

COUNTY APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 723 - Project # PZX-24-00098

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: RR1

Proposed Zoning: C3,

Property Tax ID # D00769D

COUNTY COMMISSIONER DISTRICT #1 John Ostlund

Legal Description of Property: S21, T01 S, R25 E, C.O.S. 2224, PARCEL 2B, AMD L 2 (2.00 AC)

Address or General Location (If unknown, contact County Public Works): 1604 South 48th Street West; Billings, MT 59106

Size of Parcel (Area & Dimensions): 2 Acres

Present Land-Use: Commercial - Yellowstone Basin Construction & Green Bee co-lease the parcel

Proposed Land-Use: Maintain present use

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) Jeremiah Doucette
(Record Owner)

2409 Nina Clare Rd; Billings, MT 59106

(Address)

(406) 670-6097

(Phone Number)

doucette@bresnan.net

(email)

Agent(s): Neil Kiner
(Name)

1432 Teton Ave; Billings, MT 59102

(Address)

(406) 850-0461

(Phone Number)

neil@secondnature.consulting

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Neil Kiner Digitally signed by Neil Kiner
Date: 2024.02.27 10:50:43 -07'00' Date: _____
(Record Owner – Digital Signature Allowed)



Yellowstone County Commissioners and Staff.

I am respectfully requesting a zone change on county parcel, located at 1604 South 48th Street West. This request is to change from the current Rural Residential designation to a C3 zone designation. I will briefly explain why our request for zone change has been submitted.

The Green Bee began leasing the property at 1604 South 48th St. West in September of 2018, signing a five year lease with the property owner. Prior to signing the lease, Neil Kiner spoke with Nicole Cromwell about locating a medical cannabis business at said property. Nicole affirmed that the property was located in the county and zoned A-S, Agriculture Suburban. As such, she said the use was allowed by right, as she considered medical cannabis providers to be a home occupation. This allowed for retail operations to exist legally on this parcel at that time. The production and manufacturing aspects of the business were also allowed by right through the definition of agricultural uses. No zoning restrictions were in place for cannabis sales or production. This is the information provided to Neil Kiner in 2018.

The lease was signed and the business was established on the property.

On November 10 of 2020, the county commissioners adopted a new regulating ordinance, known as Re-Code (effective as of 12/15/2020). At that time, a revised zoning map was adopted. This map changed the zoning of the parcel at 1604 South 48th St. West – from Agriculture-Suburban to Rural Residential. No communication from the county was received by us, as renters and users of this property. There was no publicly posted sign or other notice of this zone change in 2020. Upon the covert adoption of the revised zoning, we have been zoned out of compliance, and are now being told we are considered an illegal business. But nothing about our operation or site has changed since we were considered a legal, conforming business.

Relocation of the business is not a feasible option. We have actively sought suitable property, but have only found that it takes well more than \$1,000,000 in cash to find a new location for the business.

We are seeking a zone change to be allowed to continue business activities as we have in the past 5 years. We have faithfully relied upon information provided to us by city/county planning staff to invest in this property and establish this business on this property.

Warmly,

Neil Kiner