

# Minutes Planning & Zoning Commission August 12, 2021

The Planning & Zoning Commission met in a regular session on August 12, 2021 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present: Chair-Joyce Cardon  
Elizabeth Lockmiller  
Cheryl Ragsdale  
Mitch Sewell  
Gary Smouse

P&Z Members Absent: Vice Chair Freeman  
Ryan Brown  
Shay Davis  
Cody Waldroup

Staff Present: Beth Escobar  
Elizabeth Sandoval  
Karen Walker

Others Who Addressed the Commission: Craig Stoabs

### **Call to Order**

Chair Joyce Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

### **Approval of the Agenda**

The motion was made by Commissioner Sewell and seconded by Commissioner Smouse to approve the agenda of the August 12, 2021 Planning & Zoning Commission meeting. This motion passed unanimously by a 5-0 vote.

### **Approval of the Minutes**

A motion was made by Commissioner Ragsdale and seconded by Commissioner Sewell to approve the minutes of the July 29, 2021 Planning & Zoning Commission meeting. This motion was approved unanimously by a 5-0 vote.

### **Swearing in of Witnesses**

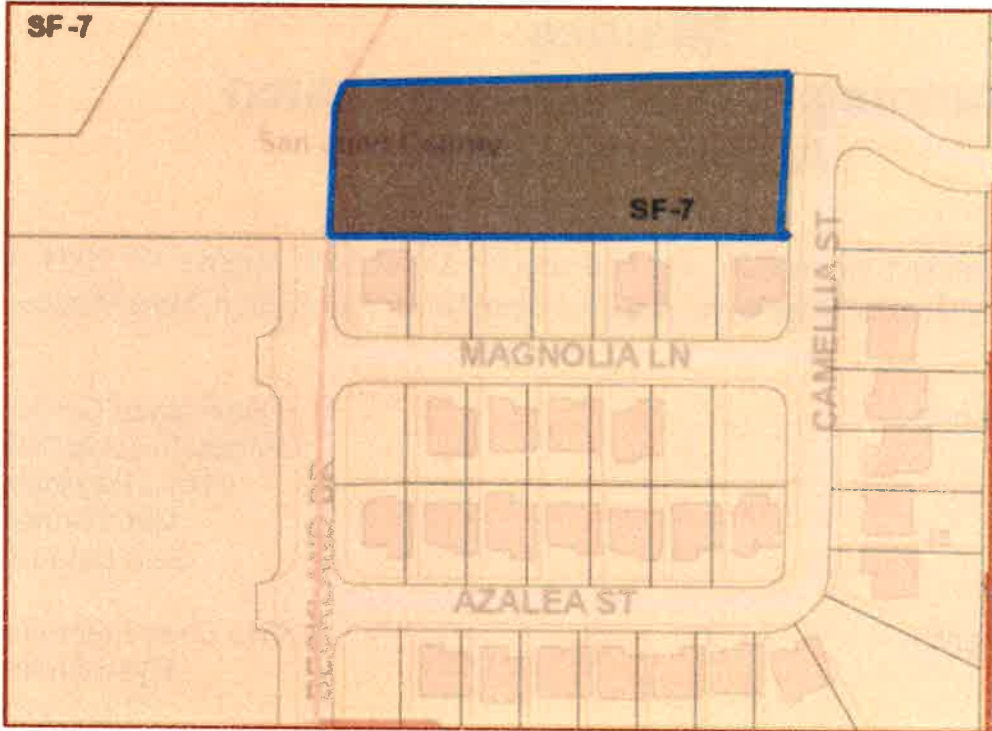
Elizabeth Sandoval, Administrative Assistant, swore in all parties that wished to speak on behalf of the listed agenda items.

