



Marijuana Land Use Regulation

Land Use and Planning
Committee

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Community Planning, Development and Innovation
September 15, 2021



- State legislators implemented ballot initiative legalizing adult use marijuana
- Missoula County voted to legalize adult use marijuana
- MCA 16.13 Section 111 encourages local governments to begin the process to integrate all marijuana business categories into local regulations
- Staff examined current land use regulations in relation to both medical and adult use recreational marijuana uses
- Staff propose a range of zoning code amendments to address current and future impacts of marijuana uses

Timeline of Adult Use



November 2020: Voters approved I-190



May 2021: State Legislators pass HB 701



October 1, 2021: DOR licensing rules

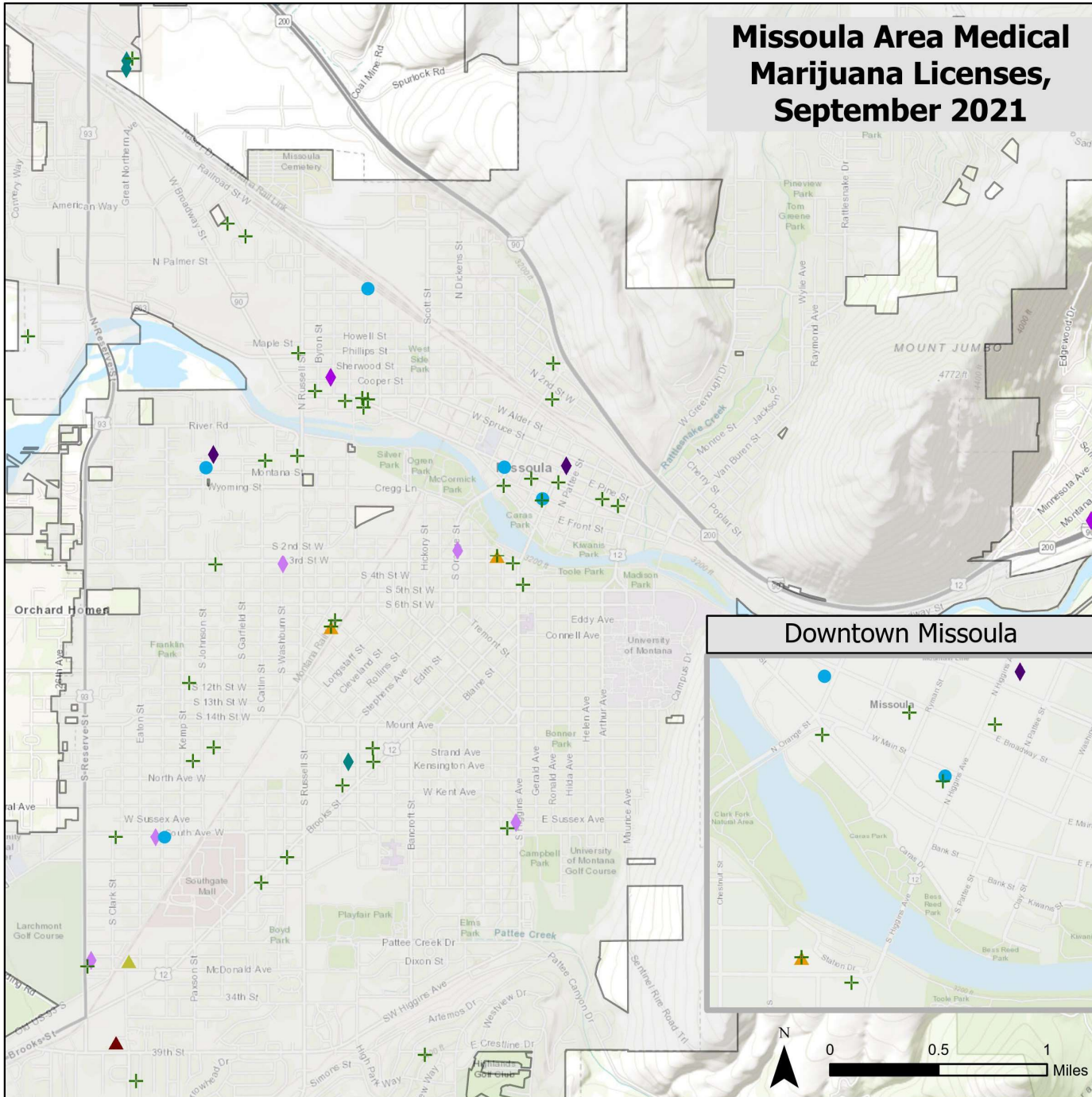


January 1, 2022: existing medical businesses
(pre-November 2020) may apply for
recreational business license



