

B.O.C.C. Regular

Agenda Item 17. 0.

Meeting Date: 11/09/2021**TITLE:** Resolution of Intent to Adopt Interim Zoning Regulations for Marijuana Sales and Production and set a Public Hearing**PRESENTED BY:** Nicole Cromwell**DEPARTMENT:** Planning Department

TOPIC:

Resolution of Intent to Adopt Interim Zoning Regulations on Marijuana Sales and Production and Set a Public Hearing for November 23, 2021.

INTRODUCTION:

In November 2020, the ballot issue (I-190) was approved by the voters to allow "adult use" of marijuana on a state- wide basis. During the 2021 legislative session, the state adopted a bill - HB 701 - that amended the existing laws to accommodate this new marijuana use approved by the voters. The law explicitly allowed local jurisdictions to adopt more stringent local controls, including the allowance for counties where the ballot initiative did not pass, to adopt local prohibitions. Yellowstone County and the City of Billings both passed the 2020 ballot initiative.

Prior to November 2020, medical use marijuana was allowed by the state. This was approved by another ballot initiative in November 2004. Yellowstone County did not adopt any local land use controls for medical use marijuana businesses after the passage of the 2004 initiative. The number of registered patients and caregivers was low until late 2009 when the U.S. Justice Dept. issued a directive to US Marshals and US Attorneys that marijuana possession and use should not be prosecuted in states that permit the use of medical marijuana and as long as individuals comply with those laws. The Medical Marijuana Act did not specify if or how cities and counties could regulate these businesses but the most common approach taken by other Montana cities and counties at the time was to establish zoning rules that limited the impacts these businesses may have had on their surroundings.

The state legislature took up the issue of medical marijuana during the 2011 session and ultimately adopted SB 423 that put in place authority for the state to regulate the dispensaries and for local jurisdictions to prohibit "storefront" operations. In July 2011, Yellowstone County adopted a county-wide resolution that prohibited "storefront" dispensaries and required minimum separations of 1,000 feet from schools, day care centers, child care centers, school leased property, public recreation centers or public parks, churches, synagogues or other places of worship, or youth centers. The County did not adopt any zoning regulations related to marijuana dispensaries.

Medical marijuana providers and dispensary owners sued the state over certain provisions in SB 423 and prevailed on most issues in late 2015 and early 2016. Yellowstone County did not update or change its county-wide resolution or consider adoption of zoning regulations at the time. In the past decade, the number of medical marijuana dispensaries in the Yellowstone County zoning jurisdiction has grown to potentially 27 locations as listed by the DOR. The Department of Revenue does not list address locations, so staff took the public information and attempted to locate each business listed in a place within Yellowstone County. The DOR only provides the name of the dispensary, the name of the city or town where it is located and a

phone number. Planning staff has used this information to develop a list of likely locations of the dispensaries. It is our determination there are 27 locations within the County zoning jurisdiction, four of which are in residential or non-commercial zone districts. All of these locations may begin selling marijuana for adult use on January 1, 2022 if the state finds the location is in "good standing" with the state regulatory authority (DOR), and any applicable local regulations.

The proposed sale of marijuana for adult use will substantially alter the potential impact to surrounding property from the existing locations within the County's zoning jurisdiction. It is not known with certainty how this may effect the surrounding neighborhoods or commercial areas but it is a land use that is not currently regulated by the County's zoning code. The state law governing County zoning allows the local jurisdiction to adopt interim zoning regulations while the government studies the issues and impacts to determine the best set of zoning regulations to address those impacts or issues. The County Commissioners may adopt interim zoning regulations by resolution after finding that an emergency exists that will impact the public health, safety and welfare. The unknown consequences of over two dozen retail dispensaries is an emergency that will have an impact on the public health, safety and general welfare.

ALTERNATIVES ANALYZED:

The County Commissioners may:

- Adopt the resolution of intent to adopt interim zoning regulations for marijuana sales and production and set a public hearing for November 23, 2021.
- Not adopt the resolution of intent to adopt interim zoning regulations.

FINANCIAL IMPACT:

Adoption of the interim zoning regulations will require Planning and Legal staff to begin research and study of the impacts from retail (adult use) marijuana dispensaries, marijuana cultivation and processing facilities and other ancillary marijuana businesses. The Planning Division will need to allocate staff time and resources to this research and study. It is not known at this time if additional financial resources will be needed to complete this study. Planning anticipates completing an analysis and research by the end of June 2022 and presenting those findings and information to the Zoning Commission and Board of County Commissioners in the summer of 2022.

