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ORDINANCE/DAC

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Deputy: Lenora Hawkins

Amanda López Askin, County Clerk, Dona Ana, NM

DOÑA ANA COUNTY ORDINANCE NO. 335-2023

AN ORDINANCE AMENDING CHAPTER 350, THE UNIFIED DEVELOPMENT CODE OF THE COUNTY OF DOÑA ANA, AMENDMENT NO. 4. This amendment repeals and replaces the following sections: Section 350-204 (Special use permits); Section 350-501 (Zoning districts); Section 350-502 (Regulations general to all zones; and Section 350-702 (Glossary).

WHEREAS, on December 13, 2016 the Board of County Commissioners (“BOCC”) approved and adopted Ordinance No. 287-2016, the Unified Development Code for Doña Ana County (“UDC”), which has been codified as Chapter 350 in the Code of Doña Ana County; and

WHEREAS, the UDC is a single document that incorporates all related land use regulations, including zoning and the official zoning map, subdivision regulations, and construction and development standards for Doña Ana County; and

WHEREAS, County Staff has administered the UDC since its effective date of February 2, 2017 and the UDC has subsequently been amended three times: Amendment No. 1 was adopted by the BOCC on November 14, 2017 as Ordinance No. 294-2017, Amendment No. 2 was adopted on December 8, 2020 as Ordinance No. 317-202, and Amendment No. 3 was adopted on December 14, 2021 as Ordinance No. 324-2021; and

WHEREAS, pursuant to §104.B.4 of the UDC, the Zoning Administrator shall present to the P&Z recommendation’s concerning changes and amendments to the UDC and upon receiving P&Z’s recommendations, present said recommendation to the BOCC for final disposition; and

WHEREAS, Staff has determined that additional changes to the UDC are necessary to help clarify and streamline the development process and held two work sessions and two public hearings with the P&Z and the Development Review Committee to seek public input on these recommendations; and

WHEREAS, on April 13, 2023 the P&Z voted 5-0-0 to recommend adoption of the proposed UDC Amendment to the BOCC; and

WHEREAS, County Staff, the Development Review Committee, the Planning and Zoning Commission and the Board of County Commissioners have determined that this Amendment is in the public interest and is necessary to improve the overall public health, safety and general welfare of its residents by updating and amending the UDC.

NOW THEREFORE, BE IT ORDAINED THAT the Unified Development Code, Chapter 350, of the Code of Doña Ana County is hereby amended as follows:

Section 1.

The following sections of Chapter 350 of the Code of Doña Ana County are hereby amended as more particularly described herein: Section 350-204 (Special use permits); Section 350-501 (Zoning districts); Section 350-502 (Regulations general to all zones; and Section 350-702 (Glossary).

§ 350-204 Special use permits (SUP).

A. General provisions and procedures. An applicant has the option of either applying for an administrative SUP or proceeding directly to the P&Z to consider the SUP at a public hearing; however, if there are any code violations on the property that cannot be remedied by the SUP, the violations shall be

corrected before the public hearing is scheduled and Staff may require that the applicant proceed directly to a public hearing. The Zoning Administrator may administratively approve a special use permit if no written objections are received within 21 days from the date that notice is provided consistent with § 350-204C provided all agency review comments are satisfactorily addressed. The notice shall identify the property and state the nature of the SUP requested, and shall also state that if no written objections to the SUP are received within 21 days of the date of the notice, the SUP may be granted administratively without a hearing. If written objections are received within the twenty-one-day period, the SUP will be submitted to the P&Z for a public hearing. Special use permits shall not be considered a zone change.

B. Application procedure. An applicant for an SUP shall complete and submit an approved application form in accordance with the procedures established herein. The applicant shall be the property owner, or have the written consent and signature of the property owner. The applicant shall also submit the following information with the application:

- (1) Narrative indicating the reason for the request, the purpose and use of the property, scope of work, hours of operation, number of clients, all improvements to be made, and the best management practices that will be utilized to optimize resources to prevent or reduce the discharge of pollutants and control fugitive dust.
- (2) Site plan meeting the specifications of § 350-208B, Detailed site plan requirements.
- (3) Grading and drainage plan, traffic impact analysis (TIA) or environmental impact statement (EIS) may be required by County staff.
- (4) The Zoning Administrator may place appropriate conditions on environmentally sensitive areas, areas of historical significance or areas that contain endangered or rare species of animal or plant life.
- (5) Any analysis required and requested by the County shall be undertaken at the applicant's expense.

