

# Minutes

## Planning & Zoning Commission

### December 16, 2021

The Planning & Zoning Commission met in a regular session on December 16, 2021 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico. Virtual participation was available via Zoom at <https://us02web.zoom.us/j/84407523711>

**P&Z Members Present:**

Chair – Joyce Cardon  
 Vice Chair – Clint Freeman  
 Cody Waldroup  
 Ryan Brown  
 Gary Hanson  
 Elizabeth Lockmiller  
 Gary Smouse

**P&Z Members Absent:**

Shay Davis  
 Mitch Sewell  
 Cheryl Ragsdale

**Staff Present:**

Beth Escobar  
 Tami Spencer  
 Andrea Jones

**Others Who Addressed the Commission:**

Joseph Wojcik  
 Jason Martindale  
 Ron Hicks  
 Britnee Elliott (via Zoom)

**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 Waldroup and seconded by Commissioner Smouse to approve the agenda of the December 16, 2021 Planning & Zoning Commission meeting. This motion passed unanimously by a 7-0 vote.

**Approval of the Minutes**

A motion was made by Vice Chair Freeman and seconded by Commissioner Waldroup to approve the minutes of the November 11, 2021 Planning & Zoning Commission meeting. This motion passed unanimously by a 7-0 vote.

**Swearing of Witnesses**

Tami Spencer, Administrative Assistant swore in all parties that wished to speak.

**Petition No. SUP 21-71 - Discussion & possible action regarding a request from Joseph Wojcik for a Special Use Permit (SUP) for a vertically integrated cannabis establishment located at 1801 Bloomfield Hwy.**

Planning Manager Escobar presented the following:

**Petition**

- Applicant: Joseph Wojcik
- Location: 1801 Bloomfield Highway
- Existing Zoning: GC: General Commercial
- Request: SUP to allow for manufacturing, production and cultivation of adult cannabis
- Per the applicant, extraction of cannabis oil is proposed for this site

## Subject Property



## SUPs

- The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.
- Per Ordinance No. 2021-1329, adopted by City Council on October 12, 2021, retail sales of adult cannabis are permitted by right in the Industrial Zoning District.
- The manufacturing, production and cultivation of cannabis in the Industrial Zoning District requires a Special Use Permit.
- UDC 8.9. A. Special Use Permits:
- Special use permit approvals attach to the property and are transferable to subsequent owners.
- If this SUP was approved, it could transfer to another owner, carrier or tenant.

## Staff Analysis

- An integrated cannabis facility seems appropriate for this location. Surrounding uses are a mix of commercial and industrial.
- Staff will work with the business owner to provide the State required letter of water adequacy. The applicant will work with Jacobs, the City's wastewater contractor, to ensure no damage occurs to the wastewater system.
- Consistent with the 2040 Future Land Use designation of Commercial Mixed Use.
- On-site parking at the site conforms with UDC requirements.

## Public Notice

- Letters were sent to 23 surrounding property owners. At the time of this report no public input has been received.

## Staff Recommendation

The Community Works Department recommends approval of Petition SUP 21-71, a request from Joseph Wojcik located at 1801 Bloomfield Highway for cultivation, production (including extraction) and manufacturing of cannabis with the following stipulations:

1. A City of Farmington business registration will be required.
2. A building/fire inspection shall be required.
3. Two hard surface ADA parking spaces, one van accessible, shall be installed in front of the retail portion of the building.

Staff is recommending the SUP be good for ten years.

## Discussion

Vice Chair Freeman asked Planning Manager Escobar what is the oil extraction and why does the fire department have a concern about it?

Planning Manager Escobar explained that the extraction process requires heat; there are different options for the source of that heat. Whichever option is used needs to be stored on site. The fire district wants to make sure the products are used and stored appropriately.

Commissioner Brown asked Planning Manager Escobar regarding the ADA parking; the two spaces need to be hard surface, and is there any other requirements because the lot looks like it is dirt?

Planning Manager Escobar explained at this time, we are not asking for existing businesses to upgrade the parking lot. If Building Inspection goes out and sees an issue, that would be part of the building permit process. The ADA parking spaces are a little hard to accommodate without a hard surface that is why that provision was added.