RECOMMENDATION

Planning staff recommends the Board approve the resolution of the intent to adopt interim zoning regulations and set a public hearing for November 23, 2021.

Attachments

Draft Interim Zoning Regulations
Resolution of Intent

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21- 93

Resolution of Intent to Enact Interim Zoning Regulations on the Sale and Production of Marijuana

WHEREAS, Section 76-2-206 of the Montana Code Annotated gives a board of county commissioners the authority to enact interim zoning regulations for an emergency that involves public health, safety, morals or general welfare. The interim regulations are meant to allow the board to have time to study the situation to formulate a permanent plan to deal with the situation. To enact interim zoning regulations, a board needs to pass a resolution of intent, set a public hearing, give notice of the public hearing, make copies of the interim regulations available to the public, hold a public hearing, allow public comment at the hearing, consider public comment and other information at the hearing, pass a resolution and initiate a study of the situation to determine how the board should deal with the situation. The interim regulations can last for up to one year and can be extended for an additional year.

WHEREAS, in 2020, Montana voters passed an initiative to allow recreational and medical marijuana use. In 2021, the Montana Legislature passed statutes that regulated recreational and medical marijuana use. The statutes that regulate marijuana become effective on January 1, 2022. The Yellowstone County Board of County Commissioners is concerned the sale and production of marijuana may adversely affect areas of the County. The imminent sale and production of marijuana is an emergency situation that jeopardizes the public health, safety, morals and general welfare of the County. The County may have up to 27 existing locations within the Zoning jurisdiction where marijuana is sold or produced for medical uses. On January 1, 2022, the new state statutes may allow all of these locations to start the sale and production for adult use of marijuana (recreational use). To better understand how the sale and production of marijuana may adversely affect areas of the County, the Board would like to enact interim zoning regulations on the sale and production of marijuana so it can study the potential adverse effects. The interim regulations would remain in effect while the Board studies the issue. Attached is a copy of the proposed interim regulations. The boundaries of the interim regulations would be the jurisdictional zoning area of the County. The interim regulations would limit the sale and production of marijuana to areas zoned for industrial and commercial use. The interim regulations should limit the impact on residential areas of the County.


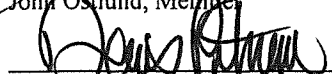
NOW THEREFORE, BE IT RESOLVED,

On November 23, 2021, the Yellowstone County Board of County Commissioners shall hold a public hearing on the enactment of interim zoning regulations on the sale and production of marijuana. At the hearing, the Board will receive comments on the regulations. The Board orders the Yellowstone County Clerk and Recorder to publish notice of the public hearing, allow public inspection of the regulations, arrange to have the regulations posted on the County's internet site, receive written comments and provide the comments to the Board before the hearing. After the hearing, if the Board believes the regulations would be in the best interest of the public, it will pass a resolution to enact the regulations. The regulations would be effective immediately, could be effective for up to one year with an additional one-year extension. Conversely, if the Board believes the regulations would not be in the best interest of the public, it will not pass a resolution to enact the regulations.

Passed and Adopted on the 9th day of November 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Donald W. Jones, Chair


John Ostlund, Member

Denis Pitman, Member

ATTEST:


Jeff Martin, Clerk and Recorder

Chronology

Proposed Interim Zoning Regulations	November 2, 2021
Agenda	November 2, 2021
Resolution of Intent	November 9, 2021
Notice of Public Hearing	November 12 & 19, 2021
Public Hearing	November 23, 2021
Resolution	November 23, 2021
Authorize Study to Deal with Emergency Situation	November 23, 2021
Study Report	(DATE)
Presentation on Study Report	(DATE)

Documents

Proposed Interim Zoning Regulations
Resolution of Intent
 Minutes of Meeting
Notice of Public Hearing
Affidavit of Notice of Public Hearing
Resolution
 Minutes of Meeting
 Written Comments

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Notice of Public Hearing on the Proposed Interim Zoning Regulations on the Sale and Production of Marijuana

On November 23, 2021, at 9:30 a.m., in Room 3108 of the Stillwater Building located at 316 North 26th Street in Billings, Montana, the Yellowstone County Board of County Commissioners will hold a public hearing to receive public comment on interim zoning regulations on the sale and production of marijuana. The regulations would be temporary while the County studies the situation and develops a permanent plan to deal with the situation.