July 1, 2023: Recreational business licenses
available to general population

Current Marijuana Businesses in Missoula



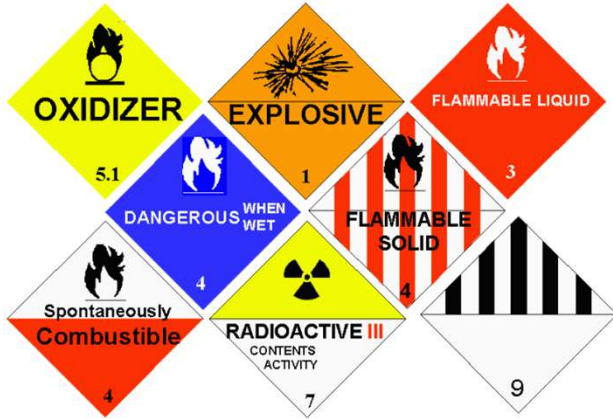
Marijuana License Type

- CULTIVATION
- + DISPENSARY
- ◆ MULTI-USE: CULTIVATION & DISPENSARY
- ◆ MULTI-USE: CULTIVATION & MANUFACTURING
- ◆ MULTI-USE: CULTIVATION, DISPENSARY & MANUFACTURING
- ◆ MULTI-USE: DISPENSARY & MANUFACTURING
- ▲ MEDICAL CANNABIS - DELIVERY ONLY
- ▲ HOME BASED DELIVERY SERVICE (MEDICAL MARIJUANA)
- ▲ TRANSPORTATION
- ▲ TESTING
- City Limits

Projected Coordinate System: NAD
 1983 StatePlane Montana FIPS
 2500 (US Feet) -114 meridian
 Project: Zoning and Land Use analysis
 Name: Recreational Cannabis Layout
 Cartographers: G. Wally, N. Pennanen
 Sources: City of Missoula, CPDI
 Service Layer Credits:
 Bureau of Land Management, Esri, HERE, Garmin,
 INCREMENT P, USGS, METI/NASA, EPA, USDA



Impacts of Marijuana-Related Uses



Public Health and Safety

Volatile organic compounds, pesticides, extractants, fertilizer impacts on air/water quality, utility infrastructure

Ventilation, mold, odor

Potential electrical and building code violations

Noise related to mechanical equipment

Urban Form

Saturation of dispensaries leading to a lack of diverse uses in an area

Obscure products deactivating storefronts



Neighborhood Character

Align marijuana related uses with the surrounding character and neighborhood context

2035 Our Missoula Growth Policy



Neighborhood Character

L5: Neighborhoods should have easy accessibility to amenities and local services to meet the needs of an expanding diverse population.

E6: Support strategic economic development efforts that broaden, expand, and/or diversify the base economy.

10.13: Identify appropriate locations for industrial uses and actively recruit manufacturing businesses.

CITY GROWTH POLICY

2035 | Adopted November 23, 2015



Urban Form

L12: The unique identity of downtown will be maintained by preserving the historic and cultural elements that define the area and ensure that future development is compatible and appropriate.

E6: Support strategic economic development efforts that broaden, expand, and/or diversify the base economy.

6.26: Develop a clear direction and process to maintain the quality, development, and history of the downtown historic district.

Public Health and Safety

1.16: Identify best practices for implementing crime prevention through environmental design.

