

**Special Meeting of the Legal Committee
Held in the Roswell Convention & Civic Center
Thursday, April, 25, 2022**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 22-14.

ROLL CALL

The meeting convened at 4:00 p.m. with Chair Heldenbrand presiding, Councilor Arnold, Councilor Oropesa and Councilor Corn present.

Staff present: Kevin Maevers, Christopher Josh Nairn-Mahan, Mike Mathews, Juan Fuentes, Mayor Tim Jennings, Joe Neeb, Amalia Martinez, and Parker Patterson.

Guests present: Mia E. Messier-Leos with R. Greenleaf, Jessie Hunt with R. Greenleaf, Kyle Endecott, Corrina Oropesa, Councilor Foster, Councilor Halvorson, Alex Ross with KOB, Juno Ogle with Roswell Daily Record, Tim K., Adam Pruitt, Councilor Perry, Judy Stubbs, Art Sandoval with RISD, Pilar Carrasco, Councilor Moore, Andrew Hertel with SWOP, Will Boston with SWOP, Kim Rutley with La Casa, and Larry Jump.

Public present via GoToMeeting:

APPROVAL OF AGENDA

Councilor Oropesa moved to approve the April 25, 2022, Special Legal Committee meeting agenda. Councilor Arnold as a second. A voice vote was 4-0, and the motion passed.

APPROVAL OF MINUTES

Councilor Oropesa moved to approve the Thursday, March 24, 2022, Legal Committee minutes. Councilor Arnold as a second, A voice vote was 4-0, and the motion passed.

REGULAR ITEMS

1. Ordinance 22-07: Cannabis – Parker W. Patterson discussed the Ordinance. The proposed amendment to Chapter 27 would permit pre-existing medicinal cannabis businesses to begin recreational sales upon obtaining an operational permit from Community Development, but without the necessity of obtaining a zone change and conditional use permit. The proposed amendment would additionally set operating times for retail cannabis sales and on-site consumption. Finally, the proposed amendment provides a definition of “vertically integrated cannabis establishments” based on the state law provision. Existing medicinal establishments intending to commence recreational sales would be exempted from paying fees related to pre-application review, zone change, and conditional use permits, but fees relating to operational permitting, and other relevant fees provided for in Resolution 21-59, would still apply. Councilor Arnold moved to amend the proposed ordinance to restore Sec. 27-151-Restrictions to include section (1) Repairs and alteration, and section (2)

Additions and enlargements. Councilor Corn as the second. A voice vote was 4-0, and the motion passed. Councilor Arnold moved to amend Sec. 27-12.-Additional definitions to remove the definition of Vertically Integrated Cannabis Establishment or “VICE”. Councilor Oropesa as the second. A voice vote was 4-0, and the motion passed. Councilor Arnold made a motion to amend the hours of operation to close at 9:00 pm. Councilor Oropesa as a second. A voice vote was 4-0, and the motion passed. Councilor Corn moved to recommend that the proposed ordinance as amended be authorized to advertise for hold a public hearing. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.



CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

PUBLIC PARTICIPATION

Will Boston with SWOP, Kim Rutley with La Casa, and Andrew Hertel with SWOP.



ADJOURN

The meeting adjourned at 4:47 p.m.



**Special Meeting of the
City of Roswell Legal Committee**

April 25, 2022 4:00 PM



**Ord. 22-07
Amendment to Ch. 27**

ITEM NO: 1



Ord. 22-07: Amending Ch. 27

- Council created Ch. 27 governing cannabis w/in City limits in Ord. 21-09 adopted Aug. 12, 2021
- Council amended Ch. 27 to provide for zoning, CUP, regulatory permitting and operational standards in Ords. 21-10 (Oct. 14, 2021) and 21-13 (Dec. 9, 2021)
- Current process for new cannabis business
 - Pre-application review
 - Zone change & CUP to P&Z Commission
 - Zone change & CUP to Council for final approval
 - Regulatory permit



Ord. 22-07: Amending Ch. 27

- “Floating” zones
 - CCAN
 - ICAN
- “Non-conforming uses” – grandfather clause
 - Existing cannabis establishments may continue operating strictly as they were at time Ch. 27 enacted w/o zone change or CUP
 - Any change in operation – must go through process as a “new” cannabis applicant
 - Consistent with treatment of non-conforming uses in other contexts
 - Current text is identical to that used in City Zoning Code for other non-conforming uses



Ord. 22-07: Amending Ch. 27

- **Sec. 27-5. - Fees.**

Fees for the review, processing, and permitting of cannabis projects, as well as other cannabis related procedures (including, but not limited to project related design, development, permitting, or procedural appeals), provided for by this chapter, shall be established by resolution of the city council, and may be amended or revised from time to time. Fee resolutions adopted pursuant to this section shall be posted prominently on the Community Development Department section of the City website. Whenever the City proposes to amend a fee resolution adopted pursuant to this section, the City shall cause notice to be issued via regular mail to the business addresses of all existing establishments permitted under this Chapter, at least 2 weeks in advance of the public meeting at which such amendment shall be considered by the governing body.



Ord. 22-07: Amending Ch. 27

- **Sec. 27-12. - Additional definitions**

“Vertically Integrated Cannabis Establishment” or “VICE” means a person that is authorized under the Cannabis Regulation Act to act as any of the following:

- (1) a cannabis courier;
- (2) a cannabis manufacturer;
- (3) a cannabis producer; and
- (4) a cannabis retailer.

- Identical to definition in CRA (NMSA 1978 § 26-2C-2(UU))
- Sec. 27-11 incorporates by reference all definitions of the CRA w/o need of restating them in City Code



Ord. 22-07: Amending Ch. 27

- **Sec. 27-102. – Operating Standards**

K. Hours of Operation. Retail sales of cannabis shall be permitted only during the following hours:

- (1) Sunday through Thursday from 10:00 am to 8:00 pm; and
- (2) Friday and Saturday from 9:00 am to 10:00 pm.

- **Sec. 27-132. – Operating times for on-site consumption.**

On-site consumption shall only be allowed during those times permitted for retail sales.



Ord. 22-07: Amending Ch. 27

- **Sec. 27-151. - Authority to continue.**

- Eliminates requirement of non-conforming medical establishments to obtain a zone change and CUP in order to conduct recreational sales
- Still need to obtain operational permit and pay associated fees
- Proposed Sec. 27-151 treats non-conforming medical establishments “as if” they were already properly zoned
- Would be able to apply for on-site consumption permit, “as if” a properly zoned retail establishment (subject to permitting rules)



Ord. 22-07: Amending Ch. 27

- **Sec. 27-152. - Restrictions.**
- Strikes some limitations on pre-existing uses
 - Repairs and alterations
 - Additions and enlargements
- Remaining limitations
 - Restoration
 - Discontinuance of use
 - Vacancy



Ord. 22-07: Amending Ch. 27

- **Sec. 27-53. – Operational Permit Required**

Prior to initiating operations, and as a continuing requirement to operate, a retail cannabis establishment or industrial cannabis establishment, the legal representative of the person(s) or entity intending to operate and/or lease a facility for the development of a proposed cannabis establishment shall obtain and pay all fees associated with:

1. an operational permit from the city as required by this chapter
2. except in cases of non-conforming uses, a conditional use permit from the city as required by this chapter.
3. all application, processing, and permitting fees as established and adopted by resolution of the city council, including such amendments as may be adopted from time to time

Thank you!