the Cedar Hill gauge, high fecal coliform counts and excessively high temperatures at the Farmington gauge. Long term water quality will greatly benefit from vegetated buffers along the river and arroyos that decrease water temperatures, as well as limit development next to hydrologic features, thereby reducing the impact of storm water runoff and onsite septic systems.



Figure A3: Hydrologic System



Water System

There is an extensive existing water infrastructure in the PPJ. Water is provided largely through rural water user associations and other private water providers. In some areas, the Cities of Aztec and Farmington are the providers of the water, either directly or indirectly through purchase by the local water association. Figure A4 is a map of the approximate districts and systems of the various water providers. The public sewer system is also shown in this map and public production wells are also shown on the map. This map was generated based on information from San Juan County and representatives of various water user associations.

The rural water user associations are eligible to receive grants and loans to develop water systems from the Rural Utilities Service, an agency of the U.S. Department of Agriculture. Grants may be made for up to 75% of eligible project costs.

City of Aztec Water Treatment System

The City of Aztec obtains all of its water from the Animas River. The City's water system currently has a capacity of about 5 million gallons per day. Proposed improvements to the existing treatment plant will expand system capacity to about 6.5 million gallons per day. In 2001, the system produced about 400 million gallons of water, or an average of 1.1 million gallons per day. Peak demand in the summer, however, amounts to about 3 million gallons per day.

The City of Aztec has about 3,500 acre-feet of water rights at present. For perspective, total water use for 2001 amounted to about 1,200 acre-feet. The City continues to buy water rights on a regular basis.

Recently, Aztec has entered into an agreement with the City of Bloomfield that enables it to buy up to 1 million gallons of water per day from Bloomfield in an emergency. Aztec has built a pipeline connecting the Aztec water system to the Bloomfield water system, which draws its water from the San Juan River.

The City of Aztec requires purchasers of new homes in the city to also purchase water rights. The City typically charges the homeowner about \$700 to cover the cost of one-half acre-feet of annual water rights, plus the original meter charge. These fees go into a fund that the City uses to purchase the highest-quality water rights that are available.

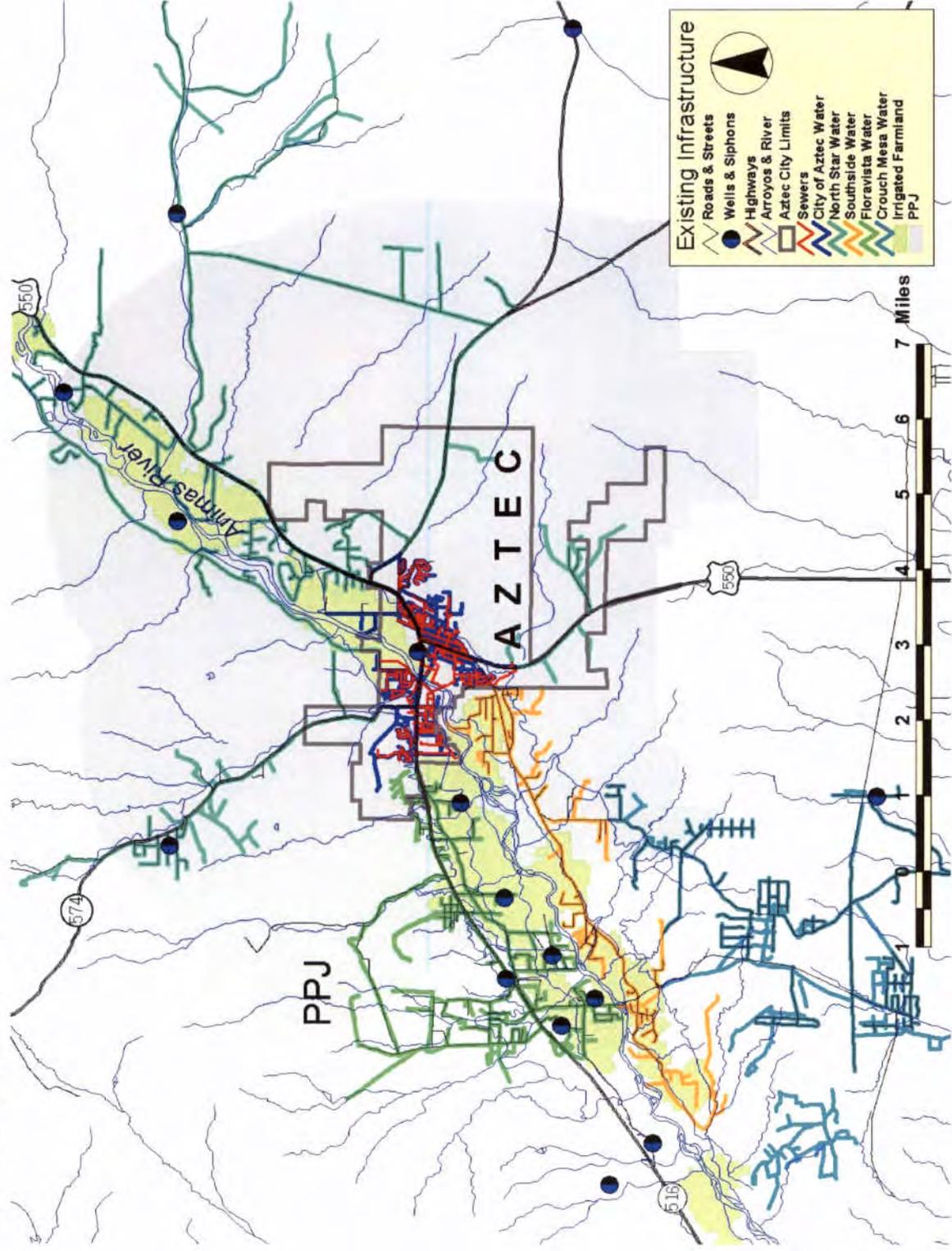
Flora Vista Water Users Association

The Flora Vista Water Users Association was incorporated in 1967. Its service area extends from the Animas River north to County Road 3566, in the portion of the PPJ west of the City of Aztec.

Flora Vista obtains its water from a well field located along the Animas River. It is also connected to both the Aztec and Farmington municipal water systems, from which it can obtain supplemental water. It is considering building a seasonal surface treatment plant to address the demand spikes that occur during the summer.



Figure A4: Existing Infrastructure



Flora Vista currently provides service to about 1,100 households. It has been growing recently at a rate of 40-60 households per year. It has sufficient capacity in its system to serve at least twice the current number of households.

North Star Water Users Association

The North Star Water Users Association was incorporated in 1981 and began providing water in 1982. Its service area encompasses much of the northern and eastern portions of the PPJ.

North Star obtains its water by means of withdrawals from the Animas River. It is currently building a new treatment plant with a capacity of one million gallons per day. It is also constructing a storage pond for raw water with a capacity of 50 acre-feet, which will provide at least three month's worth of storage. With these new facilities, North Star estimates that it could serve a total of 4-5,000 members.

According to the association director, North Star's membership has been growing in recent years at a rate of about 15% per year. The number of members has increased from 348 to 765 since 1995. A similar rate of growth is expected for the foreseeable future.

Southside Water Users Association

Southside Water Users Association was incorporated in 1966. Its service area extends from the Animas River south to the top of the bluffs above the valley in the PPJ west of Aztec. Southside obtains its water entirely from the Aztec municipal water system. Southside currently provides service to 408 households. It has been growing recently at a rate of about 14 households per year.

Wastewater Treatment

Most wastewater treatment in the PPJ is accomplished by means of individual on-site septic systems. As a result, the minimum allowable lot size is $\frac{3}{4}$ acre, as mandated by New Mexico Environment Department requirements for septic systems.

In most cases, septic systems appear to be an adequate approach to wastewater treatment, given the soil types and depths to groundwater that prevail in much of the PPJ. In areas with high water tables in Animas River riparian zone, however, such as Flora Vista and Kirtland, there have reportedly been some problems with groundwater contamination. On Crouch Mesa, depth to bedrock is reportedly minimal, requiring excavation into the soft underlying sandstone to provide adequate area and depth for percolation for on-site systems. If highly concentrated development continues throughout this area, then this could pose a potential problem for ground and surface water contamination.

There is an existing public sewer in Aztec, which treats wastewater from the majority of residents within the city boundaries. Aztec's wastewater treatment system currently has a capacity of about 750,000 gallons per day. Wastewater flows into the system amount to about 650,000 gallons per day on average, although the daily volume in the summer can approach the total system capacity. Over the next two years, the City plans to make



improvements that will expand the capacity of the system to about 1 million gallons per day.

Many city residents, however, do not have a public sewer and have petitioned the city to include them in the public sewer system. The complaint most often voiced with respect to annexation is the failure of the City of Aztec to provide city water and sewer services to its new residents. Currently there are no plans for extension of the sewer system. Given the nature of recent development and the environmental conditions in the Animas River valley, an extension of the sewage system to accommodate these residents and future development would go a long way to garner additional public support for the city's efforts to manage growth, by appeasing land owners and ensuring the long term ecological health of the riparian corridor. However, any extension of the sewer system would need to be incorporated into the overall growth management strategy for the greater Aztec area.

Drainage and Stormwater Management

Other than in the city of Aztec proper, storm water is typically managed onsite. The city and smaller subdivisions in the river valley typically pipe storm water directly into the river. Depending on where these outfalls are located (in the bosque or directly on the river), this will increasingly affect downstream water quality as development in the valley increases. Bluff subdivisions and upland development will impact storm water quality and quantity if they do not retain it onsite, but rather release onto the bluff or into an arroyo. In both cases, over time, erosion processes will be greatly increased.

Roads & Traffic

According to the Public Works Department, the County has built only one new road since 1990. Virtually all of the new roads in the PPJ are residential subdivision roads built by developers.

In addition, hundreds of miles of dirt roads crisscross San Juan County. In most cases, these roads, which were put in to facilitate oil and gas exploration, lack easements or public rights-of-way.

Currently there are plans to construct a four-lane road from Flora Vista to US 64. The proposed alignment extends for eight miles across Crouch Mesa and is located outside of Aztec's PPJ. The final review and approval of this road project was a controversial process, with local residents, community and environmental watch-dog groups voicing concern and opposition. Residential lands in the vicinity of Flora Vista will have to be condemned in order for this roadway to be completed and enlarged bridge will impact Animas River riparian zone.

The only proposed long-range road project is the construction of Highline Parkway, which would extend east from County Road 3500 to US 550. The start of this project is at least five years off.

The San Juan Policy Road Policy specifies that roads must consist of asphalt concrete on a properly prepared base course. Driving surfaces must be 26 feet wide and crowned a minimum of 2%. Shoulders should extend 5 feet on each side and must be constructed of



asphalt, concrete, or properly compacted base course. The right-of-way must be at least 60 feet in width (30 feet from the centerline).

Earlier this year, San Juan County revised its road policy to require asphalt paving on subdivision roads. Between 1998 and this year, the San Juan County Road Policy permitted roads with a chip seal surface instead of asphalt paving. Before 1998, the Road Policy had no paving requirement for subdivision roads. As a result, many subdivisions in the PPJ and elsewhere in the County lack paved roads.

San Juan County's maintenance classification system divides county roads into three categories:

County Maintained Roads

These roads have been accepted for full county maintenance. County maintenance activities include routine maintenance, dust control, replacement of base course, installation and repair of drainage structures, snow removal, pothole repair, bridge construction and repair, signage, and resurfacing.

County Lesser Maintained Roads

These are roads with a gravel surface that have been accepted for limited County maintenance. The county will grade the roads twice annually if all of the adjacent property owners agree to grant the required easement.

Non-County Maintained Roads

These roads have not been accepted for County maintenance. They are assigned a number, however, and marked with a sign.

