

Minutes Planning & Zoning Commission July 14, 2022

The Planning & Zoning Commission met in a regular session on July 14, 2022 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Vice Chair Clint Freeman
Cheryl Ragsdale
Gary Hanson
Clete Berens
Ryan Brown

P&Z Members Absent:

Chair Joyce Cardon
Cody Waldroup
Shay Davis
Gary Smouse

Staff Present:

Beth Escobar
Tami Spencer

Others Who Addressed the Commission:

Gary Powers
Jasen Peacock
Anthony Montoya

Call to Order

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

Approval of the Agenda

Item #4 Open Meetings Resolution – 2022 was removed the agenda. A motion was made by Commissioner Berens and seconded by Commissioner Ragsdale to approve the agenda of the July 14, 2022 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 Brown to approve the minutes of the June 16, 2022 Planning & Zoning Commission meeting. This motion passed unanimously by a 5-0 vote.

Swearing of Witnesses

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

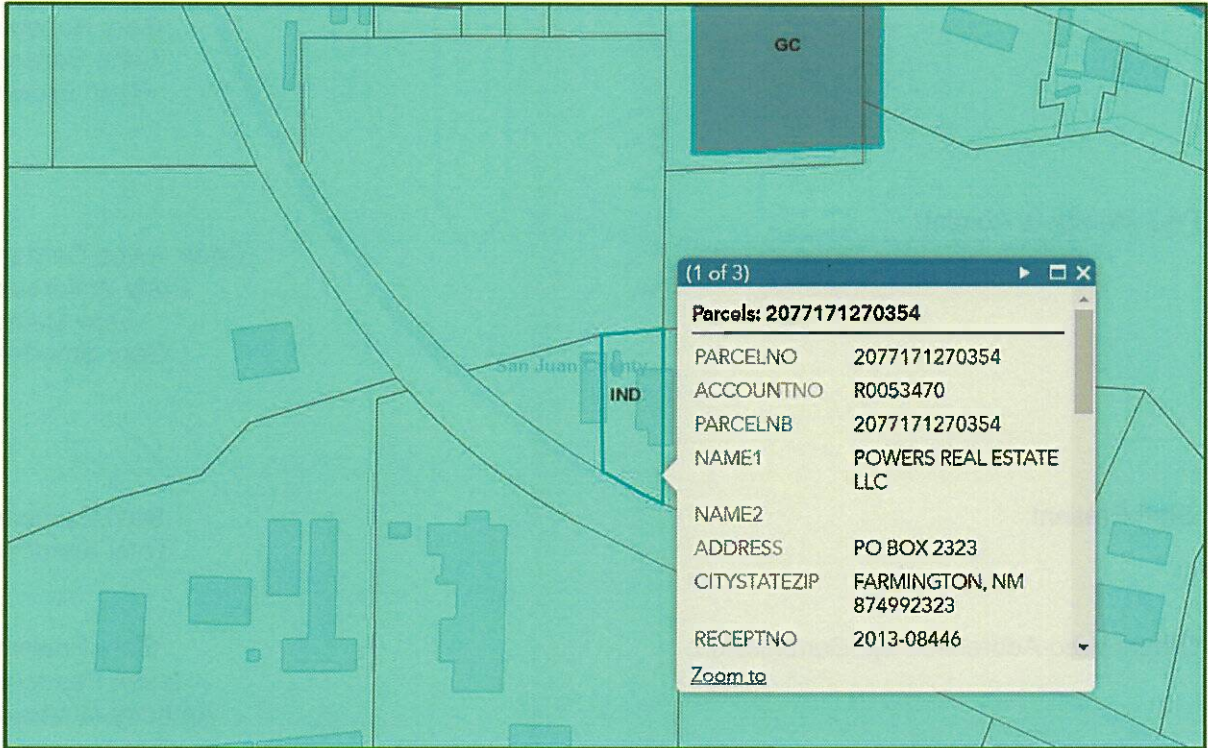
PETITION NO. SUP 22-48 – Discussion & possible action regarding a request for a Special Use Permit to allow for an integrated cannabis facility. Cultivation will begin immediately, retail sales at a later date, and possible manufacturing/production in the future. Located at 1512 W. Murray Dr.