- (1) The boundaries of the interim regulations would be the jurisdictional zoning area of the County.
- (2) The imminent sale and production of marijuana is an emergency situation that jeopardizes the public health, safety, morals and general welfare of the County.
- (3) The interim regulations would limit the sale and production of marijuana for adult or medical use to areas zoned for industrial and commercial use and require separations from sensitive land uses such as schools, parks and residential neighborhoods. The interim regulations should limit the impact on residential areas of the County.
- (4) A copy of the interim regulations can be obtained from the Yellowstone County Clerk and Recorder. A copy of the interim regulations is posted on Yellowstone County's internet site.

After the hearing, if the Board believes the regulations are in the best interest of the public, it will pass a resolution to enact the regulations. Conversely, if the Board believes the regulations are not in the best interest of the public, it will pass a resolution not to enact the regulations.

If you would like to submit a written comment on the regulations, please send it to the Yellowstone County Clerk and Recorder, Attn: Public Comment on Proposed Interim Zoning Regulations on the Sale and Production of Marijuana, P.O. Box 35001, Billings, Montana 59107. Further information on the proposed regulations can be obtained from Nicole Cromwell, Zoning Coordinator / Code Enforcement Supervisor, 2825 3rd Avenue North, 4th Floor, Billings MT 59101, (406) 247-8676, cromwelln@billingsmt.gov.

Done by order of the Board of County Commissioners, Yellowstone County, Montana this 9th day of November 2021.

Board of County Commissioners
Yellowstone County, Montana



Donald W. Jones, Chair

ATTEST:



Jeff Martin, Clerk and Recorder

**INTERIM ZONING REGULATIONS FOR THE YELLOWSTONE
COUNTY JURISDICTIONAL AREA RELATED TO THE SALE AND
PRODUCTION OF MARIJUANA AND MARIJUANA RELATED BUSINESSES
BY REVISING SECTIONS 27-803.C, 27-1000, 27-1005, 27-1006, 27-
1009, 27-1010, 27-1400, 27-1504, AND 27-1800**

Section 1. That the Zoning Regulations for the Yellowstone County Jurisdictional Area be amended by revising Section 27-803.C.1 - Use Table for Urban Districts – Planned Neighborhood Developments to add the following uses with restrictions (PR) to the Table 27-800.2 under the COMMERCIAL Use Category – Retail Sales

Marijuana Dispensary – Medical Use

Marijuana Dispensary – Adult Use

Marijuana Dispensary – Combined Use

Table 27-800.2: Permitted Primary Uses	Residential							Mixed-Use and Commercial				Additional Standards	
	Key: P = Permitted, PL = Location Limits in Zone District, PR = Applicable Use Restrictions, SR = Special Review												
	N3	N2	N1	NX1	NX2	NX3	RMH	N0	NMU	CMU1	CMU2		
Use Table													
Surface Parking, primary use								SR	SR	SR	SR		
Retail Sales													
Commercial Greenhouse/Nursery									SR	P	P		
Liquor Sales									P	P	P		
Marijuana Dispensary - Medical										PR	PR	27-1005.Q	
Marijuana Dispensary – Adult Use										PR	PR	27-1005.Q	
Marijuana Dispensary – Combined Use										PR	PR	27-1005.Q	
Retail, Limited with drive-thru									SR	P	P	27-1009	
without drive-thru									P	P	P		

Section 2. That the Zoning Regulations for the Yellowstone County Jurisdictional Area be amended by revising Section 27-1000 - Use Table – to add the following uses with restrictions (PR) to Table 27-1000.1 under the COMMERCIAL Use Category – Retail Sales:

- Marijuana Dispensary – Medical Use
- Marijuana Dispensary – Adult Use
- Marijuana Dispensary – Combined Use

The amended table shall read as follows:

Table 27-1000.1: Primary Uses in Base Zone Districts	AG	Residential				Commercial	Industrial	Public					Additional Standards		
	Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review														
	A	RR1	RR3	N4	R- RMH	C3	CX	I1	I2	P1	P2	P3 Civ		P3 Ed	P3 Med
Parking, primary use						P	P	P	P						
Retail Sales															
Retail, Agricultural							P	P							
Commercial Greenhouse						P	P	P							
Marijuana Dispensary - Medical						PR	PR	PR	PR					27-1005.Q	
Marijuana Dispensary – Adult Use						PR	PR	PR	PR					27-1005.Q	
Marijuana Dispensary – Combined Use						PR	PR	PR	PR					27-1005.Q	
Retail, Limited with drive-thru						P	P							27-1009	
without drive-thru						P	P								
Retail, General with drive-thru						P	P	P						27-1009	
without drive-thru						P	P								
Retail, Large-Format						P	P	P	P						