C. Notice procedure for special use permits.

(1) For administrative SUPs:

- (a) Signs supplied by the CDD shall be posted on or near the property lines and be maintained by the applicant for a minimum of 21 days on the subject property, in conspicuous locations, in a manner that is reasonably calculated to notify adjacent property owners and passersby of the proposed administrative special use request. Failure to do so may result in a postponement and renotification of your case.
- (b) Notice of deadline for public input for an administrative SUP shall be published one time at least 21 days prior to the date of the administrative decision in a newspaper of general circulation in the jurisdiction of the County.
- (c) Notice of an administrative SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.

(2) SUPs decided by public hearing:

- (a) Signs supplied by the CDD shall be posted on or near the property lines and be maintained by the applicant for a minimum of 21 days on the subject property, in conspicuous locations, in a manner that is reasonably calculated to notify adjacent property owners and passersby of the hearing for the proposed special use permit. Failure to do so may result in a postponement and renotification of the public hearing.
- (b) Notice of public hearing shall be published one time at least 21 days prior to the date of the hearing in a newspaper of general circulation in the jurisdiction of the County.
- (c) Notice of the SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site

in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.

- D. Decisional criteria for special use permits.** A proposed SUP, supporting documentation and site plan shall be consistent with the health, safety, and general welfare of the residents of the County per the intent of this chapter. The Zoning Administrator, P&Z, and BOCC shall use the following general criteria and may require that additional information be presented when reviewing special use permits. The burden of proof shall rest solely with the applicant and shall clearly demonstrate how the proposed SUP shall meet the following decisional criteria, but are not limited to:
- (1) Potential traffic flows and impacts:
 - (a) Adequate measures shall be provided to accommodate ingress and egress to avoid congestion, impede surrounding traffic flows or create hazardous or unsafe conditions; and
 - (b) The proposed SUP contains sufficient off-street parking and loading facilities that will be developed in accordance with this chapter;
 - (2) The public need for the commercial or residential activity and how it complies with Plan 2040, the Comprehensive Plan of Doña Ana County;
 - (3) Potential water and sewer needs and supporting documentation showing that the infrastructure is available to support this proposed use;
 - (4) The extent to which the capacity of existing infrastructure, public facilities and services are available, are adequate to meet the demand generated by the proposed use and can accommodate the development;
 - (5) Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life and how the SUP will mitigate the affected areas, if applicable;
 - (6) The impact of a proposed SUP because of its size and intensity on surroundings properties and how it provides a positive impact on adjacent properties and is not detrimental to the public health, safety and general welfare of the neighboring residents; and
 - (7) Implementation of best management practices for the development shall be demonstrated by submitting a schedule of activities, maintenance procedures, other management practices and site development work that optimizes resources to be used to prevent or reduce the discharge of pollutants to the MS4 and waters of the US.
- E. Approval procedures and conditions.** The Zoning Administrator, P&Z or the BOCC may approve, conditionally approve or deny the SUP with right of appeal in accordance with the provisions of § 350-216, Appeals. Approval may be granted with conditions that are deemed necessary to ensure that the purpose and intent of this chapter are met and to mitigate potentially detrimental effects of the SUP to surrounding properties. In addition to the conditions, a time limitation on the SUP may be imposed. The SUP shall not be considered as establishing a binding precedent to grant other special use permits. If a special use has not commenced within, or is discontinued for, a period of one year, said permit shall automatically expire. All improvements shall be in accordance with the development standards applicable to the zoning district or community type, and Article VI, except as otherwise authorized by the SUP.
- F. SUP site plan revisions.** Minor revisions to a detailed site plan, following final approval, may be subsequently approved by the Zoning Administrator without a public hearing. Major revisions to the detailed site plan are subject to the same requirements as an original application and may require a public hearing. Minor and major revisions to site plans are defined in § 350-208E, Site plan revisions.
- G. Recording of the special use permit.** After approval, the special use permit shall be recorded in the Office of the County Clerk and shall include all information, conditions, reference to site plans, other provisions and conditions of the special use. The special use, as granted, shall be shown on the Official Zoning Map as a special use permit indicating its location with a designation of 'SUP'.