Petitioner Joseph Wojcik, 300 Mesa Dr., Durango Colorado, addressed the parking lot question asked by Commissioner Brown. Mr. Wojcik stated the front of the building does have paved parking. He also stated that they do plan to resurface the lot for the retail portion of the business. Mr. Wojcik is planning on about two years to build this project out. Mr. Wojcik also addressed the oil extraction question asked by Vice Chair Freeman. Mr. Wojcik explained the extraction method they use is called closed loop butane, which is the method used in their Pagosa Springs location. If done properly, the butane cycles through and you use it to dissolve the extracts. It is similar to painting cars in a paint booth, you have a booth that surrounds the actual unit, there are walls around that too, Then there are also detectors and safety programs used. Mr. Wojcik has been in contact with the Fire Department, the Fire Department will be available to talk to Mr. Wojcik after December 21, 2021.

Commissioner Waldroup asked how strong those walls are, are they glass walls where the extraction takes place?

Mr. Wojcik replied no, it is a metal room kind of like a paint booth; as far as he knows, there has never been an explosion with the closed loop butane method. With a professional system like this, the system would shut down before that happened. Mr. Wojcik also states the actual building where the extraction will take place is a brick building.

Commissioner Waldroup also stated he had heard of glass walls in some extraction plants. Mr. Wojcik states that the unit is all-metal and is about 8' x 8' and that they plan to do their own extraction for their own products and the rest of the building will be for growing.

Chair Cardon asks Mr. Wojcik if there is anything else he would like to add or any evidence that he would like to submit.

Mr. Wojcik just wanted to add that this would be good for the community; there will be some high paying jobs generated by this. He also wanted to add that they are professionals and he has been in business in San Juan County for over 19 years without any problems.

Chair Cardon asked is there anyone else that would like to speak on Petition SUP 21-71. No one else needed to speak.

Chair Cardon closed the public information portion and called for a motion for SUP 21-71.

## Motion

A motion was made by Commissioner Brown and seconded by Commissioner Lockmiller to **APPROVE** Petition No. SUP 21-71 as recommended by staff. The motion carried unanimously 7-0.

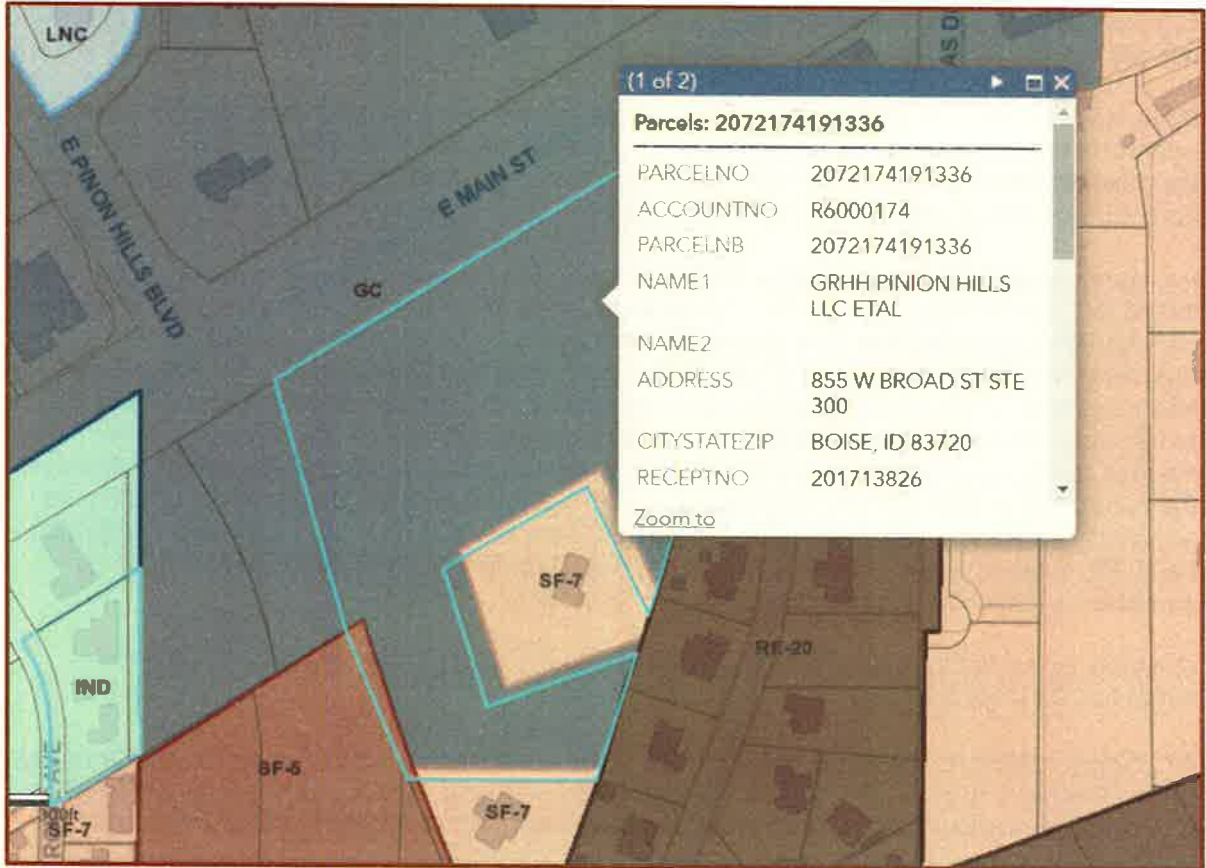
**Petition No. ZC 21-75 - Discussion & possible action regarding a request from GRHH Pinon Hills, LLC Britnee Elliott, represented by Cheney-Walters-Echols, Inc for a Zone Change from GC: General Commercial to SF -7 so a portion of the property can be combined with 5701 E Main St.**

