

SITE SELECTION, DEVELOPMENT, & USE

Cannabis Workshop

January 7, 2022





SITE SELECTION AND BUSINESS OPERATIONS

- Zoning
 - Site Improvements
 - Building Occupancy
- Infrastructure Needs and Improvement
 - Permits & Construction
 - Business Registration

SITE SELECTION

A stylized graphic at the bottom of the slide features a sun with a checkered face and wavy rays, positioned behind a dark silhouette of a mountain range.

CANNABIS ZONING

| STATE LICENSE TYPE | CLC LAND USE TYPE | ZONING DISTRICTS |
|-------------------------------------|--|-----------------------------|
| Cannabis Consumption Areas | Cannabis Retailer | C-1, C-2, C-3; *M-1/M-2 |
| Cannabis Couriers | Accessory/related to other business types | variable |
| Cannabis Manufacturers | Cannabis Industry | M-1/M-2, M-3 |
| Cannabis Producer Microbusinesses | Cannabis Microbusiness, Cannabis Industry | C-1, C-2, C-3; M-1/M-2, M-3 |
| Cannabis Producers | Cannabis Industry | M-1/M-2, M-3 |
| Cannabis Research Laboratories | Cannabis Research Laboratory | M-T, M-1/M-2, M-4 |
| Cannabis Retailers | Cannabis Retailer | C-1, C-2, C-3; *M-1/M-2 |
| Cannabis Servers | Accessory to Retail | N/A |
| Cannabis Testing Laboratories | Laboratory | O-2, C-2, C-3, M-T, M-1/M-2 |
| Cannabis Training/Education | Accessory/related to other business types | variable |
| Integrated Cannabis Microbusinesses | Cannabis Microbusiness, Cannabis Industry, Cannabis Retail | C-1, C-2, C-3; M-1/M-2, M-3 |
| Vertically Integrated Cannabis | Cannabis Industry | *M-1/M-2 |

*retail in industrial zones ancillary to industry and limited to 5000 sq ft or 49%

ZONING ALTERNATIVES


- Cottage Industry (C-1, C-2, C-3, M-T, M-1/M-2, M-3, NMO, SMO, UDO)
- Overlay Zones (IDO, ADO, NMO, SMO, UDO, WMIP, DDC)
- Residential Zones
 - Personal Use (6 mature plants/ adult: max 12/ household)
 - Home Occupations

ZONING CONDITIONS

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- 300' from school/daycare
- Indoor consumption only
- No consumption in C-1
- Cannabis Retailer/Microbusiness
 - 300' from sf residential zones, 300' from other cannabis retailer
- Cannabis Microbusiness in EE/REM requires SUP
 - Accessory to residential, ≥ 200 mature plants, products must be grown on-site, fully enclosed accessory building, 100' from other residences
- Distancing deviations require SUP or Variance

SITE IMPROVEMENTS

- Parking
 - Landscaping
 - Access/Circulation
 - Dumpster Enclosure
 - Ponding
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BUILDING OCCUPANCY TYPE FOR ⁹ COMMERCIAL CANNABIS

- Assembly (A)
- Business (B)
- Factory and Industrial (F)
- High Hazard (H)
- Mercantile (M)
- Storage (S)
- Utility and Miscellaneous (U)

BUILDING OCCUPANCY

- Affects construction materials, occupant load (# of people allowed in space), separation, egress, bathrooms, etc., & can trigger other improvements
- Health, Safety, Welfare
- Applicable Codes
 - Building Code, Fire Code, Electrical, Plumbing, Mechanical, and Energy Code

INFRASTRUCTURE

- Roads
- Water
- Sewer
- Gas
- Electricity
- Telecommunications

INFRASTRUCTURE CAPACITY

- Is there access to infrastructure?
- Is there enough capacity for the use?
 - Ex: is the existing Water meter/line sized sufficiently for use?
- Business responsible for connections, expansions, and other improvements

- Las Cruces Utilities New Connections
 - (575) 528-3657 or email utilitiesnewcxt@las-cruces.org
- Verifies that the business can use City water for intended use
- Does not verify whether existing improvements or infrastructure sufficient for the use
- Applicant's Responsibility
 - Provide the facility location address and mailing address
- Research, prepare, sign, and mail/e-mail the Use of Water Letter and the water utility rate tariffs for Small and Large Commercial Services

DEVELOPING THE SITE



PERMITS/LICENSES REQUIRED

- Building permits
 - Certificate of Occupancy/Completion
- CCD Cannabis License
- NMED (Food Safety, Onsite Wastewater, Hazardous Waste, etc.)
- State and Federal Tax ID
- Local Business Registration

PERMITS/INSPECTIONS

- Permits required for all site/building improvements unless cosmetic (paint, tile, etc)
 - Inspections occur throughout process
- Small modifications can have giant impacts
- Licensed Design Professional/ Commercial Contractor required
- Conforming vs Nonconforming
- Use cannot occur without compliance + business registration

- Fire Inspections are required for new business registrations
- Fire Inspections are scheduled once the floorplan is 80% complete.
- Changes in building occupancy to allow cannabis operation will require a code analysis by an architect or engineer.
- Most cannabis operations other than dispensaries will be designated as an F-1 occupancy. (as per State of NM)
- Any fire suppression system or fire alarm that is physically present in the building **MUST** be operational and tagged by a licensed contractor.

CANNABIS AND SAFETY

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FOLLOW ALL RDL REQUIREMENTS

- PHYSICAL SECURITY:
 - Cameras, storage, lighting, procedures
 - Installation may require applicable building permits/inspections
- EMPLOYEES:
 - Safeguards to avoid theft, embezzlement, side sales

CONCLUDING COMMENTS

- Cannabis is treated like all other business
- There are separate processes for each agency/ jurisdiction
 - Your responsibility to follow all of these processes
- City can provide guidance regarding process or alert you to issues
 - Regulatory body
 - Verify public and employee safety through your compliance
- Utilize professionals: architects, attorneys, engineers, contractors
 - City **cannot** act in this capacity

CITY CONTACTS

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- Permits and Inspections: (575) 528-3222, PermittingInspections@las-cruces.org
- Business Registrations: (575) 528-3222, Business@las-cruces.org
- Planning: (575) 528-3043, Development_Services@las-cruces.org
- Utilities: (575) 528-3657, utilitiesnewcxt@las-cruces.org
- Fire Department (Prevention): (575) 528-3473, FD-Prevention@las-cruces.org
- Police Department: Deputy Chief Kiri Daines, (575) 528-4130, kdaines@las-cruces.org