Section 3. That the Zoning Regulations for the Yellowstone County Jurisdictional Area be amended by revising Section 27-1000 - Use Table – to add the following uses with restrictions (PR) to Table 27-1000.1 under the INDUSTRIAL, WHOLESALE AND STORAGE Use Category – Manufacturing, Assembly, or Processing

Marijuana Cultivation

Marijuana Processing/Manufacturing

The amended table shall read as follows:

Table 27-1000.1: Primary Uses in Base Zone Districts		AG	Residential				Commercial	Industrial	Public					Additional Standards		
		Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review														
		A	RR1	RR3	N4	R- RMH	C3	CX	I1	I2	P1	P2	P3 Civ		P3 Ed	P3 Med
Truck, RV, and Heavy Equipment Rental,Sales, and Service							P	P	P	P						
Truck Stop/Wash								P	P	P						
Manufacturing, Assembly, or Processing																
Artisan/Craft							P	P	P	P					27-1006	
Limited							P	P	P	P						
General							SR	P	P	P						
Heavy									SR	P					27-1006	
Marijuana Cultivation (Indoor Only)							PR	PR	PR	PR					27-1006.C	
Marijuana Processing/Manufacturing							PR	PR	PR	PR					27-1006.C	
Natural Resource Extraction																
Mining: Oil and Gas Field Services								P	P	P						
Construction Sand and Gravel Mining		SR					P	P	P	P						

Section 4. That the Zoning Regulations for the Yellowstone County Jurisdictional Area be amended by revising Section 27-1000 - Use Table – to add the following uses as allowed (P) to the Primary Use Table (Table 27-1000/1) under the INDUSTRIAL, WHOLESALE AND STORAGE Use Category – Warehousing and Storage Services

Marijuana Transportation and Temporary Storage

The amended table shall read as follows:

Table 27-1000.1: Primary Uses in Base Zone Districts													
AG	Residential				Commercial	Industrial	Public						
Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review													
A	RR1	RR3	N4	R-RMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med
Warehouse and Storage Services													
Outdoor Storage					PR	PR	PR	PR					27-1006
Personal Self-Service Storage					PR	PR	PR	PR					27-1006
Trucking and Transportation Service						P	P	P					
Marijuana Transportation and Temporary Storage						P	P	P					27-1006.C
Warehouse, Wholesale and Distribution					P	P	P	P					27-1006
Agricultural Products						P	P	P					
Chemical Products							PR	P					
Petroleum Products							PR	P					

Additional Standards

Section 5. That the Zoning Regulations for the Yellowstone County Jurisdictional Area be amended by revising Section 27-1000 - Use Table – to add the following uses as allowed (P) to the Primary Use Table (Table 27-1000.1) under the under the COMMERCIAL Use Category - Office

Marijuana Testing Laboratory

Table 27-1000.1: Primary Uses in Base Zone Districts

Table 27-1000.1: Primary Uses in Base Zone Districts													Additional Standards		
	AG	Residential				Commercial	Industrial	Public							
		Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review													
	A	RR1	RR3	N4	R- RMH	C3	CX	I1	I2	P1	P2	P3 Civ		P3 Ed	P3 Med
Office															
Business or Professional						P	P								
Research and Testing Laboratories						P	P	P	P						
Marijuana Testing Laboratory						P	P	P	P					27-1006.C	

Section 6. The Zoning regulations for the Yellowstone County Jurisdictional Area be amended by adding the following language to Section 27-1005 - Standards for commercial uses:

Q. Marijuana Dispensaries: The following standards apply to all marijuana dispensaries within the County jurisdictional zoning area.

1. Separation distances.

(a) All marijuana dispensaries shall be separated by 600 feet from religious institutions, primary and secondary educational facilities, public parks that contain a children's playground or playfield, day care centers, youth centers, behavioral health facilities and 350 feet from neighborhood residential zones ("protected use" as defined in subsection 27-1802.G) as measured from the exterior of the occupied building space of the marijuana dispensary to the property line of the protected use. A neighborhood residential zone includes any Planned Development zone district that allows residential uses.

(b) Required separations are not subject to reduction, adjustment, or variance and dispensaries shall not be approved within the distances specified.

