

MINUTES

Planning and Zoning Commission
Tuesday November 2, 2021
Town of Silver City, Town Hall Annex
Silver City, New Mexico

Commissioners Present

Nickolas Seibel, Chair
Laszlo Sandor, Vice-Chair
Simon Wheaton-Smith, Commissioner

Commissioners Absent

None-2 vacancies

Staff Present

James Marshall, Assistant Town Manager

James Reynolds, Town Attorney

The regular meeting of the Planning and Zoning Commission was called to order at 6:03 p.m. by Chair Seibel. The Pledge of Allegiance was recited. A roll call of commissioners was taken, and a quorum was present.

Approval of Agenda

Commissioner Wheaton-Smith moved to approve the agenda as submitted. Commissioner Sandor seconded the motion and it passed by unanimous vote of 3-0.

Approval of Minutes

Commissioner Sandor moved to approve the minutes of the September 7, 2021, regular meeting as submitted. Minutes were not included in the packet so the commission to the time to review during the meeting. Commissioner Wheaton-Smith seconded the motion and it passed by unanimous vote of 3-0.

Public Hearings

CU 21-02 A Conditional Use Permit Request for the property addressed as 502 East 17th Street, Silver City, NM to be used residential rental. This use requires a Conditional Use Permit on the Highway Commercial District. The applicant is the owner, Nick Chavez Jr. No witnesses or applicant were present and the commission decided to postpone consideration and action until the next meeting upon the advice of the Town Attorney.

1st reading of Notice of Intent Ordinance 1307 before the P&Z Commission was held with one public member a Linda Pafford participating. Lengthy discussion ensued about the ordinance and any changes that were made since the council heard and rejected and a previous Council meeting:

- Town Attorney, Mr. Reynolds presented the changes that have been made to the NOI since the Council first heard the NOI.
- Zoning changes were discussed with explanations provided by Mr. Reynolds.
- “Conditional Use” was discussed with explanations provided by Mr. Reynolds.
- “Consumption Areas” was discussed with explanations provided by Mr. Reynolds.
 - Consumption on private property was discussed.
 - Consumption on non-home property was discussed with witness Linda Pafford expressing concerns about not being able to smoke cannabis on non-home property such as hotels. Ms. Pafford testified that she felt this would harm tourism.
 - Ms. Pafford expressed concern that “smoking of cannabis” was treated differently than other forms of consumption.
 - Ms. Pafford expressed concern that the police will be unable to differentiate the difference in hemp smoke vs. cannabis smoke while in public space.
 - There was discussion and clarification by Mr. Reynolds that consumption areas and alcohol shall not be in the same space.
 - Ms. Pafford expressed concern that the “homeless” will be at a disadvantage in complying with the laws as they mostly occupy public space where cannabis is illegal to smoke.
 - Chairman Siebel and Ms. Pafford expressed a desire to have section 6 removed as it is duplicative of statute and there is a possibility that this may be a fluid section in the statute requiring the Town to modify our ordinance to maintain compliance with this topic.
 - Multiple discussions were had that concerned the requirement that consumption areas must have their own air handling systems. The separation of air handling systems defines a building as stand-alone.

Commissioner Sandor moved to approve as submitted and motion was seconded by Commissioner Wheaton-Smith. Motion passed unanimously.

Reports from Commission

Commission inquired about the hiring process and involvement of the Commission in the hiring of the Community Development Director. Department remains very busy and has two interviews schedule for Thursday. There was discussion as to what types of activities in the department were keeping us so busy.

Adjournment

Commissioner Sandor moved to adjourn with Commissioner Wheaton-Smith seconding the motion. Motion passed with a 3-0 vote. Meeting was adjourned at approximately 6:57 p.m.

Nickolas C. Seibel
Nickolas Seibel, Chair
Planning & Zoning Commission

December 14, 2021

Date