

# MINUTES

## Planning and Zoning Commission



October 27, 2021 – 5:30 P.M.

*Due to COVID-19, virtual participation for this meeting was made available via Zoom.*

*The proceeding can, also, be viewed at <http://losalamos.legistar.com/Calendar.aspx>*

### 1. CALL TO ORDER / ROLL CALL

Chairman Priestley called the meeting to order at 5:30 PM. Roll call was administered. A quorum was present.

#### **Members Present:**

Terry Priestley, Chair  
Beverly Neal-Clinton, Vice Chair  
Jean M. Dewart, Commissioner  
Neal D. Martin, Commissioner  
April Wade, Commissioner  
Michelle Griffin, Commissioner  
Rodney Roberson, Commissioner  
Rachel Adler, Commissioner

#### **Members Absent:**

Stephanie Nakhleh, Commissioner

### 2. PUBLIC COMMENT

No comment.

### 3. APPROVAL OF AGENDA

Commissioner Roberson moved to approve as presented. Seconded by Commissioner Dewart. Agenda approved unanimously.

### 4. PLANNING AND ZONING COMMISSION BUSINESS

#### **A. Minutes from Planning and Zoning Commission Meeting on September 22, 2021.**

Commissioner Griffin motioned to approve the Minutes as drafted. Commissioner Roberson seconded. Motion carried 7-0 vote, with Commissioner Martin abstaining.

### 5. PUBLIC HEARING(S)

#### **A. Case No. ZCA-2021-0011. A request for recommendation for approval of draft Ordinance No. 02-321 – an ordinance amending the text of Chapter 16, Article 1 Section 9, and Article VII Section 288 and adding a new section 289, to adopt local regulations for cannabis retail sales, and amending the text of Article VII Section 277 regarding Home Occupations.**

Bryce Ternet, Planning Manager, presented the proposed text amendment of Chapter 16 to adopt regulations for cannabis retail sales. He explained that the request is in response to the State of New Mexico enacting the Cannabis Regulation Act which legalizes the production, manufacturing, sale, and adult-consumption of cannabis. He outlined the amount of local control that the Act allows local municipalities or counties to impose regarding the adult-use cannabis industry. He also shared restrictions that the Act prohibits a municipality or county from implementing.

Mr. Ternet communicated that the proposed changes would be made through Ordinance 02-321 and include adding new definitions and uses to the Use Index Table, as well as indicating where the retail use of cannabis would be allowed. In addition, a section will be added to regulate cannabis retail by restricting operating hours; creating a 300-foot buffer from schools and daycares; applying a 300-foot density buffer and prohibiting indoor cannabis vaping and outdoor cannabis vaping and smoking areas. The Development Code amendment would also prohibit cannabis manufacturing, cultivation, and retail as home occupation, except for those authorized by the State as a licensed producer pursuant to the Lynn and Erin Compassionate Use Act – known as medical marijuana.

Section 16-158, Text Amendment Review Criteria was introduced to the Commission, with staff's response to each criterion.

Commissioners questioned staff and discussed the proposed regulations for buffering from schools and daycares. They considered the density limitations proposed and possible alternatives, as well as the necessity of whether to include buffering from churches; and or, religious institutes. Commissioner Dewart questioned how these changes would be impacted when re-zoning occurs with the Development Code update. Commissioner Adler noted that the Home Occupation language to be confusing and suggested revising to specify business and retail.

*Public hearing opened.*

William and Collete Hunter, 3690 Ridgeway Drive, communicated their intent to conduct an at-home cannabis business. They detailed their business plan to comprise of cultivation, non-solvent manufacturing, and retail to include delivery service. They asked to not recommend amendments that would prohibit them from implementing their business plan.

*7:01 – recess*

*7:11 – meeting reconvened*

Chair Priestley asked that the Commission discuss the review criteria and as they pertain to the application. Commissioner Adler opened discussion on consumption areas with a proposal to amend text to allow indoor consumption areas. Commissioner Griffin voiced concern against consumption areas. Commissioner Martin communicated that such areas would only be a nuisance in the form of smoking and vaping outdoors – due to the smell – but not the overall consumption.

**Commissioner Dewart moved to recommend approval of Case No. ZCA-2021-0011 to County Council for text amendments to Los Alamos County Code, Chapter 16-543 as presented in the application, with a change within Subsection(e) to document the language as: “cannabis retail establishments shall not be permitted to have designated indoor or outdoor cannabis vaping or smoking areas.”**

**Recommendation is based on the Findings of Facts established at the hearing and conclusion that the application has met each applicable review criteria contained in Section 16-158 of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-452 (b)(1)(a) of the Development Code.**

**It was further moved to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusions of Law for this case, based on this decision and to be subsequently prepared by County staff.**

**Commissioner Neal-Clinton seconded. Motion carried 7-1 vote.**

*Roll Call Vote:*

In Favor:

April Wade  
Michelle Griffin  
Rodney Roberson  
Neal Martin  
Beverly Neal-Clinton  
Jean Dewart  
Terry Priestley

Against:

Rachel Adler

**6. COMMISSION/DIRECTOR COMMUNICATIONS**

***A. Department Report***

- i. December 8<sup>th</sup> Meeting Agenda: Public Hearing, Elections, Voting on 2022 Calendar

***B. Chair's Report***

***C. Board of Adjustment Report***

***D. Council Liaison Report***

***E. Commissioners' Comments***

**7. ADJOURNMENT**

8:44 PM

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Terry Priestley, Chair

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Paul Andrus, CDD Director