



VILLAGE OF CORRALES

RESOLUTION NO. 17-040

**A RESOLUTION ESTABLISHING A NINETY (90)
DAY MORATORIUM ON THE ACCEPTANCE, CONSIDERATION OR
PROCESSING OF ANY NEW LAND USE APPLICATION OR BUILDING PERMIT
APPLICATION FOR THE CULTIVATION, PROCESSING
OR DISTRIBUTION OF CANNABIS OR CANNABIS-DERIVED PRODUCTS
IN THE VILLAGE OF CORRALES; PROVIDING FOR THE TERMINATION
OF THE MORATORIUM 90 DAYS AFTER ENACTMENT, UNLESS
OTHERWISE DETERMINED BY ACTION OF THE VILLAGE COUNCIL.**

WHEREAS, the cultivation, processing, distribution and possession of cannabis (marijuana) and cannabis-derived products are illegal under the laws of the United States; and

WHEREAS, notwithstanding the illegality of such activities under federal law, the State of New Mexico has adopted legislation and regulations permitting the cultivation, processing, distribution and possession of cannabis and cannabis-derived products for medical purposes pursuant to the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 through 26-2B-7 NMSA 1978 (2007) (hereinafter, the “Act”) and regulations adopted under the authority thereof; and

WHEREAS, the Village Council, the governing body of the Village of Corrales (“Governing Body” and “Village,” respectively) is informed that some facilities for the commercial cultivation of cannabis for purposes other than personal use and consumption already exist in the Village, having been created without specific application to the Village for the erection or modification of the facilities used for those purposes; and

WHEREAS, it is also likely that multiple Personal Growth Licenses have been issued by the State to individuals residing in Corrales and that there are many other residents using medical cannabis under the provisions of the Act who purchase those products at licensed dispensaries; and

WHEREAS, the Governing Body has also become aware that the growing, cultivation, harvesting, processing and distribution of cannabis and of cannabis-derived products have become a major industry under the Act, subject only to limited regulation by the New Mexico Department of Health; and

WHEREAS, the Governing Body has been reliably informed that commercial facilities for the cultivation, processing, and distribution of cannabis and cannabis-derived products in New Mexico where no effective zoning regulations apply, have in some cases become large operations that create serious problems for residential neighbors; and

WHEREAS, the Governing body has received the input of many concerned residents about the possibility of this occurring in the Village; and

WHEREAS, as a consequence of the foregoing circumstances the Governing Body has found it necessary to address the question of whether and under what circumstances the cultivation, processing, and distribution of cannabis and cannabis-derived products may or should be permitted in any zone or zones of the Village; and

WHEREAS, due to the legal complexities involved, including the conflicts between federal and State law and the difficulties in determining effective and appropriate local land use regulations in the context of such complexities, the Governing Body determines that it is necessary to impose a moratorium on the consideration of any proposals for further introduction of facilities for purposes related to cannabis and cannabis-derived products while the Governing Body in consultation with its legal and scientific advisors and with the assistance of the Village's Planning and Zoning Commission develops a comprehensive and rational approach to the difficult questions imposed by the medical cannabis industry.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, that:

1. Beginning on the effective date of this Resolution there shall be in force a ninety (90) day moratorium on the acceptance, review or consideration of any new applications, including but not limited to land use applications, building permit applications, and business registration applications related in any way to the development, erection or establishment of facilities for the cultivation, processing, or distribution of cannabis or cannabis-derived products that have not, as of the effective date of this resolution, received written final zoning and building approval from the Village of Corrales (the "Village").

2. If it is determined that, under applicable regulations of the Construction Industries Division ("CID") of the State of New Mexico, the Village may not refuse to accept a building permit application submitted in accordance with CID regulations and relating to a proposal for the cultivation, processing, or distribution of cannabis or cannabis-derived products, such application shall be accepted and shall then be summarily denied as being contrary to the public interest.

3. The moratorium imposed by this Resolution shall not be deemed to affect the status of any facilities existing and operational in the Village, nor applications or permits having been properly accepted or issued on the date of adoption of this Resolution.

4. During the time that the moratorium described in the foregoing sections of this Resolution is in place, the Village of Corrales will exercise due diligence and work in good faith with the interested parties to develop and implement balanced and workable public policies relating to these issues.

5. During the time that the moratorium described in the foregoing sections of this Resolution is in place, the provisions of this Resolution shall prevail and have precedence over

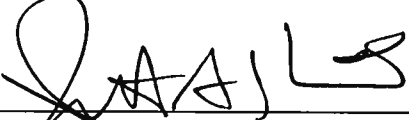
any contrary or inconsistent provisions of any prior ordinance or resolution of the Village; provided, however, that the provisions of prior ordinances and resolutions are not be deemed to have been repealed by this Resolution, and shall remain in full force and effect to the extent not inconsistent with the provisions hereof.

6. The moratorium enacted by this Resolution shall terminate and be deemed repealed in its entirety on the date that is ninety (90) days after the effective date of this Resolution, unless otherwise specifically provided by resolution or ordinance duly adopted by the Governing Body subsequent to the effective date of this Resolution.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Resolution be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. The Governing Body of the Village of Corrales hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

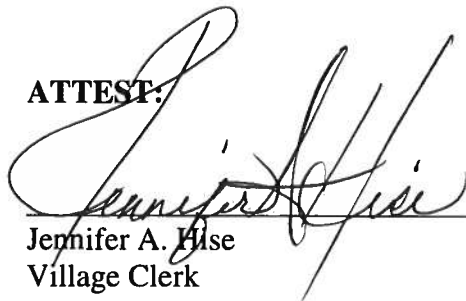
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales this 26th day of September, 2017.

APPROVED:



The Honorable Scott A. Kominiak
Mayor

ATTEST:



Jennifer A. Hise
Village Clerk