### **Petition No. FP 21-41 Discussion and Possible Action – Desert Rose Subdivision Phase III; a request from Silver Ridge Development, Craig Stoabs, Property Owner**

Planning Manager Escobar presented the following:

#### Subdivision Information:

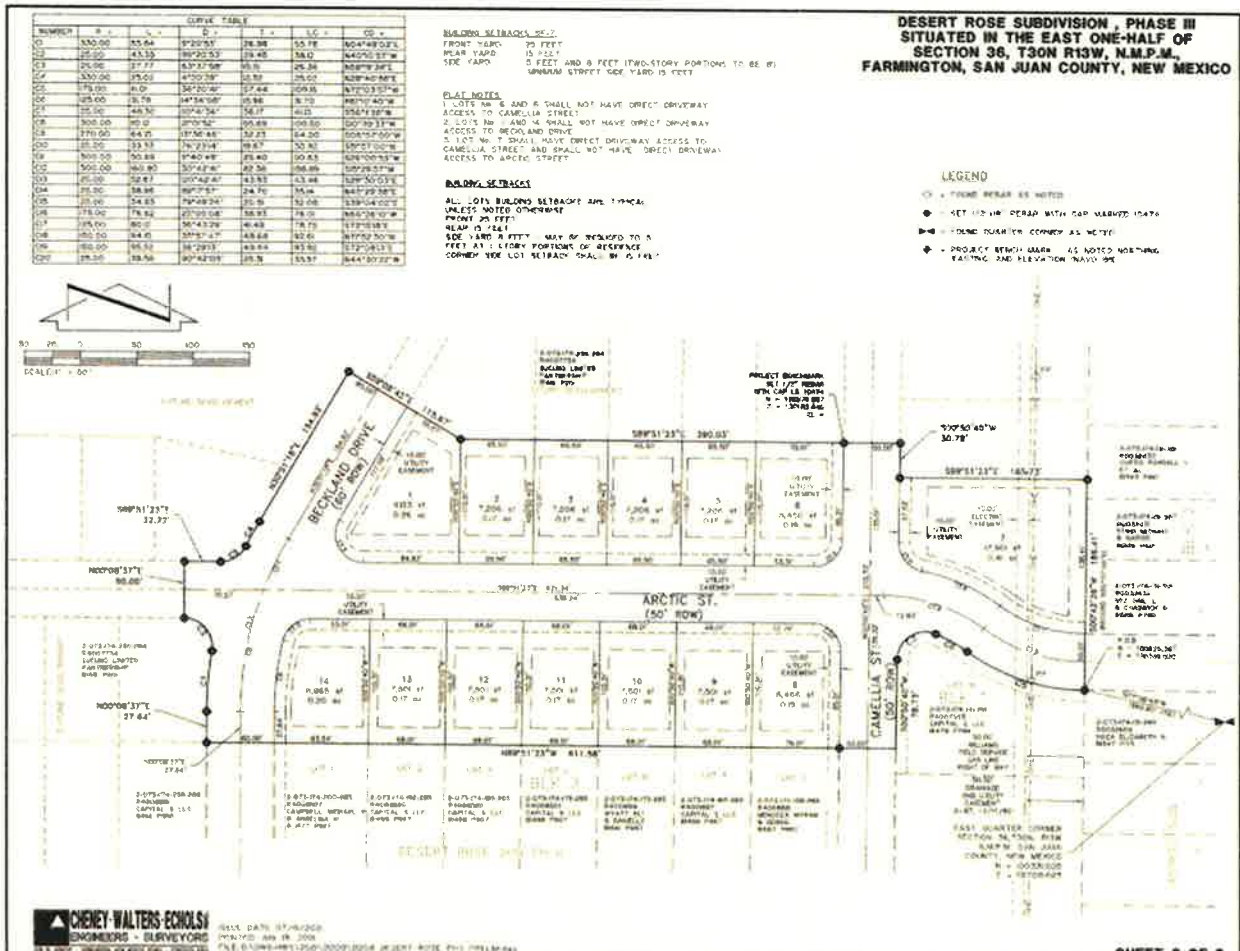
- A 14 lot, Class 1 subdivision
- 4.39 acre portion of an undeveloped parcel
- Phase III of Desert Rose
- Preliminary Plan and Final Plat were approved in 2003.
- The plat has been amended.
- One-block
- Property is zoned SF-7: Single Family Residential, 7,000 square feet minimum lot size
- All lots conform with the underlying zoning
-



Aerial Map:



Final Plat:



**Staff Recommendation:**

- The Community Works Department recommends approval of Petition 21-41, a request from Craig Stoabs of Silver Ridge Subdivision represented by Robert Echols of Cheney-Walters-Echols, Inc. for a final plat of a Class 1, 14-lot subdivision on a 4.39-acre portion of an undeveloped parcel located north at the north terminus of Beckland Drive in northeast Farmington. The lot sizes for Phase VII range from 7,000 square feet to 17,901 square feet.
  1. All technical corrections to the plat and construction drawings will be finalized and approved prior to submittal of the final plat for signature, including noted issues in this report.
  2. A subdivision agreement shall be required.
  3. Infrastructure construction shall not commence without an approved construction permit from the City. Inspections shall be required.