Recommendation: Align Definitions



Four (4) preliminary impacts to mitigate via Title 20

1. **Align with State Definitions**
2. Prohibit Commercial Cultivation as Home Occupations
3. Preserve a Diverse Mix of Uses
4. Limit Non-Transparent Glazing



Cultivation

Artisan Manufacturing:
Micro & Tier 1 (≤ 1000 sq. ft.)
(Conditional B1, B2)(B3) (C1 / C2 / CBD)
(M1R / M1 / M2)

Limited Manufacturing:
Tier 2 (1,001-2,500 sq. ft.)
(Conditional B3)(C1 / C2 / CBD) (M1R / M1
/ M2)

General Manufacturing:
Tier 3 -12 (2,501-50,000 sq. ft.)
(M1 / M2)



Retail Dispensary

General Retail:
(B1 / B2 / B3)
(C1 / C2 / CBD)
(M1R / M1 / M2)



Manufacturing

General Manufacturing:
(M1 / M2)

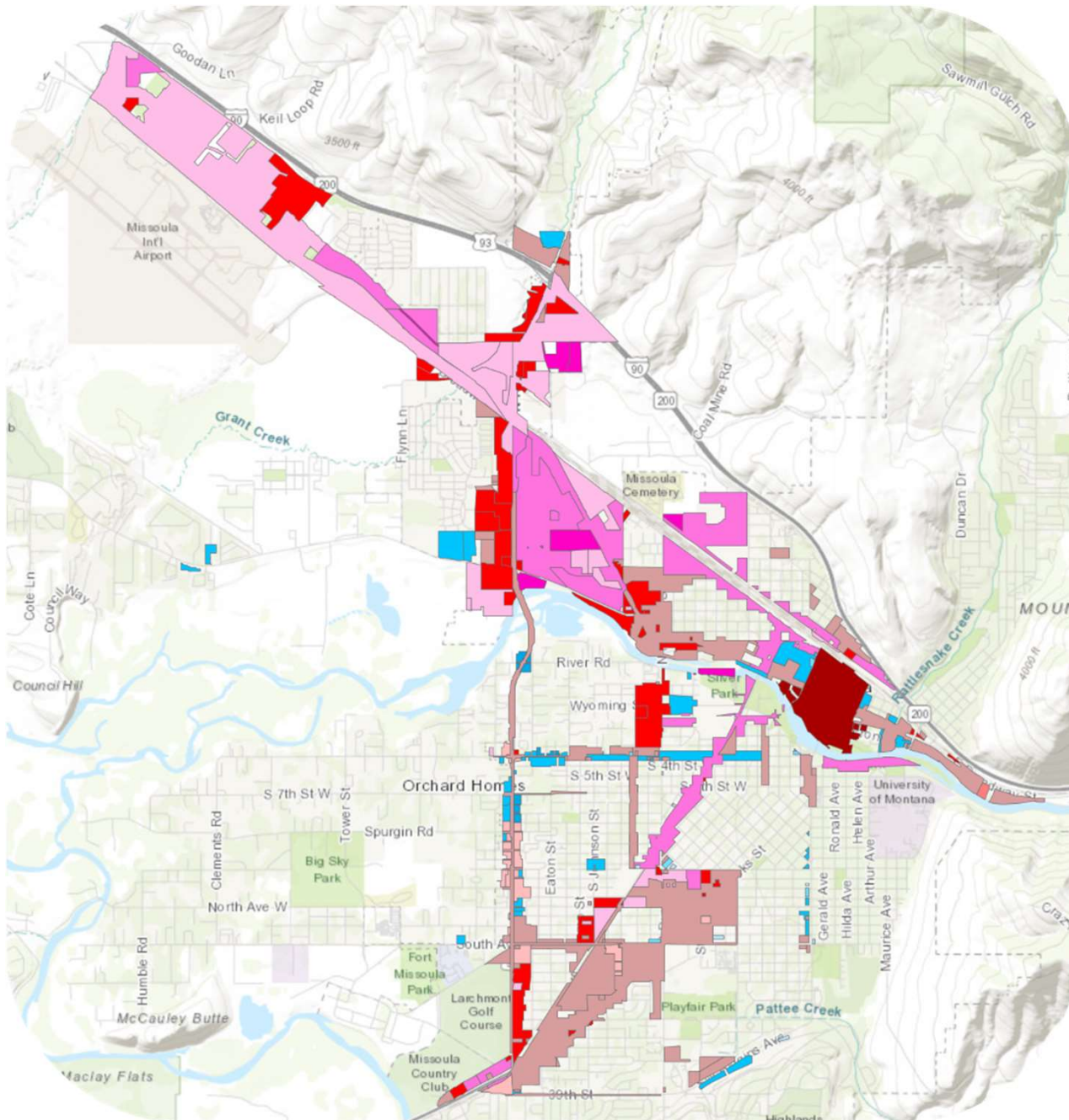
















Testing, Other

Transportation
(C1 / C2 / CBD)
(M1R / M1 / M2)

