

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 23-116

Resolution to Allow Time for Compliance with Marijuana Zoning Regulations

WHEREAS, Montana held a referendum on the recreational sale of marijuana. *Montana I-90, Marijuana Legalization Initiative (2020)*. Montana approved the recreational sale of marijuana. Yellowstone County enacted interim zoning regulations on the sale of marijuana. *Yellowstone County Board of County Commissioners Resolution No. 21-93*. The County extended the regulations. *Yellowstone County Board of County Commissioners Resolution No. 22-99*. The County allowed providers in violation of the regulations who received letters from the Yellowstone County Attorney’s Office that they complied with the regulations when they did not comply to continue to sell recreational marijuana while the regulations were in effect. *Yellowstone County Board of County Commissioners Resolution No. 23-25*. The County is in the midst of the process to enact permanent zoning regulations on the sale of marijuana. *Yellowstone County Board of County Commissioners Resolution No. 23-105*. The permanent regulations will supersede the interim regulations. The County regulations will limit the sale of recreational marijuana to land zoned for commercial or industrial use. Several of the providers who received letters from the County Attorney’s Office that they complied with the interim regulations when they did not comply will not be in compliance with the permanent regulations. The providers are on land zoned for other than commercial or industrial use. The use of the land for the sale of any product, including marijuana, violates the zoning on the land. The County does not want to force these providers to immediately stop the sale of marijuana. The County wants to give these providers a reasonable amount of time to relocate onto land that will comply with the permanent zoning regulations.

WHEREAS, on October 3, 2023, the Yellowstone Board of County Commissioners passed a resolution of intent to allow more time for compliance with the marijuana zoning regulations and set a public hearing on the resolution for October 24, 2023. *Yellowstone County Board of County Commissioners Resolution No. 23-104*. On October 6, 2023, the Yellowstone County Clerk and Recorder mailed the resolution of intent and the notice of public hearing to the providers potentially affected by the permanent regulations. On October 6, 2023 and October 13, 2023, the Clerk and Recorder published notice of the public hearing in the Yellowstone County News. On October 24, 2023, the Board held a public hearing on the resolution. The Board heard comments on the Resolution. The Board determined that it would be in the best interest of the public to adopt the resolution.

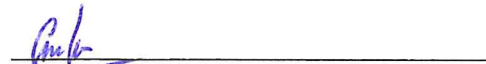
NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners allows the marijuana providers who received letters from the Yellowstone County Attorney’s Office that they complied with the interim regulations when they did not comply and will not comply with the permanent regulations to continue to operate at their locations until October 3, 2024. After October 3, 2024 the businesses in part or in whole will need to conform to zoning regulations. Providers may continue to operate the portions of their business which are compliant with the zoning regulations but would not be able to operate portions like dispensing, growing, manufacturing or other uses that are not permitted by zoning in the zone district in which the business is located. Attached is a list of the providers. The Board orders the Yellowstone County Clerk and Recorder to provide the providers with a copy of this resolution to give them notice of the situation.

Passed and Adopted on the 24th day of October 2023.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chair


Mark Morse, Member


Donald W. Jones, Member

ATTEST:


Jeff Martin, Clerk and Recorder

List of Providers

1. Enlighten LLC – RR3 Zone – 1745 Mary Street
2. Golden Valley Honey – A Zone– 3668 Wise Lane
3. Laughing Forrest – A Zone - 2221 Trails End Road
4. Lighthouse Organics – A Zone - 3925 Coulson Road
5. North Coast Cure – RR3 Zone – 406 Johnson Lane
6. The Green Bee – RR1 Zone – 1644 S 48th Street West