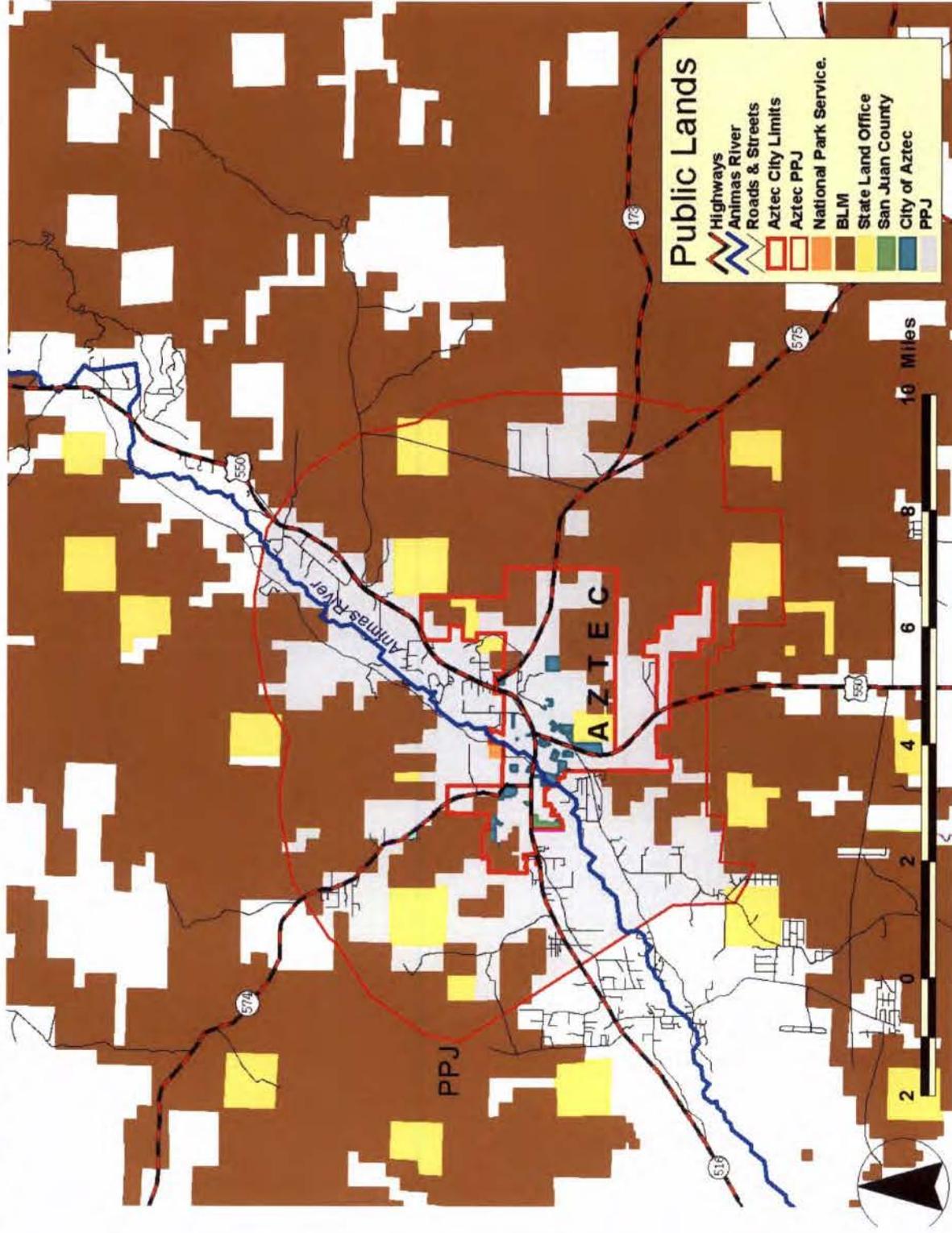
Land Ownership

Within the PPJ, the majority of the land is publicly owned. Public agencies with holdings in the PPJ include the Bureau of Land Management (BLM), the New Mexico State Land Office (SLO), San Juan County and the National Park Service (NPS). Figure A5 is a map of public land ownership in Aztec and the PPJ. The overwhelming majority of this public land is managed by the BLM, followed by the SLO. SJC owns only a small amount of land and the NPS land consists of the Aztec National Monument.

The BLM and the SLO lands may be leased for long terms to local municipalities and in some cases to developers. Both agencies also make land swaps, in order to aggregate their holdings and let go of small fragments of land, which have a relatively higher per unit management cost. The predominant uses of these lands in the Aztec area are for oil and gas industry drilling and ranching. Another primary use, which has only recently been embraced by these agencies, is as public open space. Many local residents use the lands for various recreational purposes ranging from hiking, horse riding and camping to ATV riding, hunting and fishing. BLM lands in the area provide critical habitat to at least three endangered species. One proposed use of the BLM land is for community centers or parks/open space for the PPJ.



Figure A5. Public Lands



Land Use and Natural Resources

The dominant land use within the PPJ is still open range, which is managed primarily for grazing and oil and gas production. This area also functions as a defacto open space for different recreational and sporting activities, from hiking, hunting and fishing to ATV and horse riding. As one local official put it, "I have the biggest back yard in the country." Farming in the valley and residential uses throughout the PPJ especially along existing roads represent the next most dominant uses. Figure A6 is a land use map based on the City of Aztec's land use map and digitization from the aerial photographs. Of the land uses, farming and ranching are key to the sense of place for much of the community and the oil and gas industry is the economic engine in the region.

Population, Demographics & School District Data

Between 1990 and 2000, San Juan County's population grew at the fairly rapid rate of 24.2%, from 91,605 people to 113,801 people. In the same period, the city of Aztec grew at a more moderate rate of 10.1%, from 5,792 people to 6,378 people. Within the PPJ, however, population growth far outpaced both the city and the county. Total population went from 2,982 people to 4,913 people -- an increase of 64.8%. Of course, the PPJ had a small population base to begin with, so a higher growth rate is not surprising; but even considering the absolute growth in population, the net population increase in the PPJ was three times greater than in the city of Aztec (1,931 vs. 586). Figure A7 is a representation of growth in the Aztec area based on census block group data.

Figure A8 is a map of the change in the number of school age children from 1990-2000, again based on census block group data. Notice once again that the most significant increases are in the PPJ, while in Aztec proper there appears to have been a decline. The buses in the map represent additional bus routes added by the Aztec School district. Again, all of these are in the PPJ or areas beyond. Two bus routes were added to Crouch Mesa alone.

A review of the school district data for the Aztec schools shows that there has been no net increase in the number of students. A review of the different measures of relative poverty of the student body (USDA Free and Reduced Lunch program and Title I Special Education Services) is inconclusive with respect to an overall change in the amount of services by the district, which would be suggestive of a demographic shift in the make-up of the student body. Only the Title I Services suggest an increase in the need for services. Thanks to the oil and gas revenues, there has been a net decrease in school taxes for the district given adjustments for inflation. The district has been able to retire debt earlier than expected decreasing the probability of future tax increases, an important concern of local community members.



