

RESOLUTION NO. 08102021-P&Z

A RESOLUTION IMPLEMENTING REGULATION OF HEMP PRODUCTION;
RECREATIONAL AND MEDICAL CANNABIS PRODUCTION;
RECREATIONAL PERSONAL USE IN SAN MIGUEL COUNTY

WHEREAS, enacted by the legislature and signed into law by Governor Michelle Lujan Grisham in April 2021, New Mexico's HB 2, the Cannabis Regulation Act (CRA), Laws 2021 (1st S.S.), Chapter 4, legalizes recreational cannabis for adults twenty-one (21) years and older, including outdoor commercial production, personal production for recreational use, and cannabis consumption areas.

WHEREAS, the Cannabis Regulation Act (CRA) states the Cannabis Control Division will no later than September 1, 2021 begin accepting and processing license applications for cannabis producers, cannabis producer microbusinesses and persons properly licensed and in good standing as a licensed cannabis producer for medical use, pursuant to the Lynn and Erin Compassionate Use Act, legalizing production for medical use of cannabis; and

WHEREAS, that it's necessary that regulation of medical and recreational cannabis growth, production and personal use be implemented for the public health, safety and welfare of San Miguel County and its citizens; and

WHEREAS, per Land Development Standards Ordinance 86-2, Section 3520- Rules for Interpretation of District Regulations:

"If a particular use or structure is not specifically listed as a permitted principal use or a permitted accessory use or a conditional use within the regulations for a particular zoning district, the Planning and zoning Director or his designee is empowered to interpret the intent of the Ordinance and to treat such an unlisted use or structure in the same manner as a similar use or structure which is listed. If no similar use or structure is listed for a particular zoning district, the presumption shall be that the unlisted use or structure is prohibited. The Planning and Zoning Director or his designee is also empowered to make interpretations of other provisions of the Ordinance which may need greater clarity for application to particular cases;" and

WHEREAS, and all persons processing medical cannabis production applications or recreational license applications with the Cannabis Control Division for cannabis producers, cannabis producer microbusinesses, including all persons currently properly licensed as a cannabis producer for medical use, pursuant to the Lynn and Erin Compassionate Use Act, *must submit a conditional use application* to the San Miguel County Planning & Zoning Division, pay the non-refundable processing fee of two hundred dollars (\$200.00) and provide a copy of the approved cannabis production license from the Cannabis Control Division for consideration of recreational cannabis production in San Miguel County; submittal of an application does not guarantee approval; and

WHEREAS, currently licensed hemp producers in good standing with the New Mexico Environment Department and currently licensed medical cannabis producers in good

standing with the New Mexico Department of Health and the Cannabis Control Division seeking dual licensure for recreational cannabis production, must also submit a conditional use application to the San Miguel County Planning & Zoning Division.

WHEREAS, each producer will be required to pay for a county business license annually per calendar year (\$36.00) including the additional fee for the appropriate license acquired by the Cannabis Control Division (CDD) which will be implemented as such:

- **Courier - \$50.00 first year / \$25.00 annually**
(CCD: \$250.00 first year / \$100.00 annually)
- **Testing Laboratory - \$250.00 first year / \$100.00 annually**
(CDD: \$2,500.00 first year / \$1,000.00 annually)
- **Manufacturer - \$250.00 first year / \$100.00 annually**
(CDD: \$2,500.00 first year / \$1,000.00 annually)
- **Producer - \$250.00 first year / \$100.00 annually**
(CDD: \$2,500.00 first year / \$1,000.00 annually)
- **Retailer - \$250.00 first year / \$100.00 annually**
(CDD: \$2,500.00 first year / \$1,000.00 annually)
- **Research Laboratory - \$250.00 first year / \$100.00 annually**
(CDD: \$2,500.00 first year / \$1,000.00 annually)
- **Vertically Integrated Cannabis Establishment - \$750.00 first year / \$100.00 annually**
(CDD: \$7,500.00 first year / \$1,000.00 annually)
- **Cannabis Producer Microbusiness- \$50.00 for one hundred (100) plants or less; \$100.00 for one hundred and one (101) plants to two hundred and fifty (250) plants**
(CDD: \$500.00 for one hundred (100) plants or less / \$1000.00 for one hundred and one (101) plants to two hundred and fifty (250) plants)
- **Integrated Cannabis Microbusiness- Activity Based: \$250.00 first year / \$100.00 per year after first year**
(CDD: \$1000 - \$2500 / activity based)
- **Cannabis Consumption Area- \$250.00 annually**
(CDD: \$2500.00)

but are not limited to; San Miguel County can incorporate any additional fees not mentioned in the above list at a minimum of 10% the original fees incorporated by the Cannabis Control Division for medical or recreational cannabis producers or the fees for hemp production incorporated by the New Mexico Environment Department; and

WHEREAS, a cannabis establishment must maintain a minimum separation distance of at least 300 feet from any school or daycare center that was in existence at the time the cannabis establishment was issued a license by the state; and

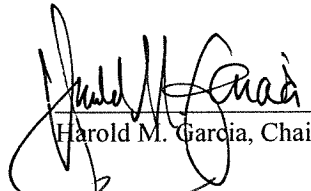
WHEREAS, San Miguel County cannot require any cannabis establishment that is licensed by the Cannabis Control Division at a licensed establishment prior to this resolution taking effect to relocate, and

WHEREAS, the County of San Miguel recognizes and adopts state regulations of adult use of recreational cannabis for personal use as per HB 2, Cannabis Regulation Act, Section 27, and will continue to follow state issued guidelines and amendments to Section 27 unless regulation is required for the public health, safety and welfare of San Miguel County and its citizens; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Miguel County that:

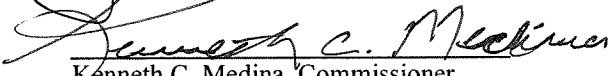
1. The County of San Miguel has adopted Resolution No. 08102021-P&Z, and the resolution will remain in effect until an ordinance regulating hemp, medical cannabis and recreational cannabis is adopted.
2. It is intended that an official adopted ordinance will precede this document, no later than January 1, 2022, which will include additional regulations for manufacturing and for retail of cannabis, following additional feedback from the citizens of San Miguel County and the evolving guidelines from the Cannabis Control Division and the State of New Mexico.

PASSED, APPROVED AND ADOPTED by the Board of County Commissioners of San Miguel County, New Mexico, on this ^{27th} day of Aug, 2021.

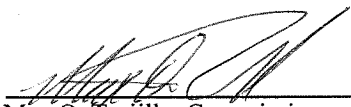


Harold M. Garcia, Chair

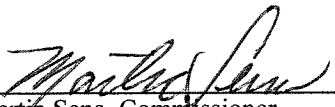
Janice Varela, Vice-Chair



Kenneth C. Medina, Commissioner



Max O. Trujillo, Commissioner




Martin Sena, Commissioner

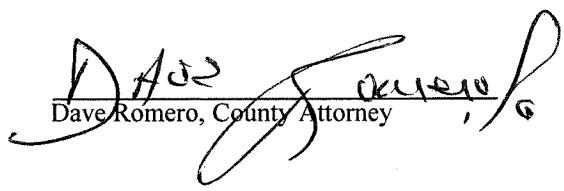


Joy Ansley, County Manager

ATTEST:



Geraldine E. Gutiérrez, SMC Clerk



Dave Romero, County Attorney