

**Minutes
Planning Meeting
March 1st, 2022**

The Village of Capitan Planning Board met in a Regular Meeting on Tuesday, March 1st, 2022 at the Village Hall in Capitan, New Mexico at 5:30 PM.

Diane Riska called the meeting to order at 5:33 PM.

Roll Call: Tracy Allred – not present, Diane Riska – present, Dan Bolin – present, Basilio Castaneda (JR) – present, Peggy Wilson – present. Al Cavazos – Village Clerk, J. Leinneweber – Administrative Assistant, Steve Osborn – Water Utilities Supervisor and Ron Lowrance – Mayor of Capitan were also present. A list of others in attendance is attached.

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

Diane Riska made a motion to Approve the Agenda. Peggy Wilson seconded the motion. All were in favor, motion carried.

Item #2 on the Agenda: Approval of the Minutes – February 1st, 2022.

Dan Bolin made a motion to Approve the Minutes – February 1st, 2022. Peggy Wilson seconded the motion.

Roll Call: All were in favor, motion carried.

Item #3 on the Agenda: Discussion/Action – Approve Recommendation of Application for Portable Building at 424 Smokey Bear Blvd – Roberta Bullard.

Discussion: Dan Bolin asked Roberta Bullard if she had a recorded Warranty Deed for the property showing that she is the owner and informed her that the County of Lincoln shows that the property is still in the name of the previous owner and that the property taxes are two years in arrears. Roberta replied that she did have the Warranty Deed recorded, she will provide the Village with a copy and will look into the property taxes.

Peggy Wilson made a motion to Approve Recommendation of Application with the Provision that a Recorded Warranty Deed Showing Roberta Bullard as the Property Owner and Proof that the Property Taxes are Current be turned into Village Hall for Portable Building at 424 Smokey Bear Blvd – Roberta Bullard. Diane Riska seconded the motion.

Roll Call: Diane Riska – yes, Dan Bolin – yes, JR Castaneda – yes, Peggy Wilson – yes

Item #4 on the Agenda: Discussion/Action –Approve Recommendation of Application for Portable Buildings at 109 W. Last Road – Daniel (Billy) Garcia Jr.

Discussion: Peggy asked if there was going to be a “store” at this property. Mr. Garcia replied yes there will be a store at the property and there would be two (2) greenhouses. Peggy then asked how much water he expects to use. Mr. Garcia said he expects the max to be 40,000 gallons a month. He went on to say the company is environmentally conscience and has a water reclamation system. Mr. Garcia says he will have 2,000 plants on an eight-month season. The Mayor advised the Planning Board that the more water usage by the Village, the easier to retain the Village’s water rights.

The Board had additional questions regarding the business the greenhouses are to support and established that Mr. Garcia has been issued state licenses to grow and sell cannabis and has been issued a business license by the Village of Capitan. He has also applied for a commercial water tap and will provide handicapped parking.

Dan Bolin was concerned that residents may not want this type of business in their community. The Mayor explained that “this is a done deal”. The State has approved the legal sale of cannabis and the Village can not go against the State’s Statutes without sure legal action taken against the Village, costing tens of thousands of dollars for each case filed against the Village. He reminded the Planning Board that this is an application for 2 portable buildings and can’t be denied on the basis that they are to be used for a cannabis business. He advised the Planning Board that the Village currently has no zoning for businesses. The Mayor said the Trustees, the Chief of Police and the Village’s attorney are working on an ordinance now to be adopted as soon as possible, the middle of April at the latest.

Dan Bolin feels residents should have a say on what types of businesses can be in their neighborhoods. The Mayor explained the State Statute says there can be no prejudice against cannabis businesses as long as they comply with the State’s cannabis regulations.

The Board asked that they be provided a copy of the Village’s ordinance once it is available.

Peggy Wilson asked Mr. Garcia if he would be willing to come back in a year and give the Planning Board an update on his cannabis business and he replied that he would.