Figure A6. Existing Important Land Uses

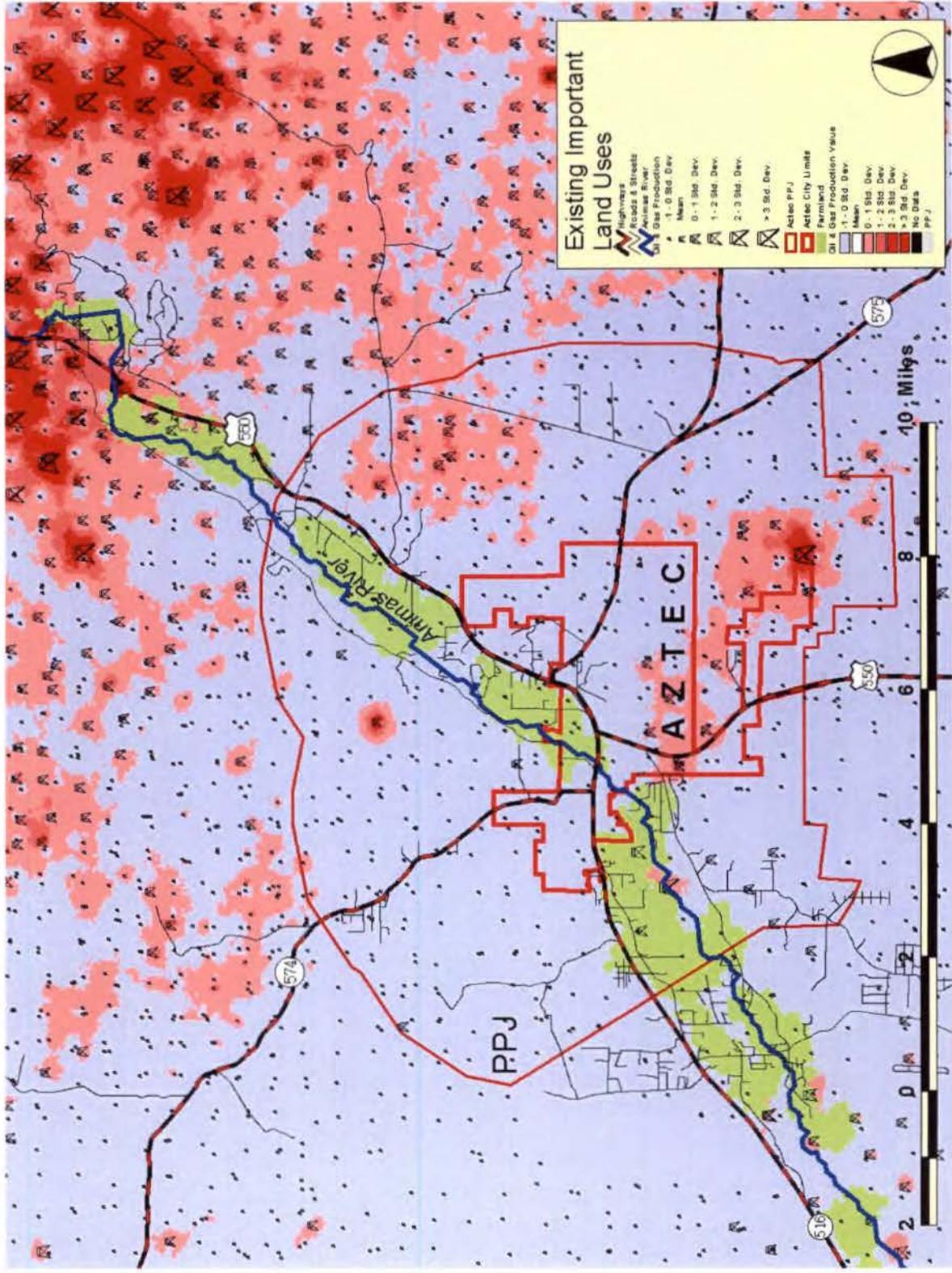


Figure A7. Population Growth

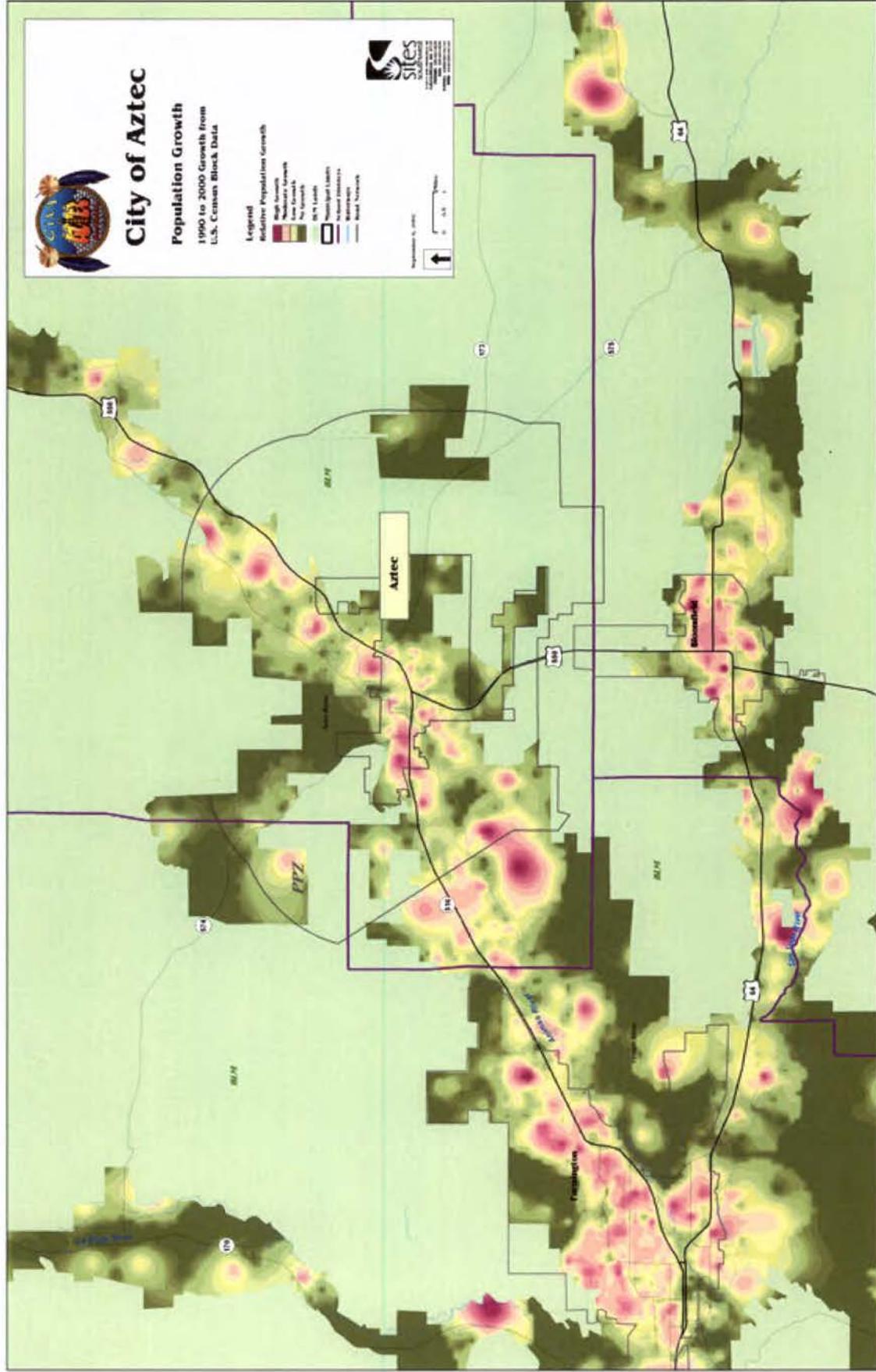
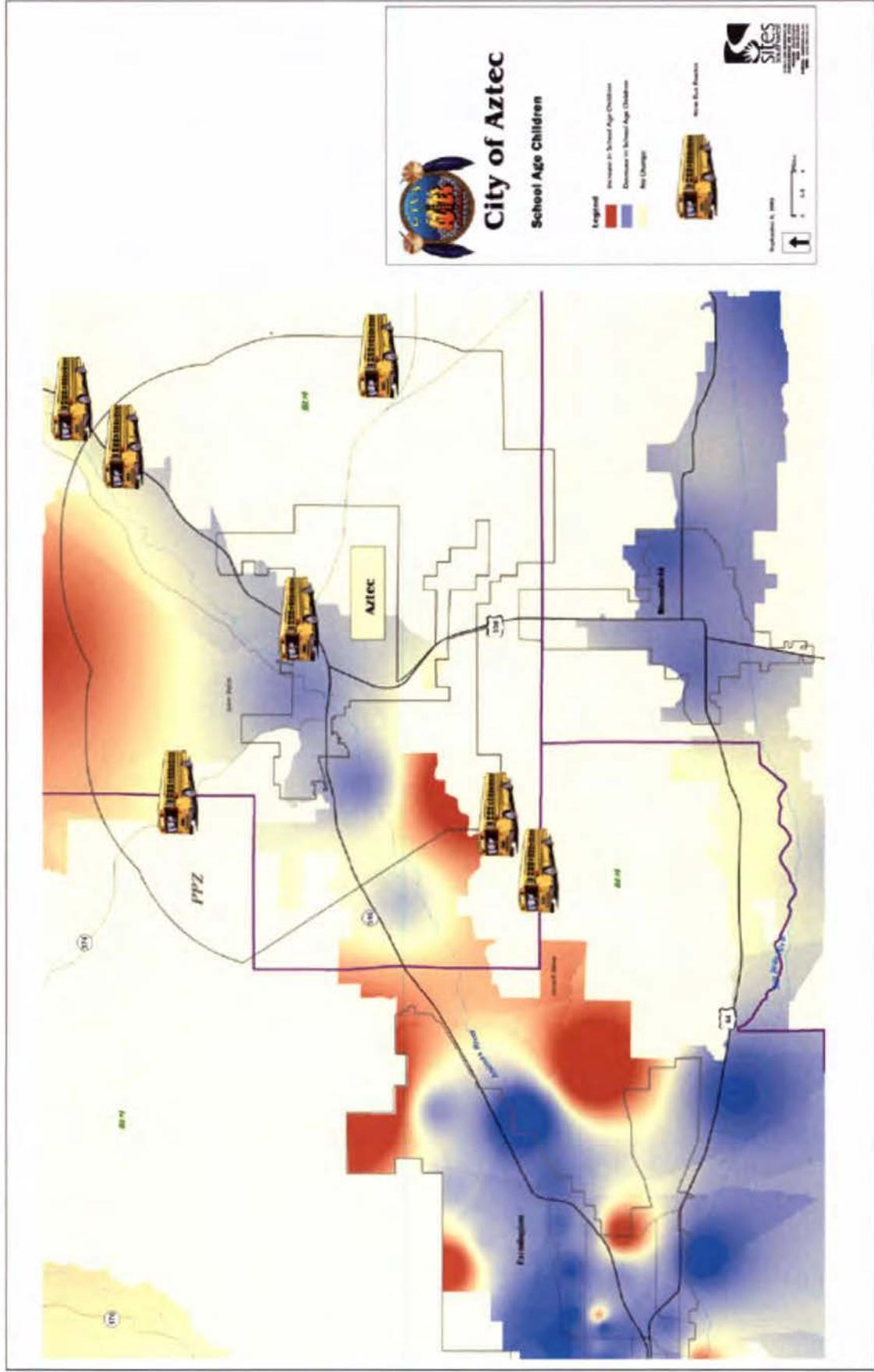


Figure A8. School Age Children



Historic & Current Residential Development Patterns

As shown by the population growth figures noted above, the PPJ has seen a substantial amount of development since 1990. Much of this growth has occurred in the Animas River valley on what was once farmland. Other growth areas are located along the highways that radiate out from the center of Aztec.

A map of the larger subdivisions was constructed with input from Riley Rowland (director of the Aztec School Busing System) and participants at public meetings (Figure A9). This map also includes new County roads built since 1990, which is another spatial indication of subdivision activity.

General Housing Trends

Table A1 shows data from the US Census Bureau regarding housing by type for the PPJ and Aztec. Mobile homes make up a significant and increasing majority of the housing units in the PPJ, growing from 51.7% to 64.0% of the total between 1990 and 2000. A total of 439 new mobile homes were built in the PPJ in that period according to this data. The rest of the housing units are single-family site-built homes; there are no multi-family housing units. In contrast, mobile homes made up just 24.6% of the housing units in Aztec in 2000, a slight proportional increase from 1990. Still, mobile homes represent 36.9% of all new homes built in Aztec between 1990 and 2000. Over half of the housing in the city consists of single-family site-built homes. Further, multi-family housing units make up approximately 20.0% of the total throughout this period.

Table A1 Housing by Type, for the PPJ and Aztec, 1990 and 2000.

Housing Type	PPJ				Aztec			
	1990		2000		1990		2000	
Single Family	623	48.3%	622	36.0%	1129	52.3%	1370	53.8%
Multi Family	0	0.0%	0	0.0%	465	21.5%	492	19.3%
Mobile home	668	51.7%	1107	64.0%	483	22.4%	626	24.6%
Other	0	0.0%	0	0.0%	81	3.8%	58	2.3%
Total Housing Units	1291		1730		2158		2546	

Source: US Census Bureau, Sites Southwest

According to a local realtor, as much as 80% of the housing on Crouch Mesa consists of mobile homes. Prices for these units range between \$20,000 and \$100,000, with a median price of about \$75,000. Only three site-built homes have been built in the Crouch Mesa area over the past three years. Prices for these homes ranged between \$60,000 and \$195,000.

For comparison, the price range for houses that sold in Aztec in the past three years was \$20,000-\$280,000. The median and average sales prices for these homes were \$94,400 and \$106,500, respectively. Nicer homes generally fall in the \$130,000-\$200,000 price range.

In the opinion of this realtor, there is a continuing unmet demand for reasonably-priced housing in the Aztec area, meaning housing that oil and gas industry workers could



afford on wages of \$8-\$9/hour. He added that he receives at least two calls a week inquiring about rental housing.

Crouch Mesa

One area of particular concern is Crouch Mesa. Located in the middle of the triangle formed by the cities of Aztec, Bloomfield, and Farmington, and lying partly within each city's PPJ, Crouch Mesa has seen a significant amount of mobile home subdivision development. One county official estimates that as many as 2,500 lots have been developed on Crouch Mesa in the past eight years. In the typical case, mobile homes on $\frac{3}{4}$ -acre lots are sold through real estate contracts for as little as \$300 down and \$300 a month. This makes them as affordable as the cheapest rental housing in the area.

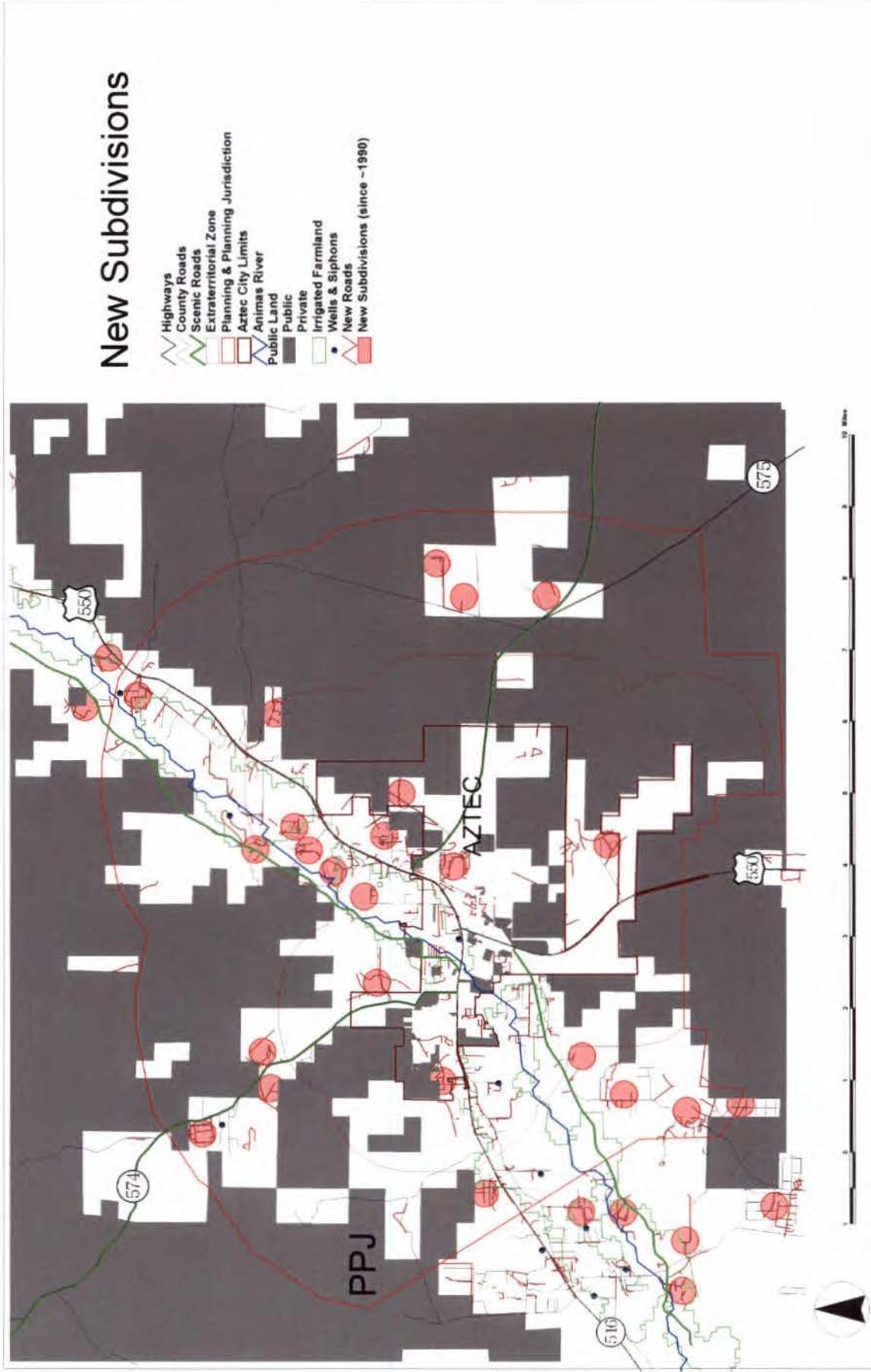
Water service is provided through private water systems; wastewater treatment is handled through individual septic systems. In keeping with San Juan County subdivision standards, many subdivision streets are unpaved, or paved with a chip-seal surface, and do not have curbs, gutters, or sidewalks. Drainage is handled by means of bar ditches and culverts.

These subdivisions reportedly have a higher than normal turnover rate; with little equity in their properties, homeowners can walk away from their real estate contracts with little economic penalty. Another criticism is that many homeowners lack the means to maintain their properties, so the subdivisions quickly take on a run-down appearance.

On the other hand, these developments are undoubtedly meeting a real demand for affordable housing in the area. Many of the residents of Crouch Mesa are employed in the oil and gas industry, holding down relatively low-paying jobs that often come and go with the boom-and-bust cycles of the energy industry. They have to live somewhere; and it is not altogether surprising that they might prefer the option of home ownership (however tenuous) on three-quarters of an acre on Crouch Mesa to an apartment in Aztec or one of the other municipalities.



Figure A9. New Subdivisions



Animas River Corridor

Although not as dramatic in appearance as the changes on Crouch Mesa, the impact of development on community and environmental values is potentially much greater in the Animas River Corridor. Older communities such as Flora Vista, Spenserville, and especially Cedar Crest just north of the PPJ have experienced significant growth. However, the fastest growing areas appear to be just northeast and southwest of the City. There is also significant development on the bluffs on the southeast side of the corridor and in the vicinity of the National Monument.

Development on the Animas River corridor reflects a greater diversity of housing types than on Crouch Mesa. There are mobile home subdivisions as well as stick built single family homes. The larger subdivisions appear to be happening up on the bluffs, while smaller subdivisions seem to be the pattern in the valley.

The Kokopelli and Anasazi subdivisions are viewed by a number of members of the community as model subdivisions. These developments are on the upper end of the greater Aztec housing market, catering to migrant retirees and commuter service professionals. They appear to be fairly well designed and planned, with large floor plan adobe style houses and high-end xeriscaped landscaping.

A key issue with all the river corridor developments is the impact on the rural quality of life described by a number of community members as the key to life in the PPJ. The river corridor has traditionally been the locus of the farming and ranching activities and sensibilities that are essential to the community's long term sense of identity. All of the oldest families are farmers and a large portion of the community remembers when the primary source of livelihood was farming and ranching. Further, the community views both of the main roads in the corridor as key scenic routes in the area.