**Discussion**

Chair Cardon asked if the issue brought up by the Wastewater Division regarding the pond was addressed.

Planning Manager Escobar stated that it was addressed through the new construction plans.

Commissioner Swell asked if this was Phase 7 of the subdivision.

Planning Manager Escobar stated that this is Phase 3.

Craig Stoabs, 4800 College Boulevard, stated that he does own the property on Pinon Hills Boulevard and the construction and plat issues have been reviewed with the Engineering Department.

Chair Cardon asked if there was anyone who would like to speak regarding this petition. There was no one.

Chair Cardon closed public comment and opened commissioner's discussion. There was no discussion.

**Motion**

A motion was made by Commissioner Smouse and seconded by Commissioner Ragsdale to recommend APPROVAL of FP 21-41 as recommended by staff. The motion carried unanimously 5-0.

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**Discussion & Possible Action – Discussion & Possible Action regarding Proposed Changes to the 2021 Unified Development Code regarding Adult Use Cannabis**

Beth Escobar, Planning Manager, presented the following presentation:

**Local Jurisdictions May:**

- Adopt time place and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Act;
  - This includes rules that reasonably limit density of licenses and operating times consistent with neighborhood uses
- Allow for smoking, vaporizing and ingesting cannabis products within an indoor or outdoor cannabis consumption area if:
  - Unless licensed pursuant to the Lynn and Erin Compassionate Use Act, access to the cannabis consumption area is restricted to persons twenty-one years of age or older; and
  - The cannabis establishment or microbusiness is located at a minimum distance from a school or daycare center as determined by the local jurisdiction- minimum distance cannot be more than 300 feet from a school or a daycare that is in existence at the time the business is licensed

**Local Jurisdictions Shall Not:**

- Prevent transportation of cannabis products on public roads by a licensee transports cannabis products in compliance with the Cannabis Regulation Act





- Limit number of retail sales facilities to 25

#### Conclusion

- These recommended revisions balance support for this new economic segment while protecting public health and safety.
- Proposed revisions are consistent with existing zoning regulations.

#### Discussion

Commissioner Sewell asked why the verbiage is "legal possession from 2 ounces up to 8 ounces" and not just "up to 8 ounces".

Planning Manager Escobar stated that she would ask.

Commissioner Swell asked, with the limiting of the number of sales facilities, how will those be allocated.

Planning Manager Escobar stated that it would be on a first come first serve basis. The applicants would go through the State of New Mexico to be licensed and then obtain a business license with the City of Farmington.

Chair Cardon asked if changes could be made to the UDC as the process starts and could variances be issued.

Planning Manager Escobar stated that was correct and special use permits would allow us to bring applications forward to the Planning & Zoning Commission.

Commissioner Smouse asked Planning Manager Escobar if the reason this is being brought to the Planning & Zoning Commission's attention is because the commission could be seeing some petitions regarding cannabis.

Planning Manager Escobar stated yes, as well as for a recommendation to move these recommendations forward to City Council.

Commissioner Smouse asked if these recommendations are coming from staff or from City Council.

Planning Manager Escobar stated the recommendations are coming from staff and this presentation has been made to City Council, other than adopting the limit, council had very little input.

Chair Cardon stated that she is fine with the recommendations as long as they are open ended.

Commissioner Smouse stated that with this just being brought forward he does feel uneducated.

Planning Manager Escobar stated that the discussion could be brought back if there is something the commission would like her to explore; action does not need to be taken today.

Commissioner Smouse stated that he would like a little more time to educate himself on the subject.

Commissioner Sewell asked what types of special use permits the commission would hear regarding cannabis.

Planning Manager Escobar stated production and manufacturing in industrial and general commercial zoning.

Commissioner Sewell asked how delivery of cannabis would be handled and can access be regulated to public roads.