Planning Manager Beth Escobar presented the following:

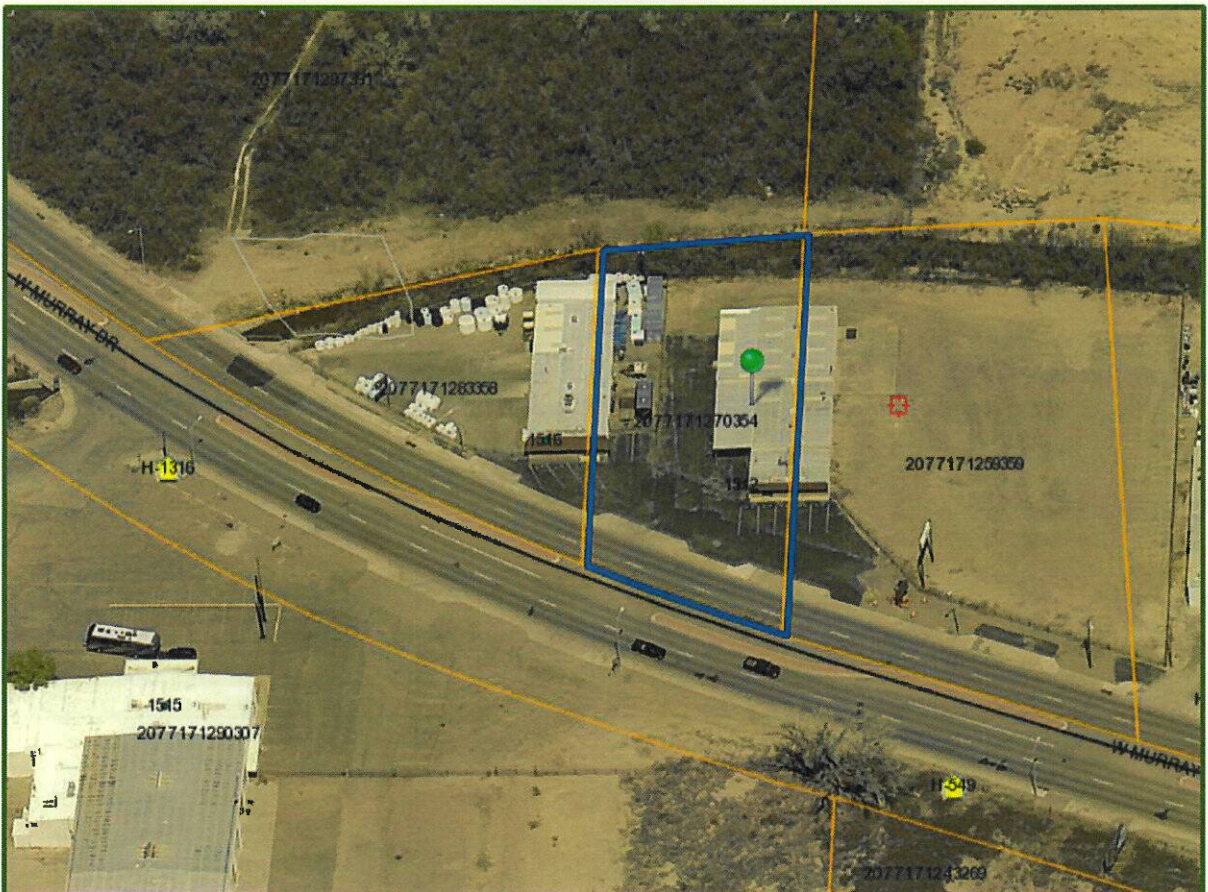
Petition

- Applicant: Sky High Farms
- Representative: Jasen Peacock
- Location: 1512 Murray Ave
- Existing Zoning: IND: Industrial
- Request: SUP to allow for cultivation, production and manufacturing of adult cannabis
- Retail sales, a permitted use, may be conducted on site at a future date.
- Per the petitioner's business plan, Sky High Farms will focus on cultivation of small batch marijuana.

Zoning



Aerial Map



Street View



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 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. This location is situated in an area with several heavy industrial uses.
- 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.

Public Notice

- Letters were sent to seven 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 22-48, a request from Jasen Peacock of Sky High Farms for cultivation, production and manufacturing of cannabis at an existing building located at 1512 Murray Ave., with the following stipulations:

1. A City of Farmington business registration will be required.
2. A building/fire inspection shall be required.
3. A building permit shall be required for any remodeling.
4. Prior to opening of the business, one ADA van accessible parking spot shall be installed.

Staff is recommending the SUP be good for ten years.

Discussion

Vice Chair Freeman asked Planning Manager Escobar about the 10-year limitation. Ms. Escobar replied it is consistent with previous SUP's, if the Commission feels it should be approved for longer, you can recommend a different time period. She also explained the SUP may be renewed and it would be brought back to P&Z for approval.

Jasen Peacock, 1044 Road 3000, Farmington NM, 87401

Mr. Peacock pointed out the property lines for this property and went over his business plan for the Commission.

Vice Chair Freeman asked Mr. Peacock if there were plans to expand the building. Mr. Peacock answered they are planning to expand in the future; they would like to have up to 1000 plants. Until then they will be using the current building. Mr. Peacock also explained they would be trucking in their own water; therefor they would not be using City water. They would also be using solar power with back up generators.

Commissioner Brown inquired about security. Mr. Peacock explained they would be following all Cannabis Control Division (CCD) requirements and adding their own upgrades. Commissioner Brown also asked when they expected to have retail sales at that location. Mr. Peacock replied it would be late next summer to either start manufacturing or retail sales.