The community also rightfully identifies the river corridor as the key to their water quality. Given the prevalence of septic systems and the increased loading of storm water run-off, the long term impact of this kind of development will be a reduction in water quality of the Animas River. The problems are not limited to development on the flood plain: the newer bluff subdivisions affect the overall visual quality of the corridor and impair fragile adjacent slopes with increased storm water flows. Finally, the majority of the housing being developed in the corridor is either on the upper or lower end of the housing market, and they tend to be acquired by "outsiders" who according to long-time community members do not necessarily value the rural quality of life, nor the small town community. As a result, each development within the river corridor and valley represents a loss of what the rural community of the PPJ values most about their shared landscape.

ECONOMY

Economy

Economic activity in the PPJ is dominated by the oil and gas industry. The longstanding tradition of farming and ranching continues primarily in the Animas River valley. Some commercial development is also located along NM 516 between Aztec and Farmington and NM 550 northeast of town.



Oil and Gas

There are approximately 18,000 active gas wells in the New Mexico portion of the San Juan Basin. In the vicinity of Aztec, the most productive wells are concentrated in the northeastern and southeastern portions of the PPJ (see Figure 7).

A recent study by New Mexico Institute of Mining and Technology projects that a total of 12,461 new wells will be developed in the San Juan Basin over the next 20 years, an increase of 69%. Of these, 9,970 will occur on federal land; the remaining 2,491 will occur on private land. About 56% of the wells are expected to involve new surface disturbance. The remaining 46% will be developed on existing disturbed sites. Each new well pad will average two acres in size and will involve another acre of disturbance for road and pipeline right-of-way. As a result, this new well development will disturb over 20,900 acres of land.

Farming

San Juan County had a total of 666 farms (including ranches) comprising about 84,000 acres of cropland in 1997, according to the US Census of Agriculture. Most of these farms are small operations; 85% had fewer than 180 acres, and 77% had annual sales of less than \$10,000. On the other hand, 50 farms have 500 or more acres, and 16 farms have annual sales of more than \$100,000. Hay, cattle and sheep are the principal farm products in the County.

Most active farms in the PPJ are concentrated in the Animas River Valley. There are approximately 4,500 acres of farmland along the river, representing 6.6% of the irrigated farmland in the County. According to some community members, the area had several dairies and orchards as recently as the mid-1980s, but virtually all of these operations have since closed down. The most common crop is alfalfa.

Commercial Development

Most commercial development in the Aztec area is located within the city of Aztec along NM 550 and NM 516. This consists mainly of convenience commercial establishments such as a Safeway supermarket, a hardware store, a feed and supply store, a discount retail store, various personal and financial service establishments, auto supply and repair businesses, banks, and restaurants. Tourist-oriented businesses include two motels, a bed-and-breakfast, art and antique galleries, trading posts and gift shops.

There are also a number of businesses involved in oil and gas exploration and related services.

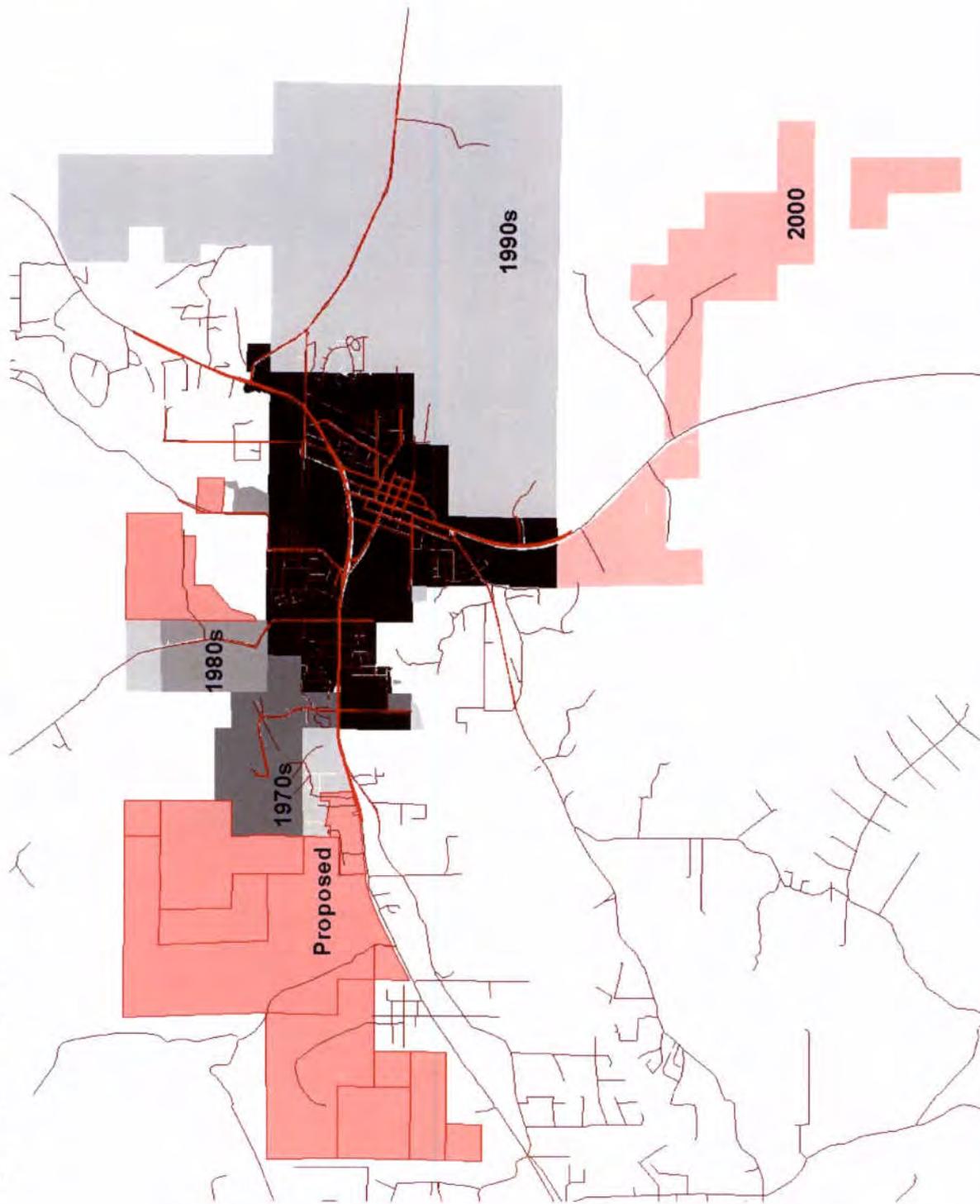
For comparison shopping (e.g., for clothing, house wares, appliances, and other higher-ticket items), most residents of Aztec and the PPJ go to Farmington, where there are stores like Wal-Mart, Target, Home Depot, Dillard's, and J.C. Penney.

Annexation and Growth Management

The City of Aztec has nearly doubled in size over the last two decades. Figure A10 is a map of various annexations since the 1970's.



Figure A10. Annexations



APPENDIX E. OPPORTUNITIES & CONSTRAINTS FOR FUTURE GROWTH

FUTURE GROWTH

By the year 2020, population in the city of Aztec is expected to grow another 8.8% to 6,940 people. The PPJ is expected to grow 37.7% to 6,766 people. However, the recent rate of growth in both the southwest generally and the Aztec area specifically, was not predicted some decades ago. Many of the national trends that have fed recent growth in the region show no sign of relenting. Consequently, this growth rate is likely to be a conservative estimate.

Like many areas in the Southwest, the Aztec area will continue to receive considerable retiree in-migration. Aztec's relatively mild winters and low-humidity summers, as well as its rural small town quality and the level of services and retail it supports, make it an ideal retirement destination. Approximately 20% of those showing up to the community meetings for the planning process were recent retirees or people with transportable careers that had made a move in preparation for retirement. Overlapping with this trend is the in-migration of families also with transportable careers seeking a change of venue from suburbia. The proximity to public open space, small town quality of life and a good school system are features these families find attractive.

The current trend for the development of bedroom communities in the greater Aztec area for Farmington will also likely continue. Farmington continues to grow as a regional employment and economic center for the four corners area. A number of participants at the community meetings commuted to work in Farmington. In contrast to Farmington, Aztec continues to maintain a rural small town atmosphere, which many people increasingly prefer. In addition, to being a bedroom community for Farmington, Aztec will also be a residential area for workers in the oil and gas industry.

The oil and gas industry is slated to double production in the area over the next 10 years, adding approximately another 20% more wells than currently exist. This will provide more jobs, many of which will be filled by people moving to the region. Other industries that could see growth include tourism and specialty farming/ranching, as well as services to meet the needs of the in-migrants, e.g. health, legal, financial, design, etc.

OPPORTUNITIES FOR FUTURE RESIDENTIAL DEVELOPMENT

Potential opportunities for development relate to areas are related to cost and desirability for residential development. Proximity of existing water, sewer and road infrastructure are more easily developable given the relative cost. Areas with views of the river and areas adjacent to public open spaces that are not heavily developed for oil and gas are desirable for amenity reasons. Proximity to main roads and distance to downtown Aztec, the locus of community services, are also important factors related to access and transportation. Figure A11 is a map of opportunities of development based on the above factors. These factors tend to favor areas proximate to main roads, closer into town,



because these roads are key for reasons of both infrastructure and access. Lighter areas are key development areas, whereas darker areas are less desirable for development.

CONSTRAINTS ON FUTURE RESIDENTIAL DEVELOPMENT

The potential constraints for development include the existing private land base, environmental sensitive areas, arable farmland and community values. As is noted above, approximately 55% of the land in the PPJ is publicly held, and therefore not developable except as a public resource, e.g. community center, community service (post office, fire, police, etc.) or park. Environmentally sensitive areas are areas that should not be developed because of the impact it would have on the hydrologic system or key wildlife habitat, and include the following: steep slopes, floodways and up to 100-year flood plains, habitat that is unique in the area or supports listed wildlife species, and riparian areas (rivers, wetlands, arroyos and acequias). Riparian areas and wells should have at least a 100 foot buffer between them and any other land use to ensure water quality and permit ground water recharge. Arable farmland is the land along the Animas river corridor where there are both very productive soils and access to irrigation water. Values expressed during the community process included preservation of the rural quality of life, including its open space and aesthetic qualities, the integrity of river corridor and its agricultural landscape, and the integrity and viability of downtown Aztec.

Figure A12 is a map of constraints to development. Blacked out areas are public lands. The darker areas represent those areas where there are larger amounts of development constraints. This map was constructed based on the values expressed by the community, which put a premium on the river corridor, open space and certain scenic routes, as well as the environmentally sensitive areas (arable agricultural areas, steep slopes, T & E species, key wildlife habitat). The latter had two values (sensitive or not sensitive) and the former had two values (highly valued or not highly valued). The process tends to weight the river area higher than other areas, because this corridor is the locus for farmland, important habitat, hydrologic function and community value.

SUMMARY OF FUTURE RESIDENTIAL DEVELOPMENT SUITABILITY

Figure A13 is a map of overall development suitability, based on a synthesis of Figures A11 and A12. In general, the upland areas are more suitable than the valley. This is largely due to the community, agricultural and environmental values associated with the Animas River Corridor. The areas least suitable for development include the slopes and valley south of the river southwest of Aztec and north of the river northeast of Aztec. The areas most suitable for development are upland areas in the neighborhood of existing road and water infrastructure.



