



TOWN OF PERALTA
Planning & Zoning Commission
90A Molina Rd - PO Box 1830
Peralta, NM 87042

Commissioners
Waldy Salazar, Chairman
Leroy Pacheco
Vince Milavec
Jerry Romero

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, DECEMBER 21, 2021, at Peralta Town Hall, 90A Molina Rd. Peralta, NM

- 1) Call to order at 6:03PM by Chairman Waldy Salazar; Commissioner's present are Vince Milavec, Leroy Pacheco and Mark Evanko. Commissioner Jerry Romero was absent.
- 2) Pledge of Allegiance – was led by Chairman Salazar.
- 3) Consideration and Possible Action to Approve Agenda for December 21, 2021. Motion to approve agenda was made by Commissioner Evanko, Second by Commissioner Milavec. Approved.
- 4) Consideration and Possible Action to Approve Minutes from September 21, 2021 - Motion to approve minutes by Commissioner Milavec, second by Commissioner Evanko. Approved.
- 5) Consideration and Possible Action to Approve Minutes from October 19, 2021 – Motion to Table approval of the October minutes due to lack of review was made by Commissioner Pacheco, Second by Commissioner Milavec.
- 6) Public Discussion – Non-Agenda Items – None
- 7) New Business
 - a. Variance – 2 Valencia Road, requesting a Variance for setbacks of an established building. Legal: Land of Donald W Cox and Chrystal Wayne Cox Tract 99A1 S23 T 7N R 2E 1.15 acre. Jackie Ashley was present to represent this Variance request. The building question is unoccupied residence. This Variance is being requested to conform to the new Cannabis Ordinance of 30-foot setbacks for all cannabis structures from their property lines. This will be a Cannabis Retail shop. The property owners wish to convert the residence to an established retail shop selling cannabis products only. Town Attorney Steven Chavez stated approving the Variance request does not set a precedence. Commissioner Milavec asked if there were any neighbors present that wanted to comment. There were none present. Commissioner Milavec made a Motion to Approve the Variance request, Chairman Salazar asked for a Second. No Second was offered. Request dies for lack of Second. Chairman Salazar stated to Mrs. Jackie Ashley that they may appeal their request to the Town Council in January 2022.
 - b. Conditional Use Permit – 6 Wildwood Lane, requesting a Conditional Use Permit for a daughter and son in law to live in a 36' recreational vehicle as a second residence to care for her elderly, in failing health 90-year-old mother. Legal Land of Judith Carr Tract A 5.06 acre, 2006 REV, Map 70. Neighbor Rebecca Evanko, 7 Wildwood Lane had no objection to this request. Commissioner Evanko recused himself from this vote due to this is neighboring property. Motion to Approve was made by Commissioner Pacheco with the requirement that the Conditional Use Permit must be approved annually. Second by Commissioner Milavec. Approved.
 - c. Conditional Use Permit – 4 Wapiti Lane, requesting a Conditional Use Permit for an Air B-n-B. Legal Land of Judith M. Carr Tract A 3.25-acre Map 67, 1994 Rev. Request is being made by Ms. Joyce Eastman, property owner. She is requesting the residence be approved for a Conditional Use Permit for an Air B-n-B. The Commission stated there were concerns over the limited available parking. Ms. Eastman stated there is sufficient parking in the driveway for up to 4 vehicles with additional parking available in the back if needed. The only concern neighbors voiced were about noise from parties or music. Ms. Eastman stated the noise restrictions would be fully adhered to. Commissioner Pacheco

would like to set conditions; four bedrooms, 2 people per room excluding children under 12, total of 8 guest, each guest excluding children under 12, may have one visiting guest. No visiting guest after 10:00pm. Motion to Approve was made by Commissioner Evanko to include Commissioner Pacheco's conditions. Second was made by Commissioner Milavec. Approved.

d. Conditional Use Permit – 19 San Fernando Road, requesting a Conditional Use Permit for Cannabis Microbusiness Producer. Legal Tract 54 (1.04 acre), Tract 56 (2.73 acre), Tract 7B1B (0.30 acre), Tract 7B1A (0.36 acre), & Tract 7B2 (0.60 acre) S 13 T 7N R 2E Total 5.33 acres Map 66. Present for the request are Gary Perez, Kara St. John & Louie Garcia. This a property that is zoned Rural Residential. A greenhouse (24x80) will be constructed for the production of Cannabis. The Commission asked if there were any Comments from neighboring residents. Many residents came forward to voice their concerns against this request. Those addressing the Commission were: John Martin, Fred & Mary Black, Kent Salazar, Rita Salazar Coleman, Michael & Christina Chavez, Michael & Katerina Dietz & Ron Boyette. All of the neighboring residents that addressed the Commission are concerned with growing crime, noise, traffic, water consumption, razor wire and most of all the odor control. These concerns were all addressed in the application package as cited by Commissioner Milavec. Commissioner Evanko stated he appreciated the community coming out to voice their concerns. He suggested that a gathering of Commissioners, the requesting parties & neighboring residents should come together and discuss a compromise to this request. Commissioner Milavec stated that would not be necessary since the application package was complete and all required information was included. Chairman Salazar agreed and asked for a Motion on the request from the Commission. Commissioner Milavec made a Motion to Approve, Second by Commissioner Pacheco. Chairman Salazar asked for a Roll Call vote for those Commissioners that are present. All Commissioners voted Aye. Conditional Use Permit was approved with Conditions to maintain the Odor Control equipment, training, maintenance and continual upkeep. Request was Approved by the Planning & Zoning Commission.

8) Next Meeting is scheduled for Tuesday, January 18, 2022 at 6:00pm.

9) Adjournment – Chairman Salazar adjourned the meeting at 8:55pm.

*Agenda Subject to change.

Appeals. Any person aggrieved by a decision of the Code Enforcement Officer or the P & Z commission in carrying out the provision of this ordinance may appeal the decision to the Town Council.

INDIVIDUALS WITH DISABILITIES: TO REQUEST AN ACCOMMODATION OR INFORMATION ABOUT PHYSICAL ACCESSIBILITY, CALL 505-869-2050



Steven Robbins, Deputy Clerk/Treasurer



Urban Burris, Code Enforcement Officer