Commissioner Ragsdale asked Mr. Peacock how many people he would employ. He replied there would be up to six to start, and as they add more containers, they would employ four more people per container.

Commissioner Brown asked why they picked this location on Murray Dr. Mr. Peacock answered they had looked at other locations, which all fell through for one reason or another. He also explained the Murray Dr. property fit with what they were looking for.

Gary Powers, 2015 Zuni Dr., Farmington NM, 87401

Mr. Powers stated this property is in a family trust, which his sister is the trustee of and of which he is a beneficiary.. Mr. Powers stated this was his parent's property and he feels they would not approve of this use. He also wanted to know after the trucked in water was used, how it would be disposed of. Mr. Powers stated he personally did not approve of anything that has to do with drugs.

Mr. Peacock addressed the question on the disposal of the water. He stated there is no run off.

Anthony Montoya, 1611 Hwy 170, La Plata NM, 87418

Mr. Montoya explained he owned the vacant property across the ditch, to the north of 1512 W. Murray Dr. Mr. Montoya is worried about the odor that comes with growing cannabis. He also stated he is against drugs, and is worried about the customers who come to these kinds of places. Mr. Montoya was also worried this kind of business would bring in more transients and vandals to the area, and he would have a hard time developing his property in the future. Vice Chair asked Mr. Montoya if he knew how he wanted to develop his property. Mr. Montoya stated he would like to have business property rentals.

Mr. Peacock addressed Mr. Montoya's concern regarding the odor. He stated that each 10x40 Conex Container, would have two, triple carbon filters per unit. That would be inside a barrier, inside a building with an odor filter on top of that. This should control up to 90% of the odor.

With no further public input, Vice Chair Freeman closed the public portion of the meeting.

Commission Discussion

Commissioner Brown asked Planning Manager Escobar what the standards are for odor control. Planning Manager Escobar stated the City has a nuisance ordinance, but unlike the noise ordinance which is measured in decibels, there is no way to measure odor, so if your neighbors complain about an odor it must be addressed. She added, as with any complaint, Code

Enforcement will reach out to the owner of the business and try to address modifications or accommodations. If those are not done, it becomes a citation, which would go to court.

Commissioner Hanson asked Ms. Escobar if any future expansion would require the applicant to go through the SUP process again. Ms. Escobar replied yes it would. She also stated if the Commission recommends this petition move forward for approval to City Council, she would reach out to the applicant for a final development plan, and before the Council hears this, the petition would be republished to encompass everything. Otherwise, the SUP would be restricted to what was applied for, which is interior to the existing building.

Commissioner Berens asked Ms. Escobar in regards to the transient activity around the cannabis facilities, has the police department increased patrols in these areas. Ms. Escobar replied the City of Farmington Police Department has formed a Cannabis Taskforce focusing on this industry segment to monitor impact to the Community, which includes any criminal activity. She added the security required for these facilities can dissuades most activity.

Commissioner Hanson added he would prefer to keep this application to the original tract to see how it progresses before encompassing a substantially larger tract. He would like to make sure things evolve the way they are supposed to.

With no further discussion, Vice Chair Freeman called for a motion.

A motion was made by Commissioner Brown to approve SUP 22-48 as presented by staff with the clarification that any expansion would have to go through an additional SUP process, and seconded by Commissioner Ragsdale. The motion carried 5-0.

Wireless Communications Facilities Discussion:

Planning Manager Escobar stated this discussion came about after the wireless facility application at 2400 Hutton Ave. Ms. Escobar provided some regulations from Roswell NM, and Sedona AZ. A discussion was had regarding the different regulations between these two locations.

It was agreed the City Ordinance should not be changed.

Cannabis Discussion:

Planning Manager Escobar reminded the Commission they had already approved an SUP for a testing lab; there are 12 total retail facilities licenses in the city. Some of the approved SUP's are starting to bring in their building permits. City Council did have the first reading of changes to the ordinance to require waivers and variances to go through P&Z and Council. You will have your first application at your August 11, 2022 meeting, for a waiver to a 300-foot distance to another facility, located on Broadway Ave.

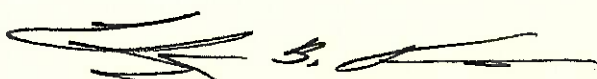
Business from the Floor: There was no business from the floor.

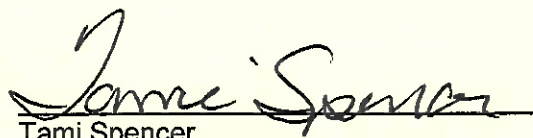
Business from the Chair: There was no business from the Chair

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

Business from Staff: There was no business from Staff.

Adjournment: With no further business, a motion to adjourn was made by Commissioner Berens and seconded by Commissioner Ragsdale. The motion carried unanimously 5-0 and the meeting was adjourned at 4:13 p.m.


Clint Freeman
Vice Chair


Tami Spencer
Administrative Assistant