

**Minutes  
Ordinance Workshop  
September 21<sup>st</sup>, 2021**

The Village of Capitan Board of Trustees met in an Ordinance Workshop on Tuesday September 21<sup>st</sup>, 2021 at the Village Hall in Capitan, New Mexico at 6:00 PM.

Mayor Lowrance called the meeting to order at 6:00 PM.

**Roll Call:** Mayor Lowrance – present, Trustee Shearer– present, Trustee Kearns– present, Trustee Fraley – present, Trustee Johnson – not present. Grace Centrella –Deputy Village Clerk, J. Leinneweber – Administrative Assistant, Randy Spear – Chief of Police, Kevin Kennedy – Fire Chief and Dan Bolin Member of the Village of Capitan Planning Advisory Board were also present. A list of others in attendance is attached.

**Item #1 on the Agenda: Approval of the Agenda.**

Trustee Kearns made a motion to Approve the Agenda. Trustee Fraley seconded the motion.

**ROLL CALL:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #2 on the Agenda: Discussion: Review of the Village of Capitan Land Use Ordinance.**

Trustee Kearns said he had a discussion with Dan Bolin earlier and the Board will have the opportunity to hear from Dan later in the Meeting. Trustee Kearns raised his concern with the legalization of recreational cannabis sales and production, it is important that the Village have some zoning, something he hasn't seen the need for or wanted for the Village before now. He went on to say that without zoning, a retail cannabis business could open up or a cannabis farm in the sub-division next to residential homes. Also, he feels the community would understand the need for zoning now where they hadn't before with the legalization of recreational cannabis sales and production. He suggested the new zoning would allow businesses to operate on US HWY 380, NM Hwy 246 and NM Hwy 48. He thought these Hwy fronts could be "mixed use" and the rest would be residential except for the existing businesses with existing Business Permits that would be grandfathered in. He thinks the Board should be thinking about this.

Trustee Shearer feels with other municipalities adopting zoning the result would be that Capitan, without zoning, would be more attractive to these types of businesses.

The Mayor said the State recommended using the Liquor License and Ordinance as a guideline for the Cannabis License and Ordinance as the State regulations for both are very similar. The Mayor went on to advise the Board that a License or Permit cannot be denied to a business just because it is a cannabis operation. There can be no discrimination of any kind, no special rules for cannabis vs any other type of business beyond those required by the State. If the Village does, it will be sued.

The Mayor advised the Board to anticipate a lot of resistance from the Village's residents with regards to zoning in the Village.

The Board discussed the cost and delay to property owners, because the Village currently requires a Professionally Prepared Survey/Site Plan when any Building or Change to the Footprint of more than 100 square feet of an existing building is to be added to a property.

**Item #2 on the Agenda: Discussion: Review of the Village of Capitan Land Use Ordinance. (Continued)**

Since a permit for a portable or non- permanent building or additions to decks and porches are almost always on the Board's Agenda for Approval and they are always approved. The Board thought that the Code Enforcement Officer could ascertain if the property complies and qualifies for a permit for these types of additions to properties. The Board wants some way to expedite and reduce the cost to the property owner for this process.

Dan Bolin brought up the concerns that the Planning Advisory Board has and why a Professionally Prepared Survey/Site Plan is needed. He sighted, required set-backs, utility easements, distance between buildings and other easements. He is concerned that some easements will be missed and can cause problems for the Village and Property Owners down the line.

Randy Spear, Chief of Police for the Village of Capitan advised the Board that not only does the Village have access to where easements and set-backs are, so does the Code Enforcement Officer and this can be checked in real time when the Officer is on site confirming the Site Plan to the property and where the Building or Addition will be placed, then sign off on the application. This should address the concerns of the Planning Board. The property owner could either provide a previous Site Plan with the new building or addition drawn in to scale or create their own Site Map with buildings drawn in labeled existing and proposed and the measurements required per the list attached to the application, avoiding the cost of obtaining the Professionally Prepared Site Plan which can be up to \$700.

The Board decided that a Revised Application for a Building Permit for a Portable Building or Addition to existing Porch/Deck would be drawn up for the Planning Board to review, amend if necessary and adopt at their next meeting, resulting in the property owner not having to pay for a Professionally Prepared Site Plan when they are wanting to do these types of additions to their property.

Also, the Board of Trustees feel if the Planning Board could change their meeting day from the 4<sup>th</sup> Tuesday of the Month to the 1<sup>st</sup> Tuesday of the Month, one week prior to the Board of Trustees meeting, this will expedite the process for the property owner. This way, when the Planning Board requires something else to recommend approval postponing their recommendation until the next Planning Board Meeting. The waiting time for a Permit can be reduced from 2 months to 1 month. The Board requested this change to be placed on the Agenda for the Planning Board Meeting on September 28, 2021 to be discussed and adopted if possible.

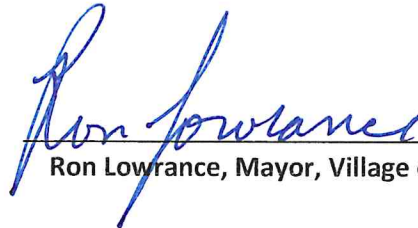
The Board would also like to see these types of Permit Requests placed on the Consent Agenda for their Board meetings in future.

The Board considered reviewing the Animal Ordinances at their next Workshop but decided instead a Budget Workshop was more pressing. The date and time of the Budget Workshop has yet to be determined.

As far as zoning, the Mayor will be checking with Zach Cook, attorney for the Village of Capitan and with other municipalities before moving forward with the Zoning Ordinance.

**ADJOURNMENT:**

Mayor Lowrance Adjourned the meeting at 7:01

  
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Ron Lowrance, Mayor, Village of Capitán

**Attest:**   
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Stephanie Bason, Village Clerk

6:00 PM

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