Planning Manager Escobar presented the following:

**Petition**

- Applicant: GRHH Pinon Hills, LLC – Britnee Elliot
- Representative: Robert Echols, C-W-E
- Location: Parcel R6000174
- Existing Zoning: GC: General Commercial
- Request: Rezone to SF:7 Single-family residential to combine with existing residential property at 5701 E Main.

**Zoning**

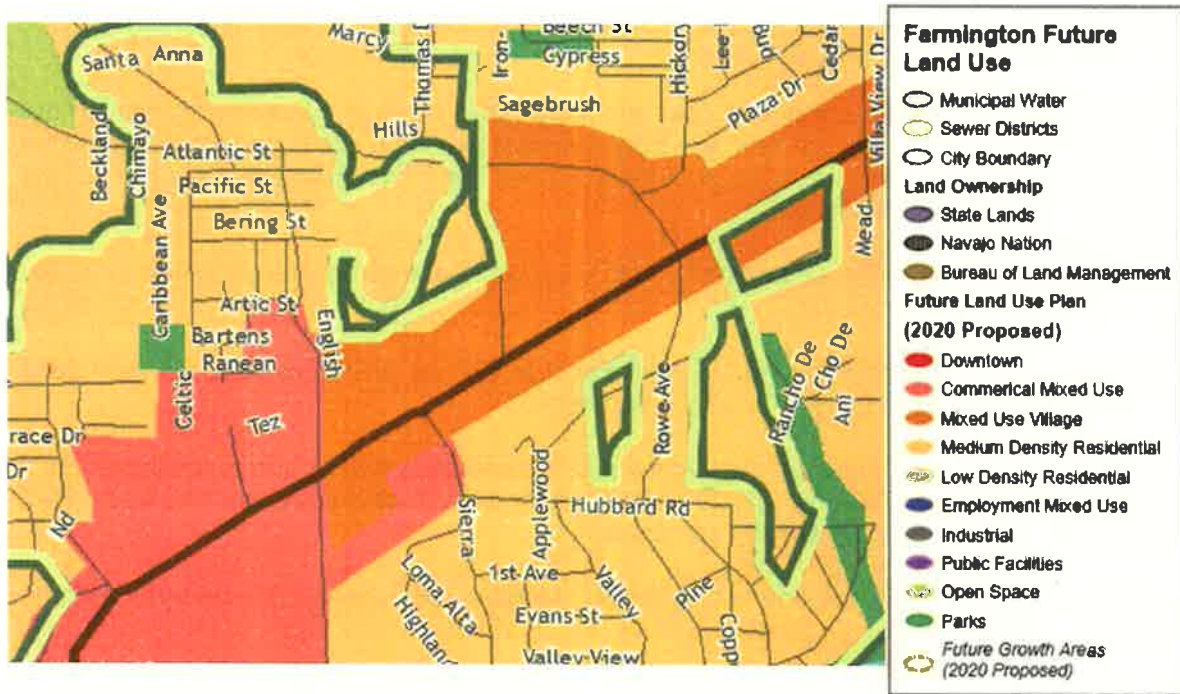


**Aerial Map**





2040 Comprehensive Plan



Zone Change Criteria

Section 8.7.4 of the Uniform Development Code

- Consistent with the Comprehensive Plan
- No adverse effects identified
- Site is physically suitable for proposed use
- Adequate infrastructure is in place
- Not spot zoning. This rezoning will remediated a commercial/single family residential potential conflict

Public Notice

- Letters were sent to five surrounding property owners. At the time of this report, no public input has been received.