Figure A11. Development Desirability

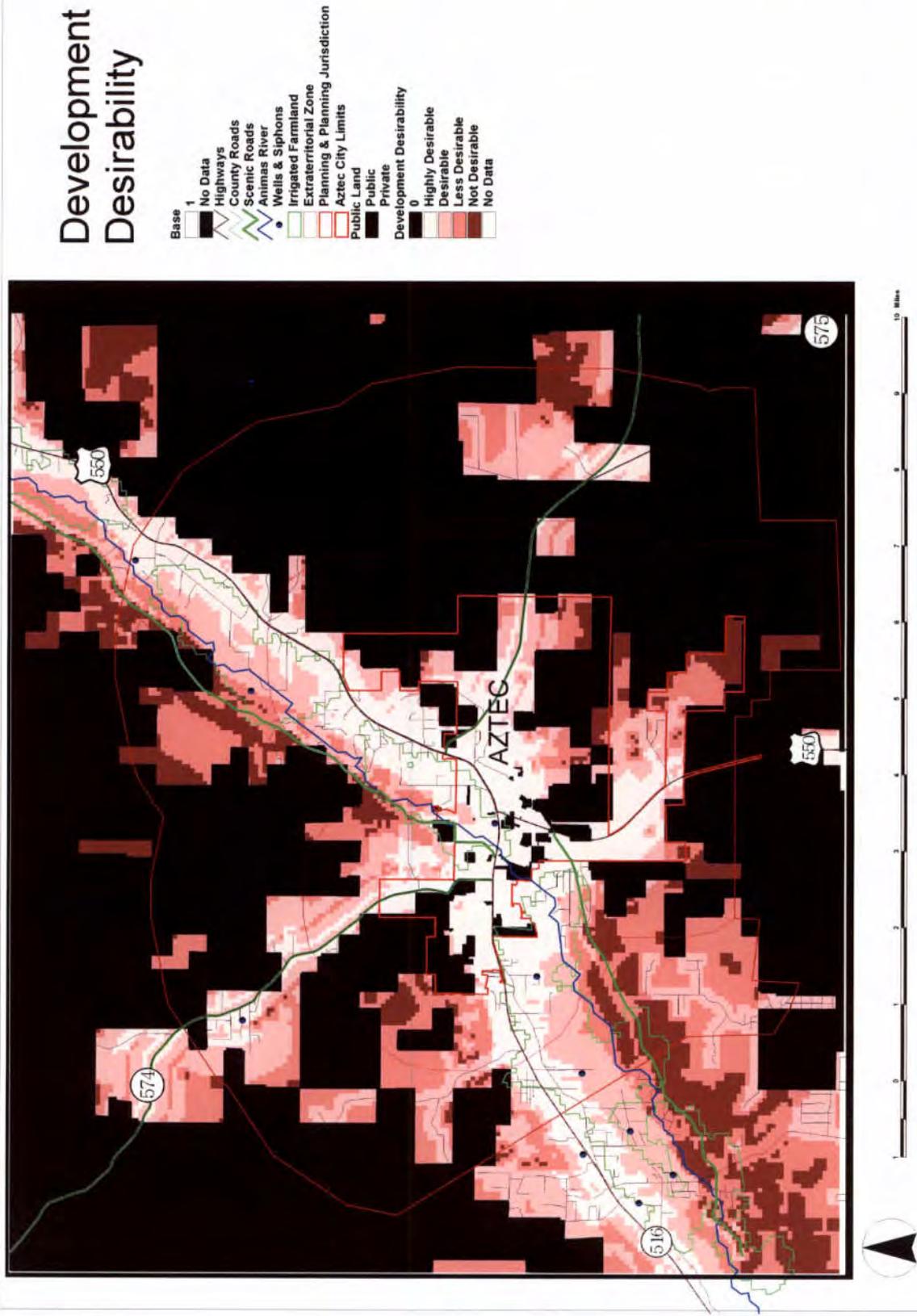


Figure A12. Development Constraints

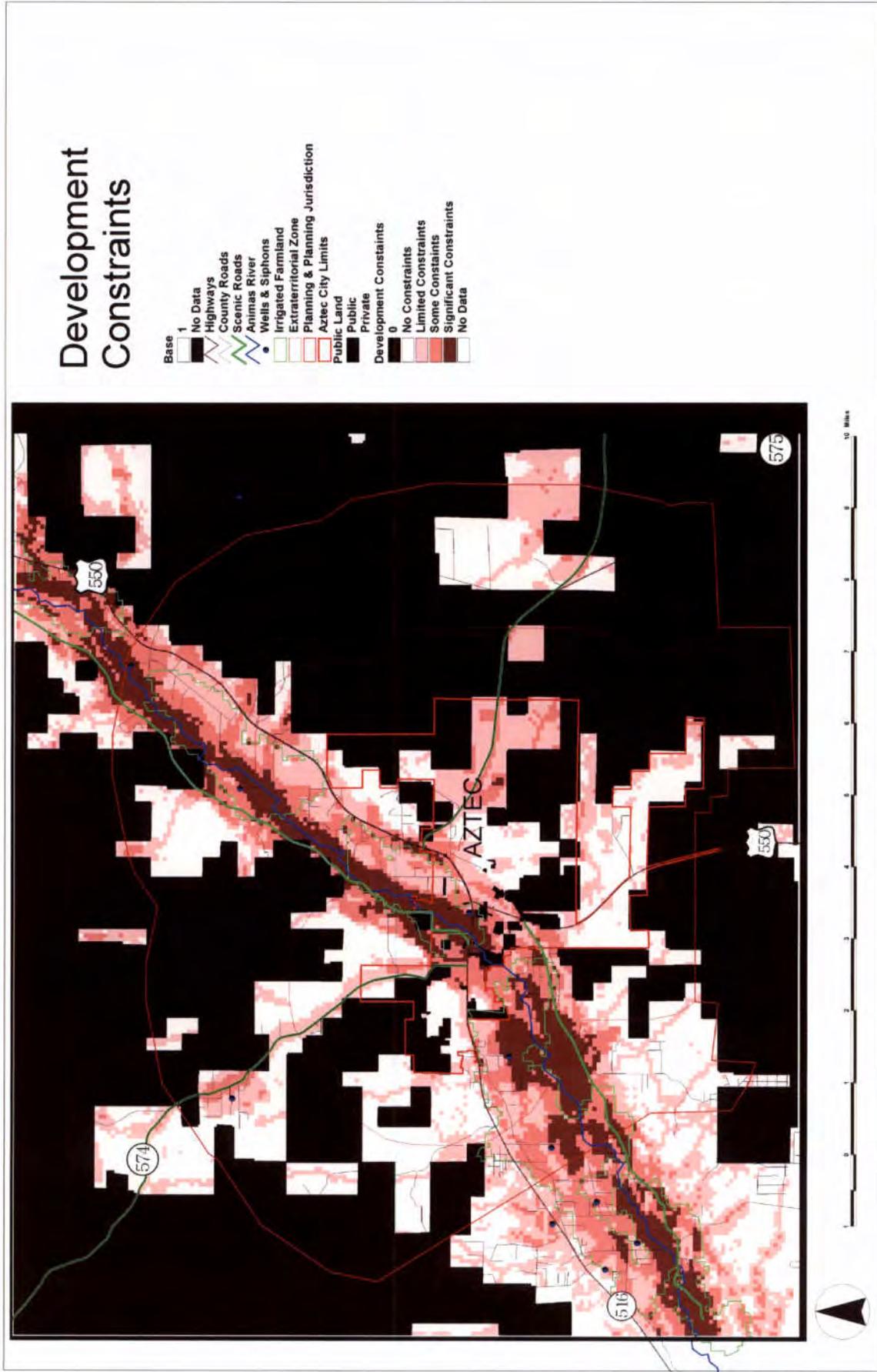
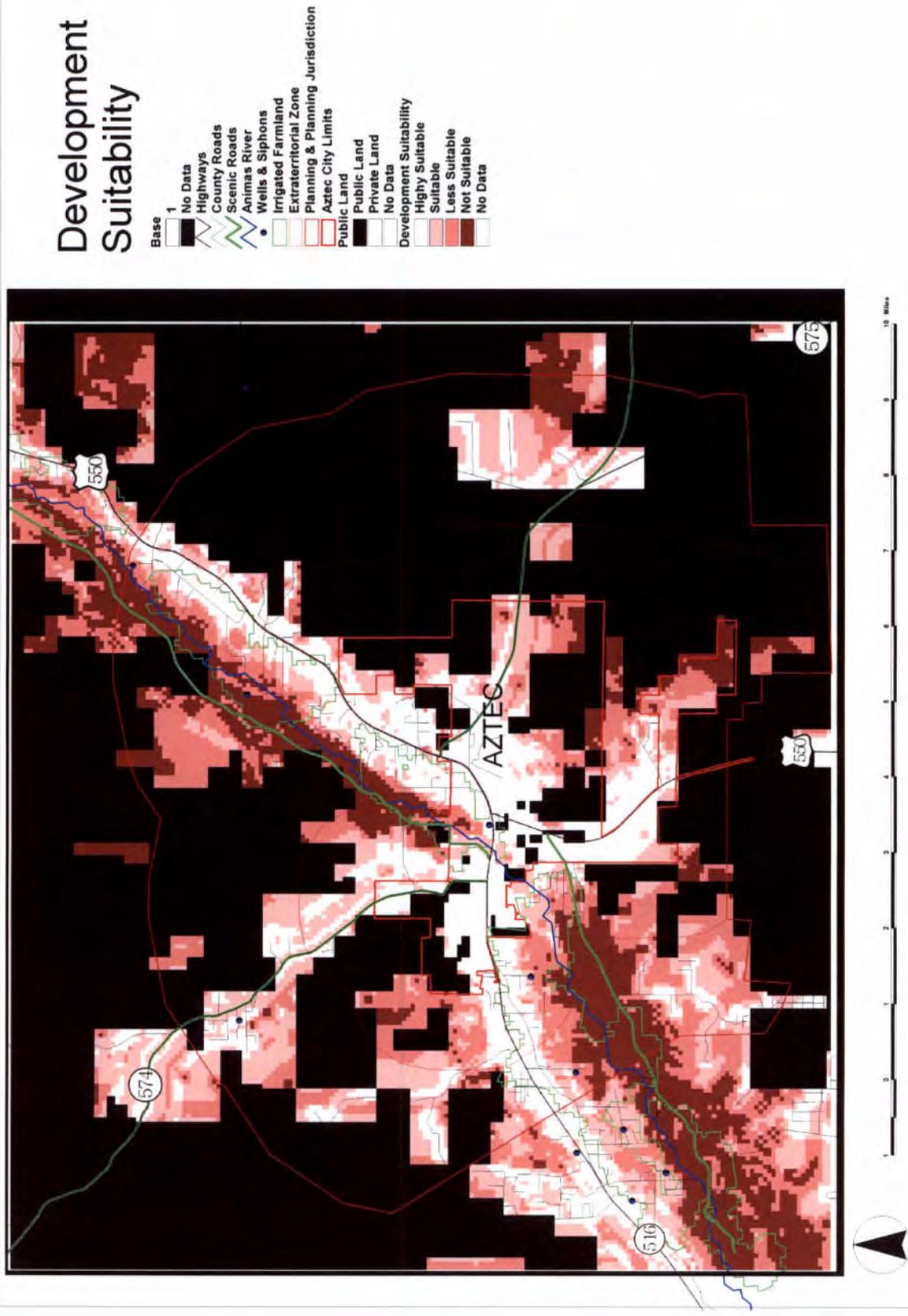


Figure A13. Development Suitability



APPENDIX F. GROWTH ALTERNATIVES

Three future growth alternatives for Aztec and the PPJ were developed to illustrate the range of possible development patterns and land use policies that Aztec could choose to carry out in the PPJ.

TREND ALTERNATIVE

The Trend Future Growth Alternative would allow the current pattern of growth and development in the Aztec area to continue. No effort would be made to change how development is currently regulated or how growing areas are provided with roads, utilities and public services. Figure A14 shows the areas where growth would occur under this alternative.

Policies

Aztec would continue to enforce the following ordinances and policies.

- Continue to enforce the Aztec subdivision ordinance in the PPJ.
- Continue to annex aggressively.
- Continue to provide water to water user associations.

Characteristics

- Significant growth in the PPJ, especially along the Animas River
- Limited growth in Aztec
- Conversion of farmland to residential uses
- Decrease the amount of open space and undeveloped land surrounding Aztec

Land Use Requirements

Table A2 shows the projected land use requirements for the Trend Growth Alternative through 2020.

Table A2. Land Use Requirements, Trend Growth Alternative

Types	Acres
Residential land in Aztec (average density of 4 du/ acre)	56 acres
Residential land in the PPJ	
with .75-acre average lot size	554 acres
with 2-acre average lot size	1,476 acres
Commercial land	396 acres
Office/institutional land	93 acres
Total Land Requirements	1,099-2,021 acres

MANAGED RURAL GROWTH ALTERNATIVE

The Managed Rural Growth Alternative would permit a more rural style of growth and development in the PPJ while protecting what many residents have identified as important values, such as active farms and ranches, the opportunity for rural living and the Animas River corridor. It also would include planning of public services and community facilities to serve the growing residential areas in the PPJ. Figure A15 shows the areas where growth would occur under this alternative.