Research Services
(B2 / B3)
(C1 / C2 / CBD)
(M1R / M1 / M2)

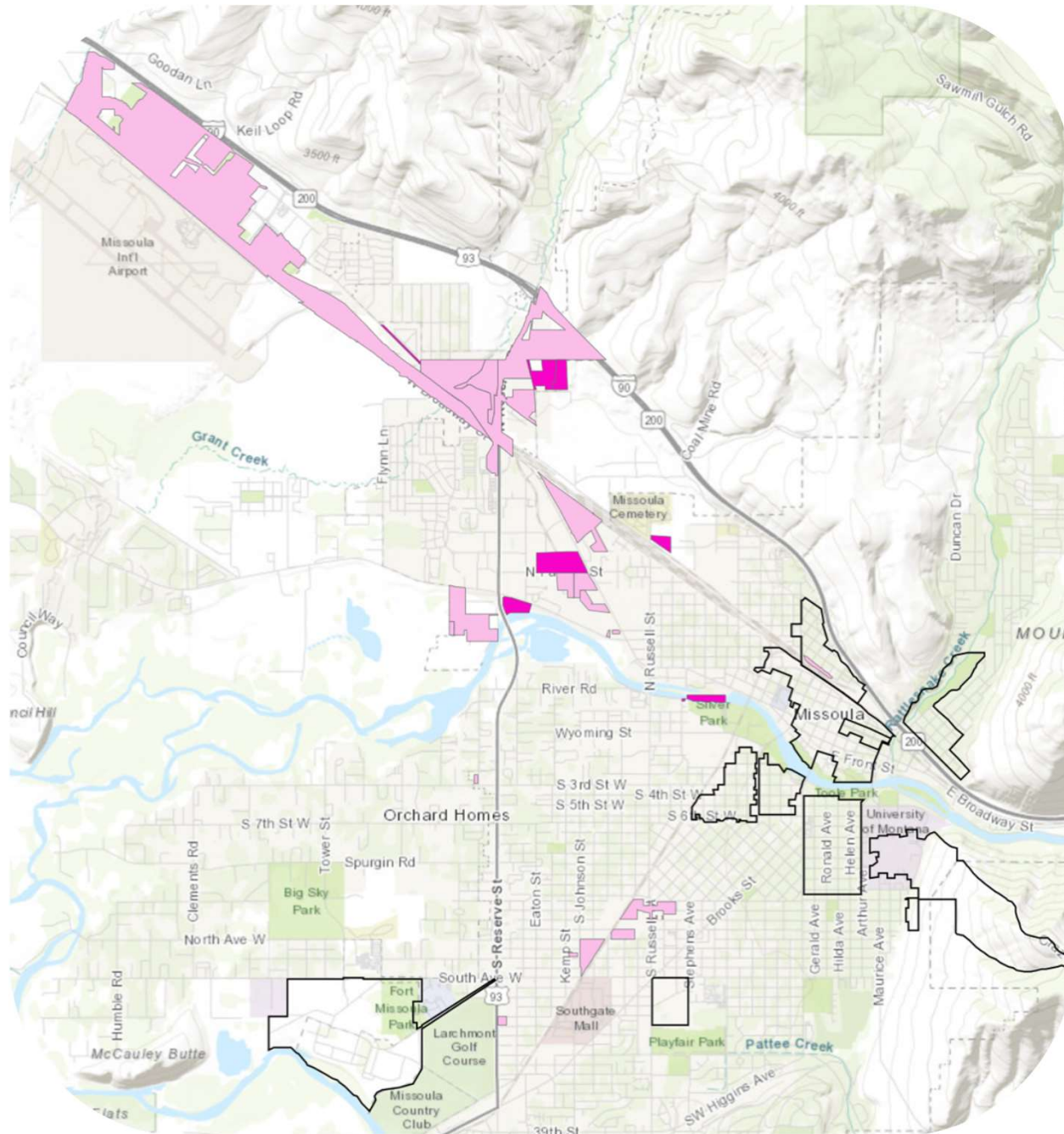
Dispensaries & Micro-Tier 1 Cultivation



-  B1-1
-  B2-1
-  B2-2
-  B3-2
-  C1-1
-  C1-2
-  C1-3
-  C1-4
-  C2-2
-  C2-4
-  CBD-4
-  M1-2
-  M1R-2
-  M2-4



Tier 3 & Up Cultivation



Recommendation: Cultivation Home Occupation



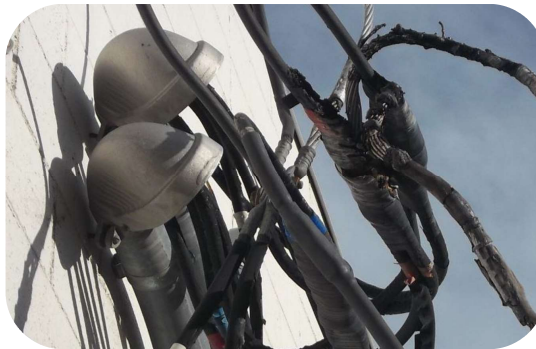
Four (4) preliminary impacts to mitigate via Title 20

1. Align with State Definitions
- 2. Prohibit Commercial Cultivation as Home Occupations**
3. Preserve a Diverse Mix of Uses
4. Limit Non-Transparent Glazing



Title 20, Section 20.45.050.E.1