Table 5.1 Land Use Classification Matrix: Zoning Districts [Amended 11-14-2017 by Ord. No. 294-2017; 12-8-2020 by Ord. No. 317-2020]	
Legend	
P	Permitted
C	Conditional uses, see Table 5.2
A	Permitted if assessed as agriculture for on-farm operations only; an SUP is required if not assessed as agriculture.
S	Special use permit
*	Retail uses not elsewhere classified, limited by building size
N	Natural
T2	Rural
T3	Neighborhood Edge
T4	General Neighborhood
T5	Town Center
R5	Rural Density Residential
R5L	Rural Density Residential - Limited
D1	Low Density Residential
D1L	Low Density Residential - Limited
D2	Medium Density Residential
D2L	Medium Density Residential - Limited
D3	High Density Residential
DM	Mobile Home Park
MU	Mixed Use
C1	Neighborhood Commercial
C2	Community Commercial
C3	Regional Commercial
I1	Light Industrial
I2	Medium Industrial
I3	Heavy Industrial
Inst	Institutional/Government

Consult § 350-501, Table 5.1, 5.2 and 5.3 for additional restrictions on uses. Lots in all zones shall conform to Tables 5.4 through 5.17, Site Standards.

Table 5.1 Land Use Classification Matrix: Zoning Districts	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	Z	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
PRIMARY USE OF PROPERTY																				
Agricultural processing facility		A				A	A	A	A								S	P	P	P
Aquaculture		S				S								S			P	P	P	P
Auction yard		S													P	P	P	P	P	P
Cannabis Microbusiness		P	S	S	P	S	S	S	S					S	P	P	P	P		
Cannabis Microbusiness Producer		S	S			S	S	S	S						P	P	P	P	P	P
Cannabis Producer		S	S			S	S	S	S						P	P	P	P	P	P
Dairy and related operations																	S	P	P	
Feed lot																		P	P	P
Farming and ranching		A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	P	P
Grain storage		A				A	A	A	A									P	P	P
Greenhouse and nursery, commercial		S	S	C	P	S	S	S	S					S	P	P	P	P		
Livestock pen		A	A			S	S	A	A									P	P	P
Poultry raising, commercial		S																	P	P
Poultry slaughtering and processing, commercial																			P	P
Research and education		P	S			S	S	S	S					S				P	P	P
Stable, commercial		S	S			S	S	S	S	S	S				S	S	S	S	S	S
Stockyard or slaughter house																			P	P
Swine production																			P	P
Wine tasting room or winery		S	S	C	P	S	S	S	S						P	P	P	P	P	P

Table 5.1 Land Use Classification Matrix: Zoning Districts	ZONING DISTRICTS																				
	Transect Zones					Use Zones															
	Z	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3	
PRIMARY USE OF PROPERTY																					
Construction yard and equipment, related sales, services, storage and distribution facility, semi-truck parking		S	S													P	P	P	P	P	
Drilling of oil, gas well or other shaft mining																					P
Energy generation operation																					P
Explosive materials, manufacturing or storage																					P
Fat rendering plant																					P
Fertilizer plant																					P
Food and fiber processing		S																P	P	P	
Foundry																					P
Ground transportation terminal																P	P	P	P	P	
Junkyard and dismantling																					P
Laboratory facility				C	P										P	P	P	P	P	P	
Light manufacturing				C	P												P	P	P	P	
Major facility for distribution of electric, natural gas, water, sewer, cable		S													S	S	P	P	P	P	
Medium manufacturing																		P	P		
Heavy manufacturing																					P
Mini-storage unit		S														P	P	P	P	P	
Petroleum refinery and storage																					P
Recycling center		S																P	P	P	P
Renewable energy facility/Community solar facility		S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Utility building, wastewater lift station and substation, minor, private or public	S	S	S	S	P	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	
Warehouse																		P	P	P	

§ 350-502. Regulations general to all zones.