Figure A14. Alternative #1 Unmanaged Growth

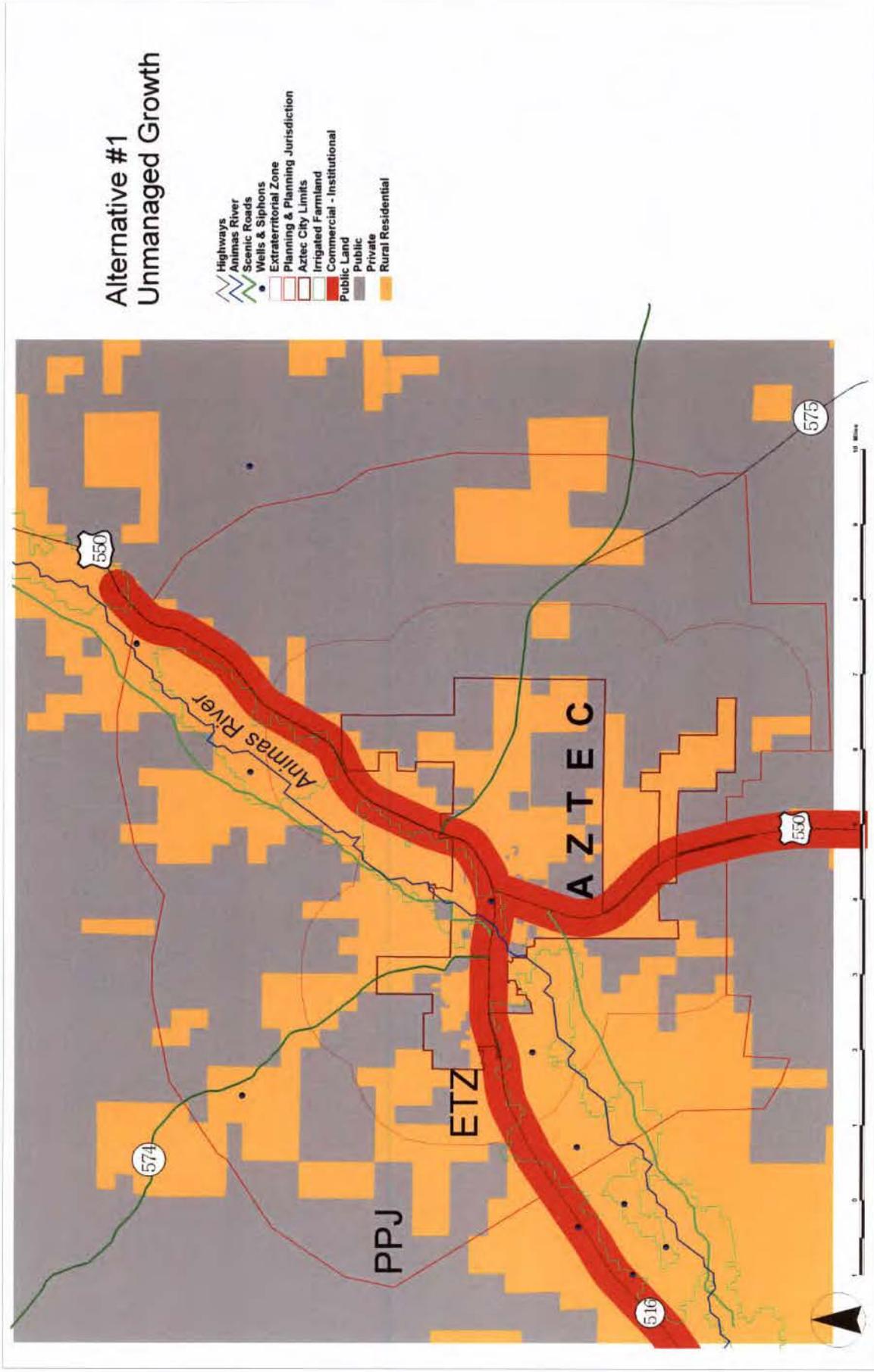
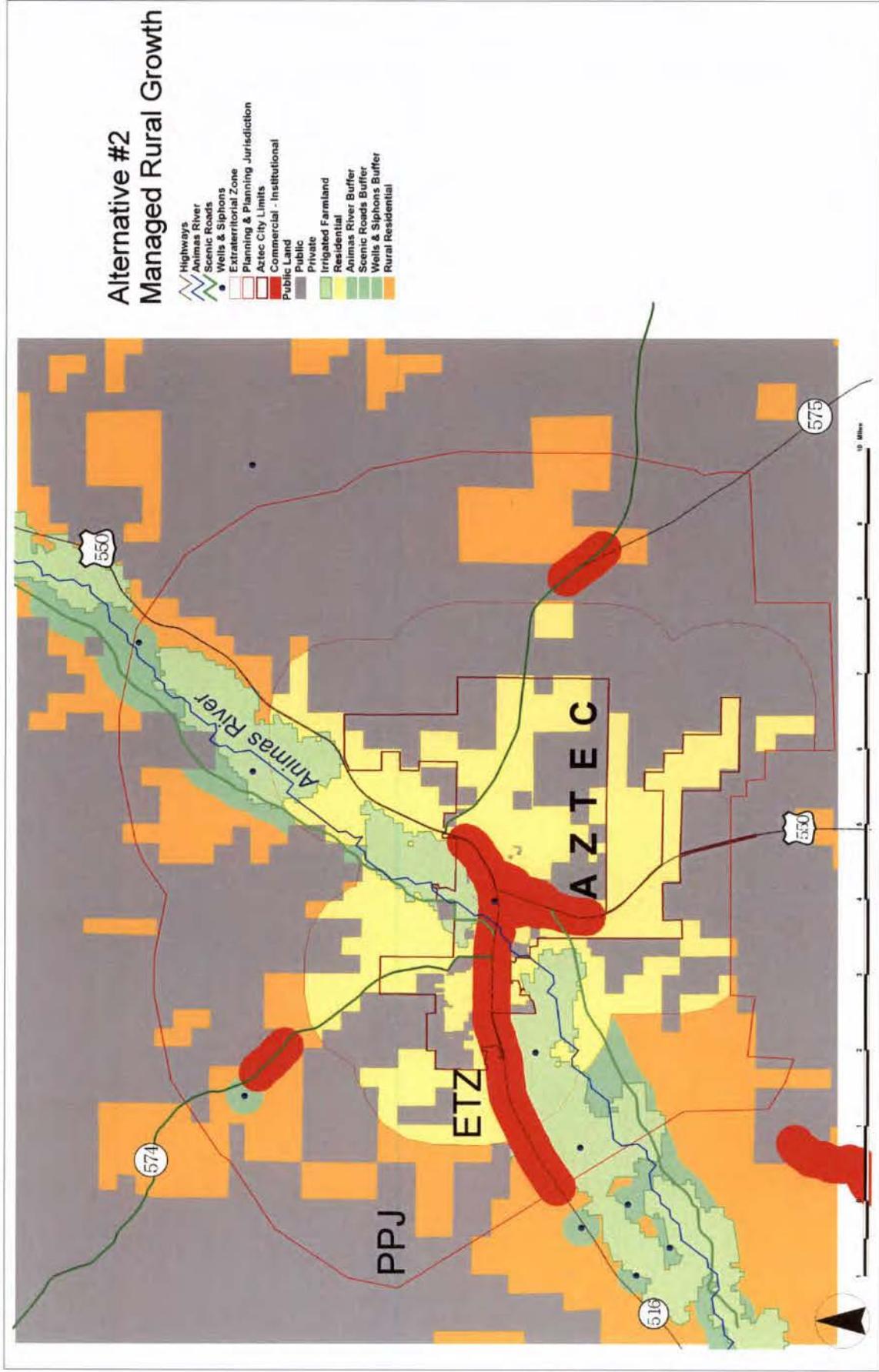


Figure A15. Alternative #2 Managed Rural Growth



Policies

Aztec would carry out the following ordinances and policies:

- **Established rural subdivision standards to apply in appropriate parts of the PPJ.**

Rural subdivision standards like those in the San Juan County subdivision ordinance would apply in most of the PPJ. New subdivisions would have to provide paved roads but would not be required to install curbs, gutters and sidewalks. Wastewater treatment would continue to be provided through individual septic systems.

Close to the City of Aztec, new subdivisions would have to meet the standards of the City Of Aztec subdivision ordinance. This could apply within Aztec's one-mile Extraterritorial Zone (ETZ) and in areas that the City plans to annex within the next ten years. New subdivisions in this area would have to provide curbs, gutters and sidewalks. They would also have to hook up to the City's sewer system if they are within 2000 feet of a sewer line.

- **Protect farmland along the Animas River.**

Aztec would encourage voluntary efforts to protect farmland in the Animas River valley. One option would be to work with the BLM to arrange land swaps with willing property owners. The BLM would trade land of equivalent value elsewhere in the PPJ for farmland in the valley. Ideally, this land would be located near to existing roads and infrastructure. The BLM would then lease the land back as farmland to the current farmers.

- **Work with San Juan County and the BLM to address needs for community facilities, open space, and commercial development.**

Aztec and San Juan County would identify appropriate locations for parks, schools and other public facilities to serve the growing population in the area. In keeping with current BLM policy, these facilities could be located on BLM under long-term leases. The City and County would also identify suitable sites for commercial uses in proximity to these public facilities and encourage their development over time through provision of utility service.

- **Work with water user associations to identify preferred growth areas in the PPJ.**

Characteristics

- The rate of growth within the Animas River corridor would be reduced.
- Significant growth would occur throughout the PPJ, radiating out from existing maintained roads and water lines.
- A limited amount of growth would occur in Aztec.
- Sites for future community facilities and open space would be identified (e.g., on BLM land)
- Sites for commercial development would be identified.



Land Use Requirements

Table A3 shows the projected land use requirements for the Managed Rural Growth Alternative through 2020.

Table A3. Land Use Requirements, Managed Rural Growth Alternative

Type	Acres
Residential land in Aztec (average density of 4 du/ acre)	56 acres
Residential land in the PPJ	
with .75-acre average lot size	554 acres
with 2-acre average lot size	1,476 acres
Commercial land	396 acres
Office/institutional land	93 acres
Total Land Requirements	1,099-2,021 acres

COMPACT GROWTH ALTERNATIVE

In the Compact Growth Alternative, growth is discouraged in most of the PPJ and encouraged within Aztec and close to its boundaries. Open space and agricultural lands are protected. Figure A16 shows the areas where growth would occur under this alternative.

Characteristics

- Growth would occur near existing sewer lines and city roads within City.
- Growth would occur within recently annexed land.
- Sensitive lands in PPJ, such as the Animas River corridor, and open space would be preserved.

Policies

The City of Aztec would need to adopt a series of aggressive land use regulations to achieve the land use pattern of the Compact Growth Alternative.

- Continue to enforce the Aztec subdivision ordinance in the PPJ.
- Continue to annex aggressively.
- Establish zoning in the PPJ.

Most of the PPJ would be zoned to discourage subdivision activity. This could involve establishing a very large minimum lot size, say ten acres.

- Protect farmland along river.

Aztec would encourage voluntary measures such as land swaps with the BLM to protect farmland in the Animas River Valley. It would also work with San Juan County to establish agricultural zoning in the valley to discourage the conversion of farmland to non-farm uses.



- Restrict water sales to water user associations.
- Develop additional affordable/multi-family housing in Aztec.

Land Use Requirements

Table A4 shows the projected land use requirements for the Compact Growth Alternative through 2020. These estimates assume that 75% of the population growth projected for the PPJ would occur instead within the city of Aztec.

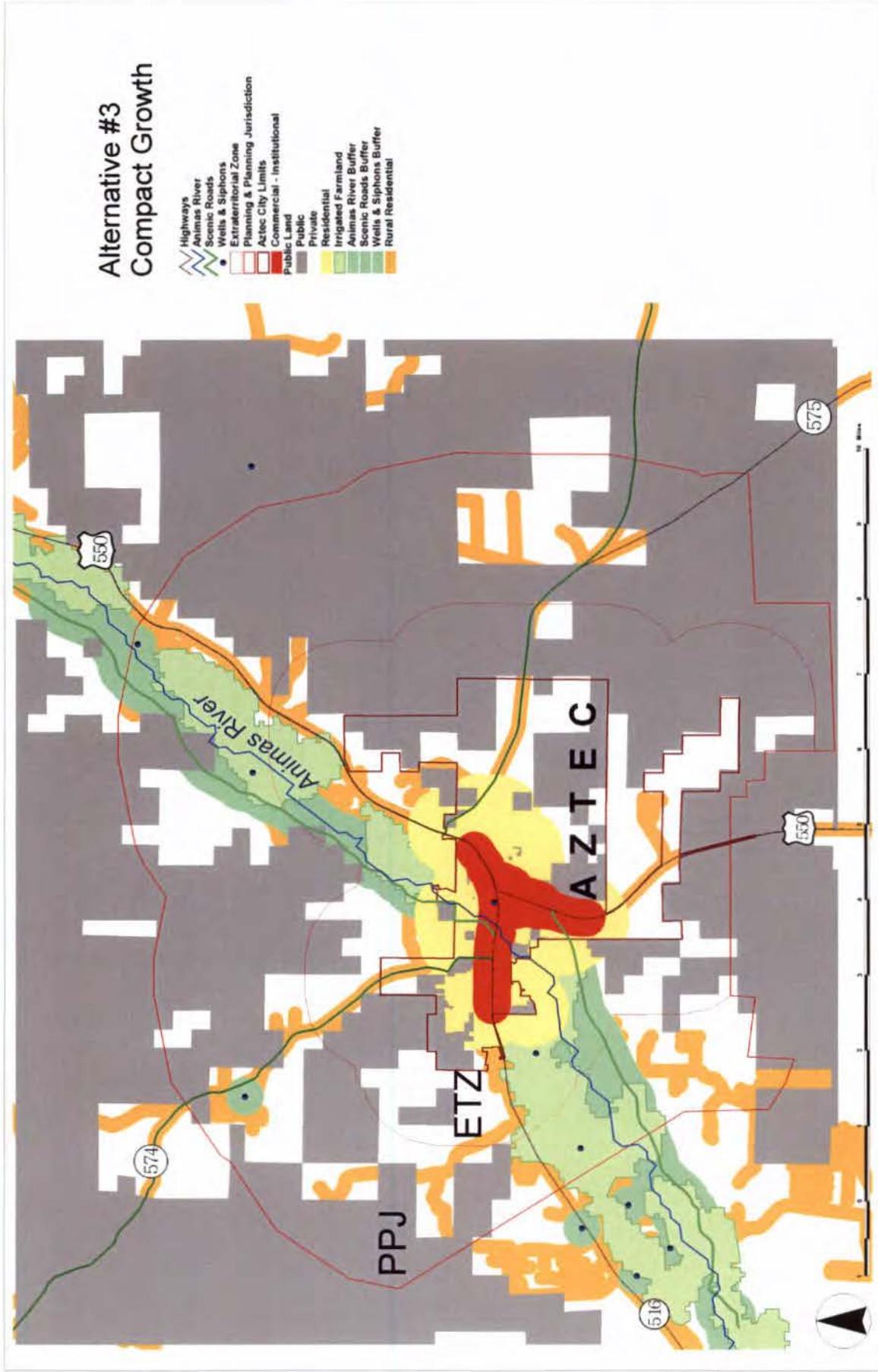
In fact, it may be more realistic to assume that much of the growth projected for the PPJ would move to other parts of San Juan County rather than shifting to the city of Aztec. In that case, the land use requirements for the Compact Growth Alternative would be reduced significantly within Aztec and the PPJ.