NAME1	ADDRESS	CITYSTATEZIP
FARMINGTON CITY OF	800 MUNICIPAL DR	FARMINGTON, NM 87401
GRHH PINION HILLS LLC ETAL	855 W BROAD ST STE 300	BOISE, ID 83720
HAGEN GERALD W AND CHARLENE MICHELLE	4551 RANCHO ANIMAS DR DE	FARMINGTON, NM 874020000
HUSSON STEVEN D	17832 E BEAR WALLOW WAY	RIO VERDE, AZ 85263
MICHELICH JOSHUA AND COURTNEY	4651 RANCHO ANIMAS DR DE	FARMINGTON, NM 87402

Staff Recommendation

The Community Development Department recommends approval of Petition ZC 21-75, a request from GRHH Pinon Hills, LLC, property owner, for rezoning of an 82,250 square foot portion of parcel R6000174 from GC: General Commercial to SF-7: Single family residential to allow for combination with a residential property located at 5701 E Main.

**Discussion**

Commissioner Waldroup asked Planning Manager Escobar why is this zoned GC and the other ones are SF-7, were these rezoned?

Planning Manager Escobar stated she does not know why. There is no zoning history for the two single-family residential properties. Ms. Escobar explained what she thinks happened, when they went down Main St. and rezoned all of those parcels for commercial use; they just cut out the existing single-family residential.

Chair Cardon added that the single-family residential was considered grandfathered in at the time.

Vice Chair, Freeman asked Planning Manager Escobar if those are RE-2 behind it, why zone SF-7, I guess because you have SF-7 above and below?

Planning Manager Escobar pointed out that the existing parcels are SF-7 and to combine that, it makes sense to keep it SF-7. The RE-20 is the Rancho de Animas subdivision that was plated after the two SF-7 homes were already constructed.

Vice Chair Freeman stated, the house that sits on the lower SF-7 looks like it encroaches onto the property to be rezoned.

Planning Manager Escobar stated that the property lines can be up to 10ft. off, but thanked Vice Chair Freeman for pointing that out. Planning Manager Escobar explained the access will be plated through the summary plat to entail an access for this property.

Petitioner Britnee Elliott attended the meeting via Zoom, Ms. Elliott thanked Planning Manager Escobar for her hard work, and stated she was ready to answer any further questions.

Chair Cardon ask is there anyone else that would like to speak on Petition ZC 21-75. No one else needed to speak.

Chair Cardon closed the public hearing portion and called for a motion for ZC 21-75.

**Motion**

A motion was made by Commissioner Smouse and seconded by Commissioner Waldroup to **APPROVE** Petition No. ZC 21-75 as recommended by staff. The motion carried unanimously 7-0.

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**Petition No. SUP 21-76 - Discussion & possible action regarding a request from Jason Martindale of The Grass Station, 928 E. Main St., for a Special Use Permit (SUP) for a commercial cannabis cultivation facility.**

Planning Manager Escobar presented the following:

**Petition**

- Applicant: The Grass Station
- Representative: Jason Martindale
- Location: 928 E Main Street
- Existing Zoning: GC: General Commercial
- Request: SUP to allow for cultivation of adult cannabis
- Retail sales, a permitted use, will be conducted in another building on the site.

## Subject Property



## SUP's

- The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.
- Per Ordinance No. 2021-1329, adopted by City Council on October 12, 2021, retail sales of adult cannabis are permitted by right in the Industrial Zoning District.
- The manufacturing, production and cultivation of cannabis in the General Commercial Zoning District requires a Special Use Permit.  
UDC 8.9. A. Special Use Permits:
- Special use permit approvals attach to the property and are transferable to subsequent owners.
- If this SUP was approved, it could transfer to another owner, carrier or tenant.

## Staff Analysis

- A cannabis cultivation facility seems appropriate for this location. Surrounding uses are a mix of commercial and industrial.
- Staff will work with the business owner to provide the State required letter of water adequacy. The applicant will work with Jacobs, the City's wastewater contractor, to ensure no damage occurs to the wastewater system.
- Consistent with the 2040 Future Land Use designation of Commercial Mixed Use.
- On-site parking at the site conforms with UDC requirements.

## Public Notice

- Letters were sent to five surrounding property owners. At the time of this report no public input has been received.



### **Staff Recommendation**

The Community Works Department recommends approval of Petition SUP 21-76, a request from Jason Martindale of the Grass Station located at 928 E Main for cultivation of recreational cannabis with the following stipulations:

1. A City of Farmington business registration will be required.
2. A building/fire inspection shall be required.
3. Two hard surface ADA parking spaces, one van accessible, shall be installed in front of the building being used for retail sales.