Planning Manager Escobar stated that the State of New Mexico will license the cannabis transporter, licensed transporters can deliver anywhere and access cannot be regulated.

Commissioner Sewell asked if transporters would only deliver bulk or if they could deliver personal amounts of cannabis.

Planning Manager Escobar stated that they can deliver bulk and personal amounts and it will be the responsibility of the transporter to verify the age of the person that the cannabis is being delivered to; the transporters would have to go through training and also be insured.

Planning Manager Escobar asked the commission if there were any specific questions that they would like to see addressed and brought back to at the next meeting.

Chair Cardon stated that there are vital commissioners not in attendance and she would like to get their input on the discussion.

Commissioner Lockmiller stated that she agrees with Chair Cardon and that what is being presented today is all that she has heard on the topic of cannabis.

Commissioner Smouse asked if any of the recommendations being heard today are based upon any other jurisdictions.

Planning Manager Escobar stated that jurisdictions in Arizona and Colorado were looked into; discussions were had with the Community Development Director of Aztec and with San Juan County.

Commissioner Smouse asked if the State of New Mexico allows municipalities to opt out.

Planning Manager Escobar stated no, the State of New Mexico is all in.

Planning Manager Escobar stated that she would send the commissioners that are not in attendance today and email and also email all commissions some links on general information regarding today's discussion.

Planning Manager Escobar reminded the commission that each commissioner should only email her and not to the entire commission to keep in line with the Open Meetings Act.

Commissioner Sewell asked what the consequences are for smoking cannabis outside.

Planning Manager Escobar stated that the prohibition of smoking cannabis outside follows state law.

Planning Manager Escobar stated that the retail areas are only allowed in general commercial zoning areas, but will not be allowed downtown which is zoned as central business. Planning Manager Escobar stated that it was intentional to exclude downtown due to the public input that was received from over a hundred citizens, as time goes on the exclusion could be reevaluated.

Commissioner Smouse asked if the commission could get some insight on how the City Council feels regarding the cannabis recommendations.

Planning Manager Escobar stated that she would email the link to the City Council meeting where this topic was discussed.

Commissioner Smouse stated that he would like to make sure that any recommendations made by the commission are not creating any additional hardships on law enforcement.

Planning Manager Escobar stated that the proposed recommendations have also been shared with the Police and Fire Department and their input has been received and they support the recommendations that are being brought forth.

Commissioner Lockmiller asked how many retail medical marijuana outlets are there in the city and what happens to their licenses.

Planning Manager Escobar stated that there are three and if the business is in good standing, they will become a retailer.

Commissioner Lockmiller asked if any of the three businesses did cultivation of cannabis.

Planning Manager Escobar stated that not that she knows of, but if they do, then their business would become legal non-conforming.

Planning Manager Escobar stated that the State of New Mexico has also not allowed the restriction of cannabis facilities near churches, which was a restriction with medical marijuana.

Commissioner Lockmiller stated that in her opinion she does understand that there does need to be regulations and rules regarding cannabis, but because marijuana is now legal does not mean everyone is going to go out and smoke marijuana and does not think that there is going to be an influx.

Commissioner Smouse asked if the City Council has made a decision about the transportation of cannabis and the consumption and possession of cannabis in a vehicle.

Planning Manager Escobar stated that she believes that there are still councilors that are not in consensus, but the City Attorney is working to get documentation together to present to get consensus from City Council.

Chair Cardon stated that she feels that from what she has heard today and with the absence of several commissioners, she feels that more time is needed to make a recommendation. Chair Cardon asked for more information to be presented by staff at the next Planning & Zoning meeting.

**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** There was no business from the Chair.

**Business from the Members:** There was no business from Members.

**Business from Staff:** Planning Manager Escobar stated that she will send out the Comp Plan in digital format on Monday for commissioner comments and questions. David Sypher, Community Works Director, filmed a Mayor's Table episode on the topic of the Comp Plan as well. Planning Manager Escobar asked the commission to please take time to read the Comp Plan.

**Adjournment:** With no further business and a motion to adjourn was made by Commissioner Ragsdale and seconded by Commissioner Sewell. The motion carried unanimously 5-0 and the meeting was adjourned at 3:58 p.m.

  
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 Joyce Cardon  
 Chair

  
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 Elizabeth Sandoval  
 Administrative Assistant

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