Table A4. Land Use Requirements, Compact Growth Alternative

Type	Acres
Residential land in Aztec (average density of 4 du/ acre)	194 acres
Residential land in the PPJ	
with .75-acre average lot size	138 acres
with 2-acre average lot size	369 acres
Commercial land	396 acres
Office/institutional land	93 acres
Total Land Requirements	821-1,052 acres



Figure A16. Alternative #3 Compact Growth



APPENDIX G. VISUALIZING THE IMPACT OF FUTURE GROWTH

The following set of drawings portray the potential impacts of future growth on a typical area in the PPJ under various regulatory scenarios described above in the Recommendations Section of the Report. The first drawing (Figure A17: Existing Conditions) shows the existing conditions typical of a number of areas of the PPJ: There is scattering of various kinds of development and subdivisions occupying the private land wedged in between larger tracts of public land. A group of recently subdivided lots vary in size from approximately five acres to 10 acres and have relatively nice houses or doublewide mobile homes. These people would have bought and built their homes to enjoy range lifestyle. They like their privacy and manage horses, livestock, and/or businesses that they operate from their homes. The next set of figures show the potential impacts and patterns of various other regulatory strategies:

Enforcement of Aztec's Current Subdivision Regulations:

If the current regulatory regime of enforcing an onerous subdivision regulation is not changed, then growth is likely to be limited to a few lots here and there leaving the area relatively unchanged from Figure A17: Existing Conditions. The other possible outcome is that a high end subdivision will be built like the Kokopelli or Anasazi subdivision which will result in a pattern similar to the Upscale Subdivision shown in Figure A18: Upscale Subdivision with acreages of 1.5 to 3 acres. Although this subdivision would certainly be more aesthetically pleasing, it would not be affordable to most of the members of the existing community of Greater Aztec. In all likelihood, they would be purchased by outsiders who are either retirees or commuters to employment centers in Farmington or Durango. In either case, these people would very likely have different experiences and values with respect to the rural landscape than the existing community. For example, they may very well have moved from suburban communities where strict subdivision and zoning regulations were commonplace. Over the long term, they could pressure the County or City via annexation to put in place Zoning restrictions that limit uses to only residential, and forbid operation of businesses, ATVs and the holding of livestock on the premises. This kind of regulatory regime is fairly common in suburban areas in the US. The net effect is that long-standing members of the community who originally moved to this area to enjoy the rural lifestyle many years ago, would now be consigned to some aesthetic version of this lifestyle, but not the functionality of the rural living or the ways they were used to.

No Enforcement of Aztec's Subdivision Regulations:

This is the "do nothing" approach and let the County rules rule. In this scenario, the worst case development would be one similar to Crouch Mesa, which would result in a pattern similar to that in Figure A19: Minimum Lot Size Subdivision. The average size of the new subdivision would be the legal minimum of 3/4 of an acre, substantially smaller than the original large parcels. Both the aesthetic qualities and the nature of the rural lifestyle would change dramatically for those original community members. They would now be in the thick of a well-trafficked series of pre-fabricated or mobile home subdivisions. The incumbent loss of privacy and rural community is apparent. Again, a number of the people moving into this area into these very affordable would most probably be outsiders. If it were to be similar to the Crouch Mesa subdivision there would



Figure A17: Existing Conditions

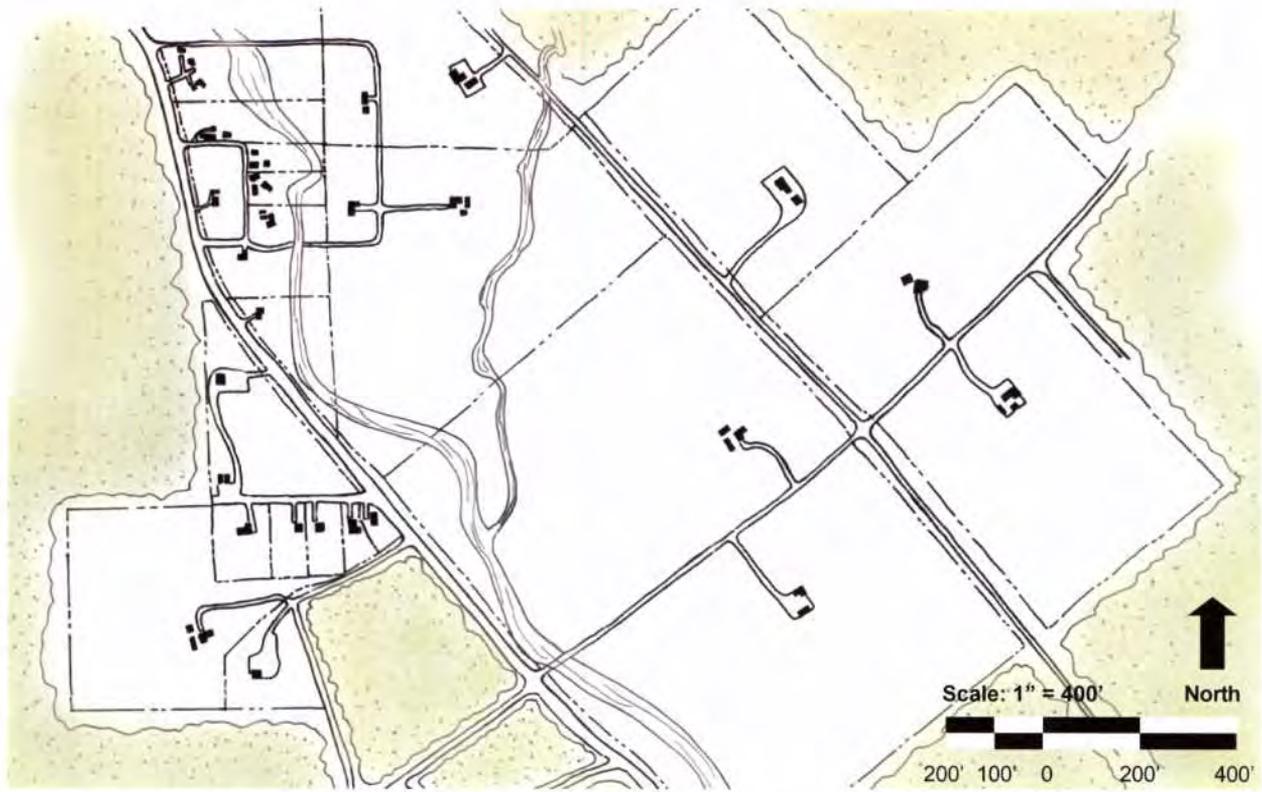
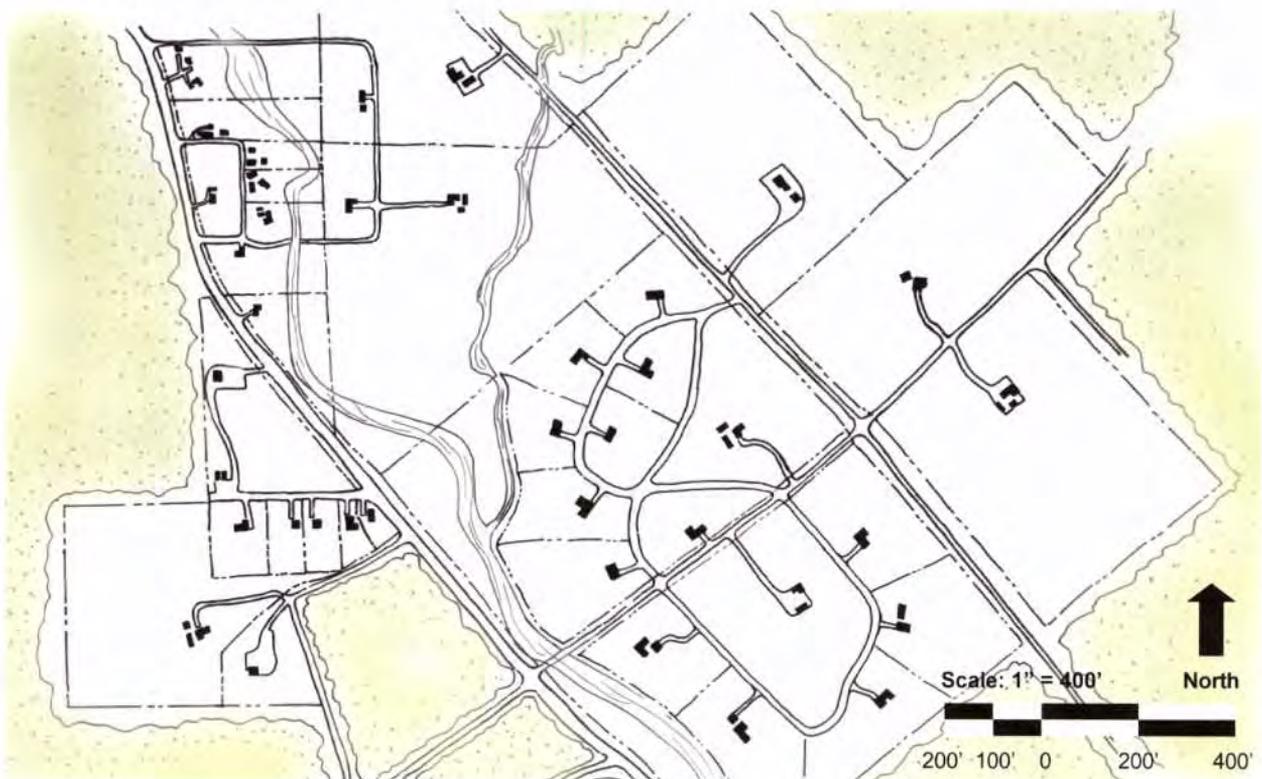


Figure A18: Upscale Subdivision



be little personal resource to maintain these properties and little incentive to stick around when their job ended or the place was trashed. Environmental quality would deteriorate over time, and the original sense community and rural lifestyle would be lost.

No Enforcement of Subdivision Regulations but Extend Sewer and Water

Another possible "no enforcement" outcome is suggested by Figure A20: Trailer Park Development. In this case, water and sewer would be extended out to this area using USDA, State, County, City and/or developer funds. The area could then be developed at a much higher density than the 3/4 acre necessary for an onsite sewer system. Such a development would dramatically alter the community rural landscape in this area. In all likelihood, these new Trailer Parks would become de facto low-income housing for outsiders who had moved to the area to take advantage of oil and gas industry jobs and driving out or overwhelming the original rural community members. In addition, the open rural landscape would be replaced by a more urban form – the trailer park.

Agricultural or Rural Zoning and Subdivision Standards

A valid functional approach to the issue of maintaining the original rural lifestyle and community landscape in the face of certain change is the adoption of agricultural or rural zoning and subdivision standards. The pattern and outcome of this regulatory strategy is shown in Figure 21: Agricultural Zoning. In this scenario, only lots 10 acres or larger could be subdivided and the resulting minimum lot size of both parcels would have to be 5 acres. As a result in this area, under this scenario, only three new lots and houses could be created. This would preserve the aesthetic and functional qualities of the rural community landscape by maintaining the overall low density, which in turn maintains the all-important rural sense of privacy and independence with respect to the use of one's land, while at the same time limits the number of new comers. In addition, such a zoning regulation and the corresponding subdivision regulation would provide for the continued usage of the land for livestock and home businesses. Rural roads could remain as they are, largely unpaved without curbs, gutters and sidewalks, and sewer systems could remain onsite. Each person's connection to the "great back yard" of the adjacent BLM land would be maintained.

Conservation Subdivisions

This scenario involves a slightly different strategy to allow for more subdivisions, while also protecting and enhancing the function of important ecological and recreational assets. The pattern resulting from this scenario is portrayed in Figure A22: Conservation Subdivision. This scenario would allow for one lot to be subdivided for every five acres a landowner has. The minimum lot size in this instance, however is 1 acre, instead of 5 acres and the new subdivisions would be encouraged to be platted to be away from the existing home and access area. Notice that a number of the existing lots are 10 acres or more in size have been subdivided twice. The open qualities and privacy of the rural landscape are maintained. Another aspect of this scenario is the conservation of the riparian areas through a subdivision regulation that forbids construction within the 100 year flood zone or 100 ft. from the center line of the arroyo. This would protect the ecological integrity of the arroyo and the quality of its water. It would also permit the designation and maintenance of a series of trails, which would ensure that all members of the subdivision would have ready access to the "great backyard" of the BLM lands.