Peggy Wilson made a motion to Approve Recommendation of Application for Portable Buildings at 109 W. Last Road – Daniel (Billy) Garcia Jr. JR Castaneda seconded the motion.

Roll Call: Diane Riska – yes, Dan Bolin – no, JR Castaneda – yes, Peggy Wilson – yes

Item #5 on the Agenda: Discussion/Action – Recommend Approval of Application for Mobile/Manufactured Home at 8406 W. US Hwy 380 – William Russel and/or Pamela Gray.

Discussion: Dan Bolin addressed Mr. Russel and confirmed that Mr. Russel received the contact information for a Surveyor, Dennis Rich so that Mr. Russel could obtain a professionally prepared site plan as the Village’s ordinance requires for new builds. Mr. Russel did receive the information and is in the process of scheduling an appointment but isn’t sure the site plan can be ready by the Meeting of the Trustees on Tuesday, March 8, 2022. He will make every effort to meet this deadline.

Peggy Wilson made a motion to Recommend Approval of Application with the Provision that a Professionally Prepared Site Plan be Submitted to the Village, Reviewed and Approved by the Planning Board Members for Mobile/Manufactured Home at 8406 W. US Hwy 380 – William Russel and/or Pamela Gray. JR Castaneda seconded the motion.

Roll Call: Diane Riska – yes, Dan Bolin – yes, JR Castaneda – yes, Peggy Wilson – yes

Item # 6 on the Agenda: Discussion/Action – Recommend for Approval Extra-Territorial Water Service for 257 Pine Lodge Rd – Zebulun Clary

Discussion: There was no discussion of this Item.

Dan Bolin made a motion to Recommend for Approval Extra-Territorial Water Service for 257 Pine Lodge Rd – Zebulun Clary. JR Castaneda seconded the motion.

Roll Call: Diane Riska – yes, Dan Bolin – yes, JR Castaneda – yes, Peggy Wilson – yes

Item #7 on the Agenda: Discussion - Water, 40 Year Plan

Steve Osborn said he provided the Comprehensive Plan for 2013 which includes the engineer's comments on the water and waste water systems. The projections from the 40-year plan were very high and the plan recommended the Village would have to look for alternative sources of water at the end of the 40 years. In actuality the numbers are much lower.

Steve said he approached the hydrologist and asked him to address the pumping restrictions at Government Springs.

Steve said a separate 40-year water plan would have to be done with the Office of the State Engineer in order to "completely set our water rights." If done now, with the Village's use of approximately 200-acre feet per year, then that is all the Village would receive in water rights. What the Village has been doing each year is filing an extension of purpose and place of use of its water rights. The Hydrologist will make sure conditions are met to receive the necessary adjudicated water rights. The funds for this were approved by the Trustees last November. The next step will be obtaining "return flow credits", which adds to the Village's water rights, from the Village's waste water treatment plant. It's a complicated process but can be done.

Steve said the Village has sufficient "wet water" from the wells though some of it has been held back from the State for use by communities "downstream". By setting extra-territorial zones, these would be considered part of the Village for future water use and assignment of water rights.

Peggy Wilson asked if there is a Master Plan for the Village that can be used as a defense for the Village's water rights. Steve said the comprehensive plan is the most recent.

Steve said another thing that is looked at is capacity, what will the wells produce, how many houses will this support.

Steve said the Village is applying for Grants to help cover the costs of these reports. The Mayor said he hopes all this can be completed "in a year."

Adjournment:

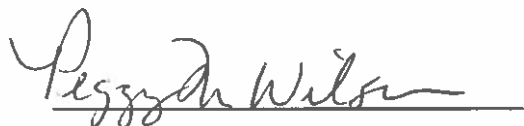
Peggy Wilson made a motion to Adjourn. Diane Riska seconded the motion.

All were in favor, motion carried

The meeting adjourned at 6:35 PM



Tracy Allred, Chairman



5:30 PM

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