

Planning, zoning commissioners, city councilors draft a cannabis ordinance

Written by By: Molly Adamson Sun Correspondent
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One city councilor invites growers to locate on Gallup's west side

When recreational marijuana was legalized in New Mexico April 12, it created a ripple effect in the law enforcement and legal communities.

On July 27 the Gallup City Council and the Planning and Zoning Commission held a work session to draft an ordinance that lays out the rules regarding cannabis. The state plans to begin accepting and processing license applications for anyone who wants to produce marijuana starting Sept. 1. Retail sales of the drug will become legal starting April 1, 2022.

Jessica Lawlis, an urban planner with Dekker/Perich/Sabatin, an architectural and planning company, presented her findings about other municipalities that have legalized marijuana.

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Lawlis explained that many cities have created ordinances that maintain that cannabis establishments will not be allowed to locate within 300 feet of existing schools, religious institutions, rehabilitation centers, playgrounds, or public parks. They also can not be within 300 feet of a residential zone.

This information led to a discussion about whether cannabis consumption should be allowed downtown, or if that area should be restricted to sales only.

Planning and Development Director Clyde Strain argued that letting people consume marijuana downtown would go against what the city has been trying to do with the area.

“We’re trying to invite more family-oriented uses downtown, more family-oriented events,” Strain said. “The thought of having a consumption business there in the middle of downtown with Arts Crawl going on wasn’t very appealing.”

Councilor Fran Palochak, Dist. 4, argued for cannabis growers and sellers to come out to the west side of town, which is where her district is located.

“I would invite growers out [to the west side of town],” Palochak commented. “I would invite even retail out there, just because they’re a legal business [and] we need some sort of industry on the west side.

So, welcome to the west side. You’re very welcome to open a business on the west side,” Palochak said.

City Manager Maryann Ustick worried that allowing consumption of marijuana in the downtown area would lead to unwanted traffic.

“I think that’s really the issue is, if you just have a line of retail stores that have on-premises consumption, you’re going to have people that are hanging around,” Ustick stated. “You’re

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going to have huge crowds in the streets; you're going to have all sorts of issues."

Lawlis told the council that retail sales could be allowed while on-premises consumption could be banned from the downtown area.

The council also decided to change the hours of operation and sales from those suggested in the original draft of the ordinance.

The new ordinance will support these changes, which states that the consumption of marijuana will be legal from 10 am to 2 am every day, while people will only be able to sell it from 10 am to 12 am.

Another item the council wanted to see changed was how the city would go about handling people who grow marijuana in their homes. The state law gives home growers a lot of freedom, but does not allow marijuana to be grown in multi-family units such as apartments or duplexes.

The council decided that they would allow marijuana to be grown in a multi-family unit as long as the building owner gave permission.

This work session served as an opportunity for city councilors and the Planning and Zoning Commission to get an idea of what cannabis sales will mean for Gallup. The councilors will decide whether or not to approve the final draft of the ordinance at a later date.

Before the conclusion of the work session, Strain reminded everyone that the ordinance is subject to change.

"With any new rule you've got to put it to the test," Strain commented. "We put our best information into it, our best research, and you really don't know how it's going to work until you start enforcing it."

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Strain said the draft of the cannabis ordinance will go to the Planning and Zoning Commission for review and recommendations Aug. 11 and then to the City Council Aug. 24 for final review and approval.

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