Figure A19: Minimum Lot Size Development

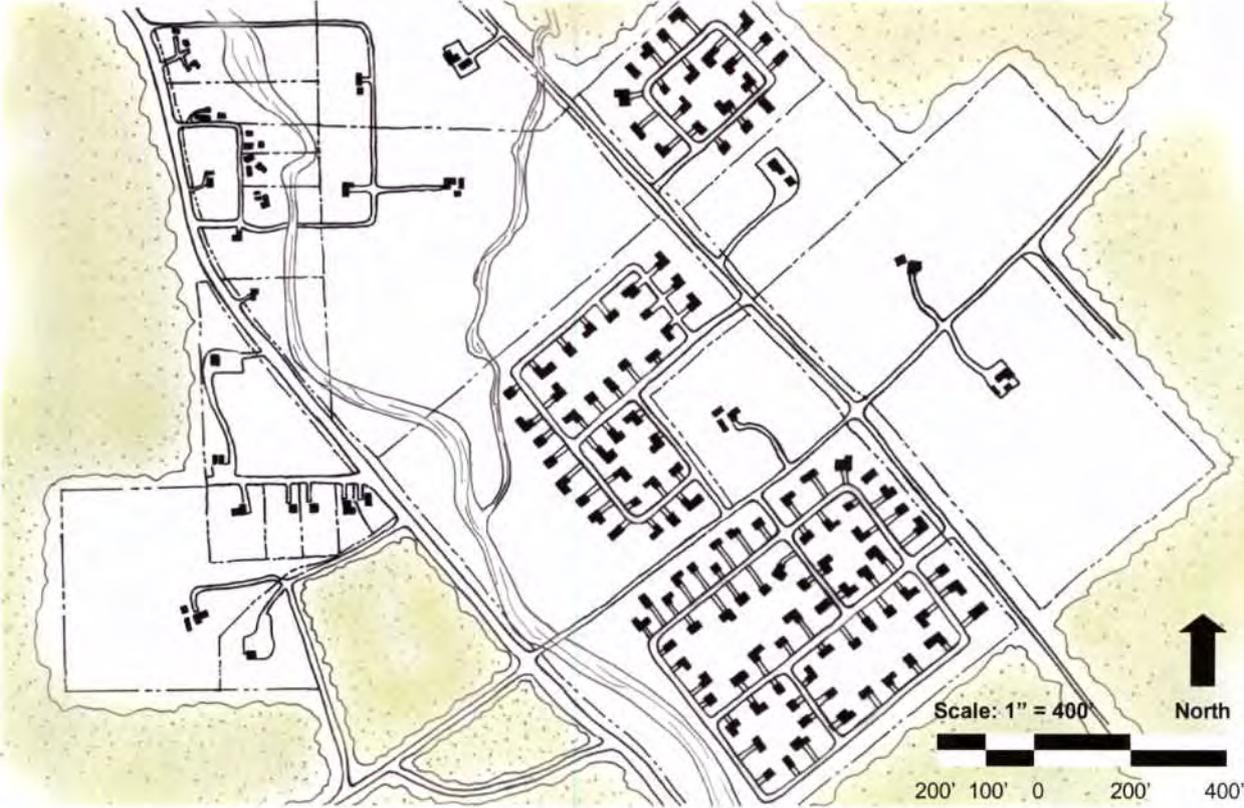


Figure A20: Trailer Park Development

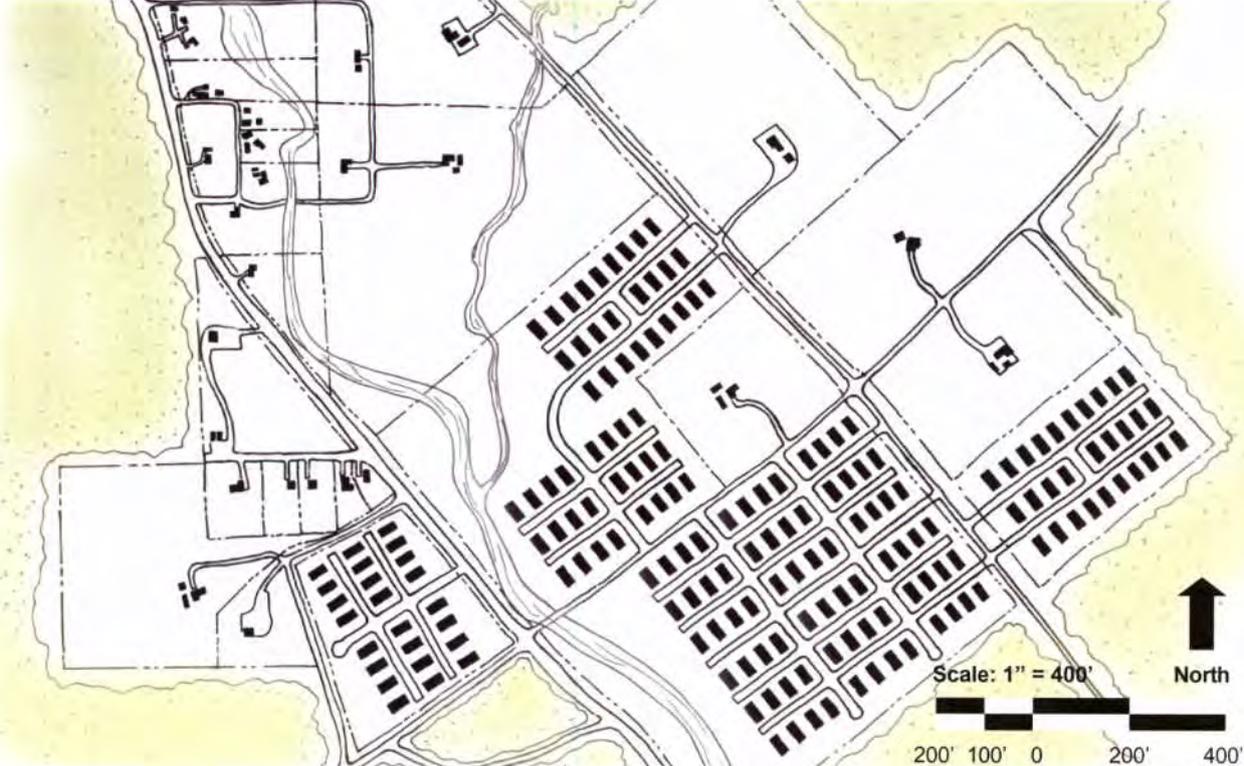


Figure A21: Agricultural Zoning

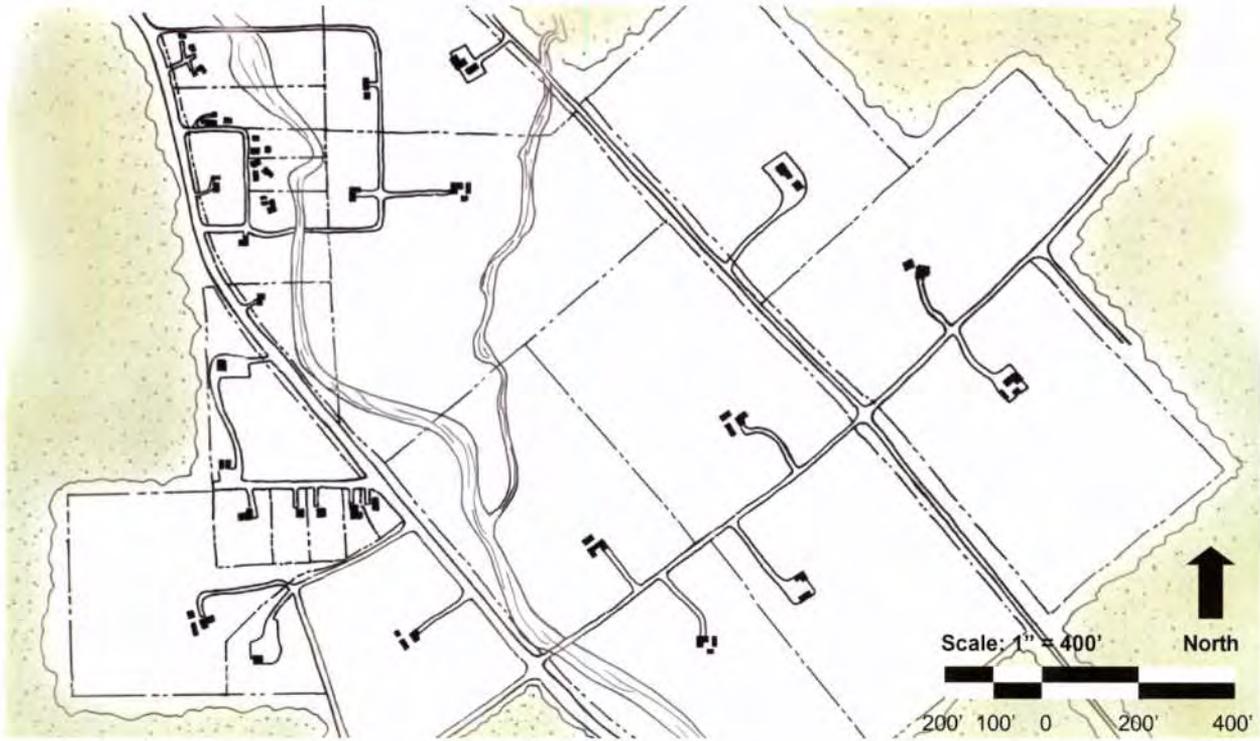
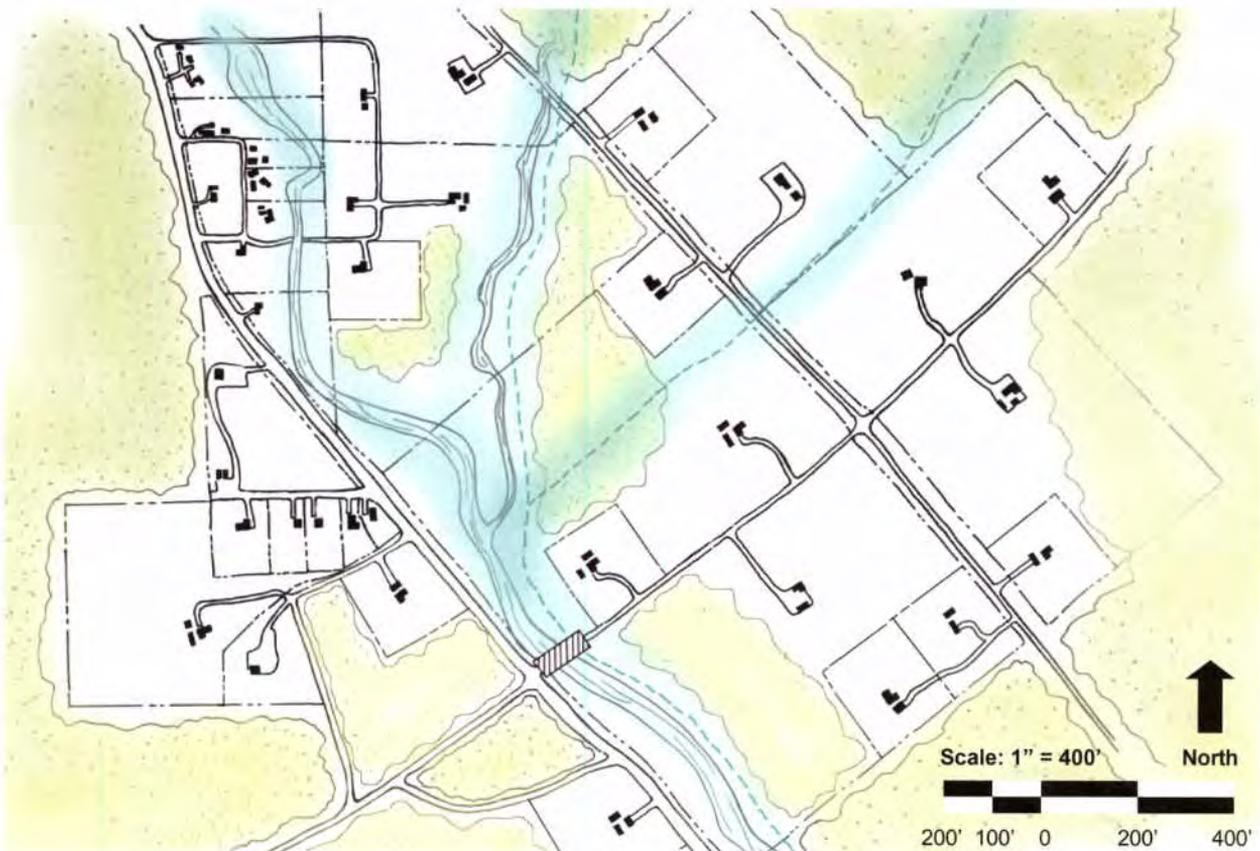


Figure A22: Conservation Subdivision



APPENDIX H. REFERENCES

Plans and Regulations

City of Aztec Community Development Plan, 1999

City of Aztec Infrastructure Capital Improvement Plan (ICIP), 2001-2005

City of Aztec Land Subdivision Regulations (Ordinance No. 305)

Comparison of Subdivision Regulations: San Juan County, City of Aztec, City of Bloomfield and City of Farmington, January 2002

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