“home occupations may not, for example, produce light, noise, vibration, odor, parking demand, traffic or any exterior activity that is inconsistent with the character of a residential area”



Title 20, Section 20.45.050.E.2

“there may be no external structural alterations or construction that would change the residential character of the property upon which the home occupation is located”

Recommendation: Mix of Uses



Four (4) preliminary impacts to mitigate via Title 20

1. Align with State Definitions
2. Prohibit Commercial Cultivation as Home Occupations
- 3. Preserve a Diverse Mix of Uses**
4. Limit Non-Transparent Glass

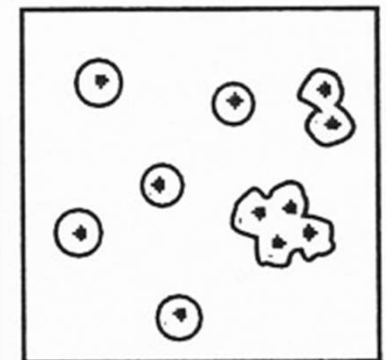
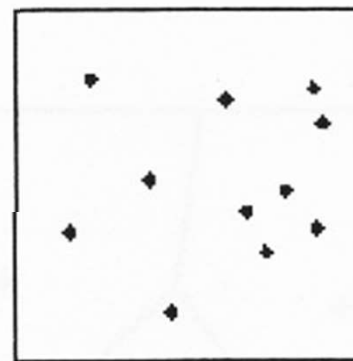