- A. Purpose. The purpose of this section is to provide regulations general to all zones, including the classification and regulation of uses in all zones.
- G. Cannabis Establishments. In addition to the applicable authority set forth elsewhere in the UDC and State law, the zoning and other regulations in this section are enacted pursuant to the County's authority in Section 12 of the Cannabis Regulation Act, Laws 2021 (1st S.S.), Chapter 4, and the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.
- (1) Cannabis consumption areas are subject to the following:
- (a) A cannabis consumption area, limited to consumption by qualified patients or reciprocal participants, or adults over twenty-one (21) years of age, may only be located in conjunction with any cannabis retailer; provided, that smoking of cannabis products in such consumption areas is only allowed if the cannabis consumption area occupies a separate and distinct area inside the building from which smoke does not infiltrate other indoor workplaces or other public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.
- (b) Cannabis consumption areas that are open to consumers are also subject to the following:
- [1] Outdoor cannabis consumption areas shall be a minimum of thirty (30) feet from a public right-of-way to prevent second hand consumption from any passersby.;
- [2] Access to cannabis consumption areas open to consumers is restricted to persons twenty-one years of age and older;
- [3] Shall be in compliance with all New Mexico laws and Cannabis Control Division rules; and
- [4] Outdoor consumption areas shall have a six (6) feet high physical barrier (solid wall or fence) surrounding the consumption area.
- (2) No cannabis establishment, cannabis consumption area, or cannabis courier may be located within 300 feet of a residential area, school (K-12) or daycare center (excludes commercial schools and places of higher learning serving those 18 years and older) in existence at the time a license was sought for the cannabis establishment, cannabis consumption area, or cannabis courier. For purpose of this section, all measurements determining the location of a cannabis establishment, cannabis consumption area, or cannabis courier in relation to residential areas, schools or daycare centers shall be the shortest direct line measurement between the actual limits of the real property of the school or daycare center and the actual limits of the real property of the proposed cannabis establishment, cannabis consumption area, or cannabis courier.
- (3) Cannabis retailers and cannabis consumption areas may not be located within 300 feet of another cannabis retailer, cannabis consumption area or residential area. For purpose of this section, all measurements taken in order to determine the location of a cannabis retailer or cannabis consumption area in relation to another cannabis retailer or cannabis consumption area shall be the shortest direct line measurement between the actual limits of the licensed premises of the existing cannabis retailer or cannabis consumption area and the actual limits of the proposed licensed premises of the proposed cannabis retailer or cannabis consumption area. The shortest direct line measurement to a residential area may be reduced by applying for a Special Use Permit to be reviewed in a public hearing by the Planning and Zoning Commission.
- (4) Unless further restricted in a Special Use Permit, cannabis retailers and cannabis consumption areas may only operate during the following hours:
- (a) Cannabis products may only be served and consumed in cannabis consumption areas between the hours of 7:00 a.m. and 2:00 a.m. the following day.
- (b) Cannabis retailers may only sell cannabis products for off-site consumption between the hours of 7:00 a.m. and midnight.
- (5) Cannabis producers that cultivate cannabis plants indoors and cannabis manufacturers must use industry standard techniques to minimize odorous matter, toxic or noxious matter, such as

activated carbon filtration and regular maintenance of HVAC systems.