2. Combining Marijuana Uses.

(a) A marijuana dispensary may not be combined with another marijuana use, such as a transportation, cultivation, testing laboratory or processing facility, unless the required separation distances can be met for the dispensary use.

(b) All marijuana uses are considered Primary Uses for the purposes of zoning.

3. Marijuana Businesses - The definitions contained in Titles 15, 16, and 50, MCA, shall apply to this code except where the resolution provides a different definition in Section 27-1803, or the context of this code makes it clear that the statutory definition does not apply.

Section 7. The Zoning regulations for the Yellowstone County Jurisdictional Area be amended by adding the following language to Sec. 27-1006 Use Standards for INDUSTRIAL, WHOLESALE AND STORAGE

C. Marijuana Cultivation, Processing/Manufacturing & Transporters.

1. Separation distances.

(a) All marijuana cultivation, processing and manufacturing facilities shall be separated 600 feet from religious institutions, primary and secondary educational facilities, public parks that contain a children's playground or playfield, day care centers, youth centers, and by 350 feet from neighborhood residential zones ("protected use" as defined in subsection 27-1802.G) as measured from the exterior of the occupied building space of the marijuana cultivation operation or marijuana processing/manufacturing to the property line of the protected use. A neighborhood residential zone includes any Planned Development zone district that allows residential uses.

(b) Required separations are not subject to reduction, adjustment, or variance and cultivators, processors and manufacturers shall not be approved within the distances specified.

2. Enclosed structure required.

(a) All marijuana cultivation shall be done inside of an enclosed structure and not

outdoors. Such structure will be outfitted with the best available odor control technology.
(b) All marijuana manufacturing and processing shall be done within an enclosed structure. Such structure will be outfitted with the best available odor control technology.

3. Transporters and Storage.

(a) Marijuana transporters are allowed to store in transit shipments of marijuana for short periods of time, not to exceed 30 days. Products may be temporarily stored either in secured vehicles/trailers or within an enclosed structure or warehouse. Separation distances do not apply to marijuana transporters.

4. Marijuana Businesses - The definitions contained in Titles 15, 16, and 50, MCA, shall apply to this code except where the resolution provides a different definition in Section 27-1803, or the context of this code makes it clear that the statutory definition does not apply.

Section 8. Add the following section to 27-1009.M.4 – Home Occupations (Accessory Uses).

M. Home occupations. The planning division recognizes that the restrictions set forth in this section do not anticipate all possible types of home occupations. Therefore, the following policies have been adopted to guide the planning division in the enforcement of this section:

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4. Prohibited uses. The following types of uses will not be approved as home occupations:

- (a) Uses involving large or oversized goods or materials;
- (b) Automobile, lawn mower, or other engine repair, welding, or machine shops unless the service is offered only at the customer's location (mobile service);
- (c) Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants;
- (d) Uses involving more than household quantities of volatile liquids or materials; ~~or~~
- (e) Uses involving the grooming, breeding, or boarding of animals; ~~;~~
or
- (f) Uses involving marijuana including but not limited to the dispensaries, sales, cultivation, testing, manufacturing, transporting or temporary storage of marijuana.

Section 9. Add the following section to 27-1010 – Temporary Uses.

A. Temporary Uses in Nonresidential Zone Districts

4. No temporary use shall include the dispensing or sale of any marijuana products including but not limited to live plants, seeds, processed or dried marijuana, marijuana edibles, extracts, waxes or oils.

Section 10. Add the following language to section 27-1402.B and section 27-1402.C

27-1402.B. Sign permit required.

1. New signs. A sign permit shall be required to erect, place, modify the size or shape, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-EMD to EMD unless otherwise provided in this article. Permits submitted for marijuana businesses shall provide proof of compliance with

state sign regulations along with a completed sign permit application.

2. Existing signs. Changes to existing signs that are made nonconforming by the 2020 zoning code update require a sign permit and are subject to section 27-1403,

Nonconformities. Changes to existing signs for marijuana businesses shall comply with state sign regulations.

3. Sign permit exemptions. The following activities shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this zoning code or any other County law or ordinance, and any related state sign regulations:

(a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message display or non-illuminated painted message which are all specifically designed for the use of replaceable copy;

(b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic sign face will be included as an exempt operation;

(c) Changes in the content of show window displays and permitted temporary signs.

Section 27-1402.C.4

Exemptions. The following signs, items, and operations shall not require a sign permit, but shall be undertaken in conformance with this article, and all adopted building code(s):

.....

4. Public signs.

(a) Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.