Staff is recommending the SUP be good for ten years.

### **Discussion**

Commissioner Smouse asked Chair Cardon to remind him of the restrictions on how far you have to be from certain things. Planning Manager Escobar stated the code reads there needs to be a 300-foot distance from religious institutions, schools and daycare facilities. Ms. Escobar also stated when we pull down the owner information we check for these facilities. We also expand for SUP's for cannabis facilities our mail out up to 300-feet. That way if a church or daycare might be a tenant they will know what is going on, and we do that for all the SUP's. Commissioner Smouse was thinking parks was on that list, Planning Manager Escobar responded that parks were not on that list.

Commissioner Smouse asked what is the distance to Ricketts and the soccer complex? Planning Manager Escobar responded that it is probably 800 ft. to 1000 ft. she also stated they measure from property line to property line.

Commissioner Smouse also asked Planning Manager Escobar is there some limitations on the corridors in which the cannabis facilities could be in in the City of Farmington? He remembered a conversation where there would be some exclusion zones for this type of use. Planning Manager Escobar stated that they did have that discussion when the ordinance was first brought to the Planning and Zoning Commission. However, at the Council level those restrictions were not adopted, so General Commercial, Industrial and Central Business can all have retail without any special entitlement. Industrial and General Commercial can have other cannabis facilities with an SUP. Planning Manager Escobar also stated the thinking of the Council is that it is a pretty competitive business and it will regulate itself as far as where it is located and how many we get.

Jason Martindale, 1526 N. Santiago Ave., Farmington wanted to say they are a group of local individuals that want to bring in a business that will support the local community and will be respectful of the community. They also want to build inconspicuous locations. Their first building located at E. Main St. and Scott Ave. will not have any advertisement that they are actually cultivating in that facility, it will strictly be a blank warehouse so as the public passes by they will not see any sort of indication that there is a growing operation in there. The back building will be retail, and that is back off the street, which will also be inconspicuous for clients that do not want to have everybody see them as they come to patronize the business.

Chair Cardon asked the Commission are there any questions for Mr. Martindale; Vice Chair Freeman asked if the rear building is retail, how do you access that? Mr. Martindale stated they would need to turn off Main St. in between the Medical Supply and the Liberty Tax and Loan business.

Commissioner Smouse asked if there would be any extraction done at this location; Mr. Martindale stated no, there would not be any extraction done at this location. Their plan is to grow/cultivate flower product to sell on the retail side. All the other products they sell on the retail side will be bought from other New Mexico businesses.

Chair Cardon ask is there anyone that would like to speak on Petition SUP 21-76.

Ron Hicks, 930 E. Main St., Farmington. Mr. Hicks owns the Medical Supply store next door. Mr. Hicks thought there would be extractions and his main question is if he turns on his AC in the summer time, will he get any smell or odor from next door. Commissioner Waldroup let Mr. Hicks know the Commission toured a grow facility on Broadway Ave. and there is no smell. Commissioner Waldroup hoped that would ease Mr. Hicks mind.

Chair Cardon ask is there anyone else that would like to speak on Petition SUP 21-76. No one else needed to speak.



Chair Cardon closed the public information portion and called for a motion for SUP 21-76.

**Motion**

A motion was made by Commissioner Waldroup and seconded by Commissioner Hanson to **APPROVE** Petition No. SUP 21-76 as recommended by staff. The motion carried unanimously 7-0.

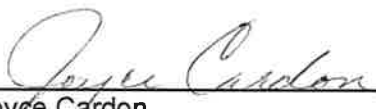
**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** Chair wished everyone a very Merry Christmas and safe Holidays. Stay well.

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

**Business from Staff:** Planning Manager Escobar informed the Commission that at their meeting last Tuesday, City Council adopted your recommendation approval for the SUP 21-70 for New Mexico Alternative Care at 534 Broadway and the zone change at 701 Airport. City Council also recommended publication of the code changes you reviewed in November; the final action on those will be January 25<sup>th</sup>. Planning Manager Escobar thanked the City Clerk for their assistance with the Zoom portion of the meetings. Ms. Escobar also thanked the Planning & Zoning Commission for their service to the City.

**Adjournment:** With no further business, a motion to adjourn was made by Commissioner Waldroup and seconded by Vice Chair Freeman. The motion carried unanimously 7-0 and the meeting was adjourned at 4:22 p.m.

  
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Joyce Cardon  
Chair

  
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Tami Spencer  
Administrative Assistant

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