- (6) Cannabis cultivation and production for personal use in quantities and as permitted by the Cannabis Regulation Act and Lynn and Erin Compassionate Use Act is allowed anywhere in the unincorporated areas of the County.
 - (7) If an established retail business legally exists in a T4 Zone and has an existing county business registration at the time the Ordinance was adopted, a Cannabis Retailer may be permitted if it complies with all T4 Development Standards of this Chapter.
 - (8) Applicability of Other Laws.
 - (a) All cannabis uses are subject to all other applicable sections of the UDC, other County ordinances and all applicable building, fire and life safety codes.
 - (b) Any person engaged in commercial cannabis activities and activities under the medical cannabis program other than personal production and use shall obtain a County business license.
 - (9) The Zoning Administrator, Planning and Zoning Commission or Board of County Commissioners may apply conditions to a Special Use Permit in order to protect the public health, safety and welfare.
 - (10) For any Cannabis Microbusiness, Cannabis Microbusiness Producer and Cannabis Producer in a residential area, a 12' wide landscaped buffer shall be located outside of the fenced area and shall consist of a 6' solid wall or fence with plantings that provide an intermittent visual obstruction with a minimum of six feet in height and a minimum of 50% visual obstruction along the buffer length, see § 350-507 Landscaping, buffering and fencing for additional requirements.
 - (11) The use of barbed wire or razor fencing are not permitted when adjacent to a residential zoning district or residential use.
 - (12) For Cannabis retailers providing a drive-up service window, one stacking lane 15 feet in width and 200 feet in length shall be paved and provided for each drive-up window for the retail establishment. If the retail establishment for the drive-up service is a stand-alone structure, it shall be a fixed, permanent, and a non-portable building that meets the requirements of the Building and Fire Codes.
- H. Community solar facilities. The Community Solar Act (SB84) was signed into law in April 2021 by Governor Michelle Lujan Grisham to provide equal access to all on the benefits of community solar facilities regardless of home ownership status, income or physical/shading limitations that prevent rooftop solar energy generation. Community solar programs are designed to promote participation in renewable energy solutions by allowing electric utility customers to purchase shares in an approved renewable energy facility to offset their monthly energy consumption. The County shall consider the needs of community solar facility providers and will minimize adverse effects on neighboring properties by requiring the following:
- (1) A detailed site plan showing all proposed and existing improvements meeting the specifications of § 350-208 Detailed site plan review process.
 - (2) Buffering and screening is not required for ground mounted facilities. If fencing is proposed around the perimeter of the facility for security purposes, agricultural fencing six to eight feet in height with six inch knots to protect wildlife is recommended.
 - (3) External access roads and driveways for ground mounted facilities shall be a minimum of 20' if adequate drainage control is provided and the surface is hard packed dirt with compaction of 95% of the maximum density. If the access road or driveway adjoins a paved road, an asphalt or concrete apron will be required to protect the pavement of the roadway or driveway.

- (4) An approved SWPPP and a Grading and Drainage Plan shall be submitted prior to the issuance of a construction/building permit. If the property is located within a FEMA Special Flood Hazard Area (SFHA), consultation with the Flood Commission is required in order to ensure proper operation and maintenance of the storm drainage and flood control facilities, including all natural drainage systems.
- (5) State approval for the location and requirements of the facility shall be submitted prior to the issuance of a construction/building permit.
- (6) Disturbed areas shall be reseeded with drought tolerant native plant species for pollinator friendly habitat. Weeds and plant materials shall be properly managed to reduce fire risks.
- (7) A Remediation and Decommissioning Plan shall be submitted at the time of building permit/construction submittal. The plan shall include but is not limited to the following:
 - (a) The owner/operator shall, at its own expense, complete decommissioning of the community solar facility no later than 12 months after the end of the useful life of the facility.
 - (b) Decommissioning shall include removal of all solar panels, structures, cabling, electrical components, roads and foundations to a depth of 36 inches, and any associated facilities/equipment with satisfactory disposal and recycling of equipment. Disturbed areas shall be graded and reseeded with drought tolerant native plant species.
 - (c) The owner/operator shall retain a NM Professional Engineer to estimate the total cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to the County after the first year of operation and every fifth year thereafter.
 - (d) The owner/operator shall provide assurances that financial resources will be available to fully decommission the site and post a bond, letter of credit, escrow or other financial guarantee to ensure proper decommissioning.
- I. Renewable energy facilities. Renewable energy facilities shall follow the same guidelines and requirements as community solar facilities, unless the renewable energy source does not require any site, infrastructure improvements or State permitting requirements.

§ 350-702 Glossary.

COMMUNITY SOLAR FACILITY—

A facility governed by the 2021 New Mexico Community Solar Act, as amended, that generates, and may store electricity by means of a solar photovoltaic device; subscribers to the facility receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt-hour output.

LICENSED PREMISE—

The limits of the structure, enclosed area or tenant space licensed for a cannabis retailer or cannabis consumption area.

SPECIAL USE PERMIT (SUP)--

Authorization for a specific land use that is potentially appropriate in, and compatible with other uses in its zoning district, but due to the scale, intensity and nature of the use, has the potential to make a major negative impact on other uses in the district.

ENACTED this 13th day of June 2023

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**

SChaparro

Susana Chaparro, District 4, Chair

For/Against



Chris Schaljo Hernandez

Christopher Schaljo-Hernandez, District 1, Vice Chair

For/Against

Diana Murillo

Diana Murillo, District 2

For/Against

Shannon Reynolds

Shannon Reynolds, District 3

For/Against

Manuel A. Sanchez

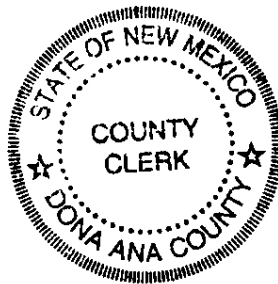
Manuel A. Sanchez, District 5

For/Against

ATTEST:

Amanda López Askin

Amanda López Askin, Ph.D.
County Clerk



Las Cruces Sun News.