HB-701

500 ft. from schools & places of worship

Staff Recommendation

500 ft. from other marijuana retail-use



Alternative

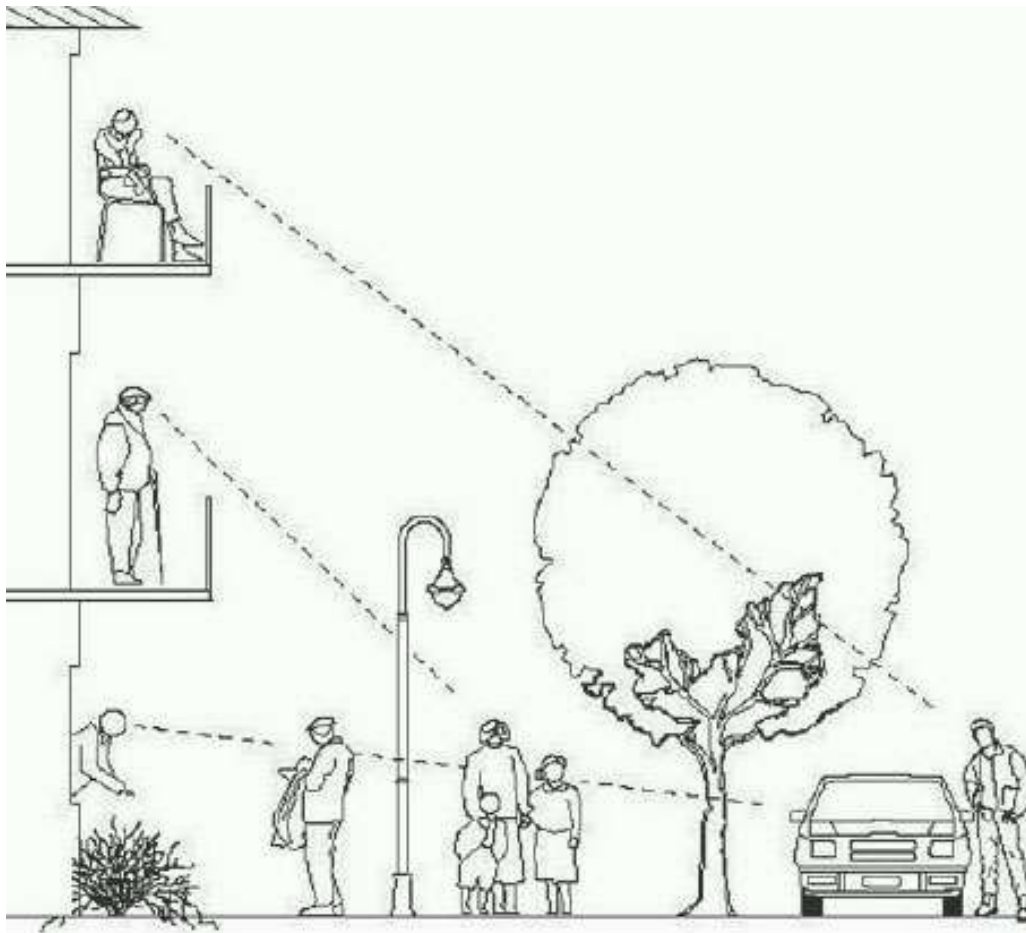
City-wide cap (similar to liquor)

Storefront Activation & Passive Interaction



Four (4) preliminary impacts to mitigate via Title 20

1. Align with State Definitions
2. Prohibit Commercial Cultivation as Home Occupations
3. Preserve a Diverse Mix of Uses
4. **Limit Non-Transparent Glazing**



Design Excellence (Section 20.25.081)

- Applies to parcels within the overlay
- Required transparency of $\geq 60\%$
- Limits external reflectance to $\leq 20\%$
- Enforcement of existing code through recommended alternatives
- Notify at business license application

Commercial Uses Not Exceeding 30,000 Square Feet (Section 20.40.170)

- Applies to parcels outside of the Design Excellence Overlay
- Prohibits “darkly tinted, mirrored or highly reflective glazing”
- Does not require transparency level
- Does not prohibit frosted glass
- Recommend transparency requirements & prohibition of frosted glass

Process To-Date



Sept. 13	City Council	Agenda for White Paper.
Sept. 15	LUP	Start Public Process. Set Council hearing 11/15.
Nov. 1	City Council	1 st reading of Ordinance (consent agenda)
Nov. 2	Planning Board	Public Hearing.
Nov. 15	City Council	Public Hearing.
Nov. 29	City Council	Final consideration.

1. Align with State Definitions
 - a) Update land use classifications to include marijuana uses
2. Prohibit Commercial Cultivation as Home Occupations
3. Preserve a Diverse Mix of Uses
 - a) 500 ft. buffer between dispensaries
4. Limit Non-Transparent Glazing

Staff recommends the following Motion:

“Direct Community Planning, Development and Innovation to prepare an ordinance amending Title 20, the City of Missoula’s Zoning Code, in alignment with the presented “HB-701 (16.13 MCA) WHITE PAPER” and set public hearing process with a November 2, 2021, public hearing at Planning Board, and November 15, 2021, public hearing at City Council.”