(b) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation, including any notices required for marijuana businesses.

(c) Government signs and notices provided for the convenience and safety of the community.

Section 11. Amend Section 27-1504.C to delete language and add the following language:
27-1504.C.3 Demolition, Destruction, or Obsolescence

(a) Where nonconforming use status applies to: (1) a structure specific to a use (such as a gas station), or (2) structure and land in combination specific to a use, (such as an automobile dealership) removal or destruction of the structure shall presumptively eliminate the nonconforming status of the land and reconstruction shall be done in compliance with this Zoning Code. ~~a structure specific to a use or structure and land in combination specific to a use, removal or destruction of the structure shall eliminate the nonconforming status of the land.~~

1. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

2. The operation of a noncompliant residential use located in an RR1, RR3, N4, RRMH, or any residential zone in a PND district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

3. The operation of a nonconforming non-residential structure specific to a use or structure and land in combination specific to a use shall be terminated unless the property owner seeks Special Review approval (See Section 27-1622) to reestablish the destroyed structure or structure and land within six months of the date of the event(s) that caused the destruction. In addition to the decision criteria in Section 27-1622.D, the zoning commission and Board of County Commissioners shall also consider:
- i. Whether changes, over time, to the surrounding area or neighborhood make reestablishment of the structure and use or structure, land and use detrimental to nearby residents or property values;
 - ii. Whether the use and specific structure or use, specific structure and land became nonconforming because of the actions of the property owner; or
 - iii. Whether the use and structure or use, structure and land were subject to distance requirements ("separated use") from other uses ("protected uses") and became non-conforming only when a protected use in a structure specific to that use (such as a religious assembly in its own building) or structure and land specific to that use (such as a primary school) were established within the distance restricted area after the documented establishment of the separated use.

Section 12. Amend Section 27-1803.M to add the following language:

B: *B terms:* Add the following after "Bed and Breakfast Inn" and before "Billboard Sign"

Behavioral Health Facility: means a facility or a distinct part of a facility licensed or certified by the State of Montana as a mental health center, a substance use disorder provider, a residential treatment facility, or a residential treatment center that provides treatment to children or adults with a mental or substance use disorder.

M: *M terms:* Add the following after "Manufacturing" terms and before "Marquee"

Marijuana: means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

Marijuana Cultivation: means a location where growing, harvesting and drying marijuana occurs and where marijuana is packaged and labelled in a natural or naturally dried form that has not been converted, concentrated, or compounded. Cultivated marijuana is for sale to dispensaries but not for direct sale to consumers.

Marijuana Dispensary – Medical Use: means a location or premises from which a medical marijuana provider or marijuana products provider is approved by the state and local government to dispense marijuana or marijuana products solely to a registered cardholder.

Marijuana Dispensary – Adult Use: means a location or premises from which an adult-use provider or adult-use marijuana products provider is approved by the state and local government to dispense marijuana or marijuana products to a consumer.

Marijuana Dispensary – Combined Use: means a premise from which a medical marijuana provider or medical marijuana products provider and adult-use provider or adult-use marijuana products provider is approved by the state and local government to dispense marijuana or marijuana products to a registered cardholder or to a consumer.

Marijuana Product: means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates.

Marijuana Processing/Manufacturing: means the conversion or compounding of marijuana into marijuana products, marijuana concentrates, or marijuana extracts and packaging, repackaging, labeling, or relabeling marijuana products for sale to dispensaries but not for direct sale to consumers.

Marijuana Testing Laboratory: means a location that provides 1) testing of representative samples of marijuana and marijuana products and 2) provides information regarding the chemical composition, the potency of a sample, and the presence of molds, pesticides, or other contaminants in a sample.

Marijuana Transportation: means the packaging, transportation and delivery of processed marijuana, or marijuana products to or from marijuana dispensaries, testing laboratories, or cultivation facilities. This definition does not include any transportation from a dispensary to its consumers or cardholders.

Y: Y Terms Add the following after "Yard sign" terms and before "Youth foster home"

Youth Center: means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, or social service teenage club facilities. Examples, of youth centers are Boys and Girls Clubs, Audubon Centers, zoos, children's museums and similar facilities.

PASSED AND ADOPTED as INTERIM ZONING REGULATIONS by the Board of County Commissioners of Yellowstone County, Montana, this 23rd day of November 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chairman

Denis Pitman, Member

John Ostlund, Member

(SEAL)
ATTEST:

Jeff Martin
Clerk and Recorder