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Affidavit of Publication

Ad # 0005710705

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DONA ANA COUNTY LEGAL

845 N MOTEL BLVD # 1-260

LAS CRUCES, NM 88007-8100

I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

05/28/2023, 06/04/2023

Desponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.



Legal Clerk

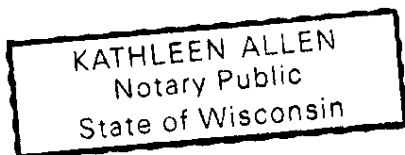
Subscribed and sworn before me this June 4, 2023:



State of WI, County of Brown
NOTARY PUBLIC

1-7-25

My commission expires



Ad # 0005710705

PO #:

of Affidavits 1

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NOTICE OF PUBLIC HEARING

On May 9, 2023, the Board of County Commissioners of Doña Ana County (BOCC) directed that a public hearing be conducted at their Regular Meeting on June 13, 2023 at 9:00 a.m. on the question of whether to adopt Amendment No. 4 to Chapter 350 of the Code of Doña Ana County, the Unified Development Code (UDC). The public hearing will be held at the Doña Ana County Government Center located at 845 N. Motel Blvd., Las Cruces, New Mexico.

THE OFFICIAL TITLE OF THE PROPOSED ORDINANCE: An Ordinance Amending Chapter 350, The Unified Development Code of Doña Ana County, Amendment No. 4.

GENERAL SUMMARY: Amendment No. 4 to the UDC updates and clarifies Special Use Permits (SUP) and Cannabis Establishments and provides standards for Community Solar Facilities and Renewable Energy Facilities, specifically:

- Section 350-204.A-G Special Use Permits: requires supplementary information be provided for processing and clarifying the decisional criteria and signage requirements for all SUP applications.
- Section 350-502.G.1-4. Cannabis Establishments: permits outdoor consumption areas with related requirements, the hours of operation for retail establishments modified to mirror consumption areas and removes the distance requirements between cannabis establishments.
- Section 350-502.G.10-12. Cannabis Establishments: requires a 12' landscaped buffer area for Cannabis Micro-businesses, Cannabis Micro-business Producers and Cannabis Producers in residential areas. Standards are also provided for Cannabis Retail Establishments proposing to use a service drive-up window.
- Table 5.1 Land Use Classification Matrix: eliminates an agriculture assessment and requires a SUP for certain cannabis establishments in low density residential areas and will not be permitted in high density zoned areas.
- Section 350-502.H: establishes regulations for Community Solar Facilities and 502.I Renewable Energy Facilities
- Section 702 Glossary: updates the SUP definition and provides a definition of Community Solar Facility.

Written comments may be submitted no later than June 6, 2023 at 5:00 pm to jnined@donaanacounty.org to be included in the BOCC packet; however, oral comments may be presented at the hearing. A copy of the

proposed Amendment may be obtained upon payment of an administrative fee at the Office of the County Clerk, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico during regular business hours. It is also available electronically at <https://www.donaanacounty.org/departments/community-development/udc-land-use-regulations>.

The public may attend the Doña Ana County Board of County Commissioners meeting via livestream on <https://www.donaanacounty.org/bocc/video/streaming>. Prior to and during the meeting, for the duration of public input, please use the following email to submit input: publicinput@donaanacounty.org. The information will be provided to the Commission.

Should you require special accommodations as a result of a disability, please contact the County ADA Coordinator at 575-525-5884 (voice), 575-525-5951 (TTY), or 1-877-827-7200 (toll free), or write to ADA Coordinator, 845 N. Motel Blvd., Las Cruces, New Mexico 88007. Spanish language interpretation services are available upon request. Please contact the Community & Constituent Services Office at 575-525-6163, at least 48 hours prior to the event. Servicios de interpretación en las juntas será disponible por petición. Por favor en contacto la Oficina de Servicio a la Comunidad y Constituyentes 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.

#5710705, Sun-News, May 28, June 4, 2023