



# County of Los Alamos

Los Alamos, NM 87544  
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## Council Meeting Staff Report

August 31, 2021

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<b>Agenda No.:</b>	B.
<b>Indexes (Council Goals):</b>	* 2021 Council Goal - Enhancing Support and Opportunities for the Local Business Environment
<b>Presenters:</b>	Paul Andrus; Bryce Ternet
<b>Legislative File:</b>	CO0615-21

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### Title

Incorporated County Of Los Alamos Code Ordinance No. 02-318, An Ordinance Amending The Text Of Chapter 16, Article I Section 9, And Article VII Section 287 And Adding New Sections 288 And 289, To Adopt Local Regulations For Cannabis Cultivation, And Manufacturing.

### Recommended Action

**I introduce, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-318 and ask the staff to assure that it is published as provided in the County Charter.**

### County Manager's Recommendation

The County Manager recommends that Council introduce this Code Ordinance.

### Board, Commission or Committee Recommendation

The Planning and Zoning Commission at its July 28, 2021 meeting made the motion to recommend approval of the Planning and Zoning Case No. ZCA-2021-0008 to County Council for a text amendment to Los Alamos County Municipal Code, Chapter 16-543 as amended during the public hearing, with the recommendation that Council return to P&Z for a further hearing and recommendations regarding retail sales.

### Body

The proposed text amendments and associated draft ordinance address cannabis cultivation and manufacturing within Los Alamos County ("the County"). The proposed text amendments are submitted for consideration in response to the State of New Mexico enacting the Cannabis Regulation Act ("the Act") legalizing the production, manufacturing, sale, and adult-consumption of cannabis throughout the State of New Mexico. Los Alamos County is taking steps to address this statewide change.

The Act expressly defines and limits the amount of local control a municipality or county can impose on the adult-use cannabis industry through its power to regulate land use within their territorial limits. The Act allows municipalities and counties to adopt time, place, and manner rules and regulations that do not conflict with the Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit density of licenses and operating times consistent with neighborhood uses as well as establishing rules and regulations for the smoking, vaporizing and ingesting of cannabis products within an indoor or outdoor cannabis consumption area.

However, the Act prohibits a municipality or county from:

- completely prohibiting the operation of licensed adult-use cannabis operations within its boundaries;
- preventing the transportation cannabis products on public roads when such transport is in compliance with the Act;
- prohibiting or limiting signage attached to or located on licensed premises that identifies the premises as a cannabis establishment;

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- requiring a licensed premises or a cannabis consumption area to relocate more than three hundred feet from a school or daycare center that was in existence at the time the cannabis establishment was licensed; and
  - requiring an existing licensee to relocate, or prohibit a person from producing homegrown cannabis as provided for in the Act.

By September 1, 2021, the State Cannabis Control Division (“the Division”) will start accepting applications for producers, microbusiness producers, and from medical cannabis businesses. By January 1, 2022, the Division will accept applications for all other license types, including for cannabis education and training programs. Legal sales begin on a date set by the Division, which can be no later than April 1, 2022.

Although the County’s Chapter 16 Development Code is currently undergoing an update process, the County is attempting to incorporate State law changes into County Code in order to have local regulations firmly in place by January 1, 2022.

#### **Alternatives**

Council may choose not to introduce this ordinance, or may request staff to return with changes.

#### **Attachments**

A - Incorporated County of Los Alamos Code Ordinance No. 02-318.

B- Planning and Zoning Commission Staff Report Case No.ZCA 2021\_0008