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

*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

• 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
BUILDING OCCUPANCY TYPE FOR 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
PROOF OF WATER AVAILABILITY

• 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
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
LAS CRUCES FIRE DEPARTMENT

• 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
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

• 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