



BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

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RESOLUTION 2022-04 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 or 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, 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; and

WHEREAS, in 2020, Montana voters passed an initiative to allow recreational marijuana use. In 2021, the Montana Legislature passed statutes that regulated recreational and medical marijuana use. The statutes that regulate marijuana became effective on January 1, 2022; and

WHEREAS, there have been four (4) Group 2 Development Applications related to Marijuana use businesses since January 1, 2022. The influx of marijuana businesses applications in 2022 has created an emergency situation that jeopardizes the public health, safety, and general welfare of the County; and

WHEREAS, the Carbon County Board of Commissioners is concerned the sale and production of marijuana may adversely affect areas of the County. 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; and

WHEREAS, the Board has drafted proposed interim regulations (attached). The interim regulations boundaries would be all unincorporated areas of Carbon County, Montana. The interim regulations would:

- Require marijuana business to be 1,000 feet from: a residence, school, child care facility, church, synagogue, or other religious building, public parks that contain children's playgrounds or playfields, and behavioral health facilities. The 1,000 feet distance shall be measured from the closest points of the buildings regardless of whether or not the structures are on the same street. For public parks the

property line shall be used to measure distance shall be measured from the marijuana business building.

- Require marijuana businesses to be constructed on a permanent foundation with permanent sanitary facilities.
- Require a marijuana business to be 1,000 feet from a residential structure not owned by the marijuana business applicant. The 1,000 feet distance shall be measured from the closest points of the buildings regardless of whether or not the structures are on the same street. Carbon County shall use the Department of Revenue's tax designations to determine if a structure is a residence.
- Limit the height, square footage, and lighting for on and off premise signs for all marijuana businesses on any public road.
- Prohibit marijuana dispensaries from being combined with another marijuana business (such as cultivation, testing laboratory, or processing facility). The 1,000 feet distance shall be measured from the closest points of the buildings regardless of whether or not the structures are on the same street.
- Require marijuana business to be at least 1,000 feet of another marijuana use business (including another dispensary, cultivation facility, testing laboratory, or processing facility). The 1,000 feet distance shall be measured from the closest points of the buildings regardless of whether or not the structures are on the same street.

WHEREAS, the regulations should limit the impact on residential properties and properties that provide family and child related services in the County,

NOW THEREFORE, BE IT RESOLVED, On March 3, 2022, the Carbon 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 Carbon County Administrative officer to publish notice of the public hearing, allow public inspection of the regulations, post the regulations to 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 BY THIS 10th day of February, 2022.

Carbon County Commissioners

Scott C. Miller
Commissioner Dist. #1

Scott Blain
Commissioner Dist. #2

Bill E. Bullock
Commissioner Dist. #3

ATTEST:

Christine L. Stovall, Clerk and Recorder

