



# COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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## EXECUTIVE SUMMARY

<b>Agenda item:</b>	Ordinance amending Title 20 City Zoning regulations related to Cannabis Land Use
<b>Report Date:</b>	10/26/2021
<b>Project Lead:</b>	Ben Brewer, Jen Gress, Cassie Tripard, Spencer Starke, Madson Matthias
<b>Public Meetings &amp; Hearings</b>	
<b>Planning Board (PB) hearing:</b>	11/2/2021
<b>Planning Board public hearing legal ad:</b>	Published in the Missoulian on October 17 and 24, 2021
<b>Applicant:</b>	This is a City Council initiated request.
<b>Notification:</b>	<ul style="list-style-type: none"> <li>• Sent agency and interested party memo (attached) via email to interested parties and City agencies for review</li> <li>• Posted on Engage Missoula</li> <li>• Published a legal ad in the Missoulian</li> </ul>

## RECOMMENDED MOTION

**CC 11/01/2021** [First reading and preliminary adoption] Preliminarily adopt an ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry, and refer the item to the Land Use and Planning Committee on November 17, 2021.

**PB 11/2/2021:** Recommend Missoula City Council adopt an ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry. See Attachment A – Proposed Ordinance Amendments (October 2021).

**CC 11/29/2021:** [Second and final reading] (Adopt/deny) an ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry. See Attachment A – Proposed Ordinance Amendments (October 2021).

## I. PROPOSAL SUMMARY

At the request of the City Council, Community Planning, Development, and Innovation planning staff have drafted amendments to Title 20 City Zoning Ordinance in response to the recent legalization of recreational (adult-use) cannabis. The goal is to review current codes and develop a package of proposed amendments in order to accommodate cannabis uses while protecting the public health, safety and welfare of the community.

## II. BACKGROUND

### History and Purpose

As a result of ballot Initiative 190 passing, House Bill 701 was approved in November of 2020, legalizing the cultivation,

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transport, retail, and possession of recreational (adult-use) cannabis and cannabis products within Montana. Recreational cannabis sales will be legal in counties where the majority of voters supported Initiative 190, including Missoula County. On January 1<sup>st</sup>, 2022 the Montana State Department of Revenue will allow medical cannabis business licensed prior to November 3<sup>rd</sup>, 2020 to begin operating as recreational cannabis businesses. While the Department of Revenue will continue accepting new medical cannabis licenses applications, new businesses established after November 3<sup>rd</sup>, 2020 may not obtain a recreational license until July 1<sup>st</sup>, 2023.

Despite the legalization of medical cannabis in 2004, the current Title 20 Zoning Ordinance does not explicitly mention cannabis. Medical cannabis licenses have been issued by applying use classifications best describing the business activities in compliance with Title 20, Section 20.105.010.D. Staff have classified medical cannabis in two ways: cultivation as an industrial limited manufacturing use and dispensaries as a commercial retail use. The City of Missoula has recorded sixty-nine (69) active medical cannabis business licenses as of August, 2021. All businesses licensed by the city prior to any amendments taking effect will be permitted to continue operating as legal nonconforming under Title 20, Section 20.80. Legal non-conforming means the businesses will not be affected by the amendments unless they propose changes to the structure, expand the business, or intentionally abandon the cannabis related use at their approved location.

HB-701 provides for new cannabis related license and business types. The City of Missoula acknowledges that the change from medical cannabis to a slate of uses, including retail dispensaries and tiers for cultivation and manufacturing, currently are not adequately addressed in the Title 20 zoning ordinance. The change in state definitions for cannabis uses prompts the need to amend the Title 20 zoning ordinance based on research of potential impacts to neighborhoods, public health and safety, and urban form. The City of Missoula will prioritize equitable quality of life for all citizens when determining appropriate form and locations for cannabis related uses.

### Approach to Ordinance Amendments

Staff approached the proposed amendments through the lens of majority community support for recreational cannabis businesses considering Missoula County voted to pass Initiative 190. In order to ensure protection of general welfare, staff researched the known land use impacts of cannabis uses relating to public health and safety, urban form, and neighborhood character. The 2035 Our Missoula City Growth Policy was examined to ensure recommendations were in alignment with city goals, as described in the review criteria of this report. Staff also researched cannabis land use regulations in municipalities within Washington, Colorado, and Montana (see White Paper).

The project was posted on Engage Missoula prior to drafting the white paper and updated as the project moved through the process. The white paper recommendations were presented to various city departments and divisions at a City Staff In-House Meeting. Agency comment was requested on the first draft of the ordinance.

Additionally, staff presented the white paper recommendations to stakeholder groups to seek feedback. Staff contacted eight (8) community associations/coalitions, four (4) of which attended a stakeholder meeting on September 24<sup>th</sup>, 2021. Representatives from over ten (10) cannabis related businesses attended a separate meeting the same day. Following the stakeholder meetings, staff sent a survey requesting feedback on the Title 20 amendment recommendations. Staff received six (6) survey responses. The survey responses indicated support of the buffer and definition update recommendations. Only half of survey takers supported the prohibition of cannabis cultivation and manufacturing home occupations. Survey takers were either not supportive of the glazing transparency recommendation or indicated they need more information.

### Recommendations

Staff are proposing four amendments to Title 20 Zoning Code; (1) align zoning use classification definitions with state license type definitions, (2) prohibit commercial cannabis cultivation and manufacturing home occupations, (3) implement a buffer to preserve a diverse mix of uses, and (4) require glazing transparency standards for retail dispensaries. Though not included as a recommended amendment to Title 20, staff request direction from City Council to amend Title 15 Buildings and Construction Code to incorporate energy standards for cannabis cultivation.

#### 1. Align Zoning Use Classification Definitions with State License Type Definitions:

In response to HB-701, local jurisdictions were encouraged to update any existing regulations to be in alignment with the State. A goal of the Mayor's strategic plan is to "create understandable and reasonable regulation that supports sustainable and equitable development". Explicitly including cannabis use

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classifications in zoning code will provide clear guidance for the industry and permitting staff. Amending the code to include cannabis use classifications allows for each use to be appropriately zoned.

Staff recommend including cannabis dispensaries, both medical and recreational, as a subtype of the retail use classification. Under the current code, medical dispensaries have been considered retail so this amendment is intended to clarify the classification of both medical and recreational dispensary uses. Dispensaries would be permitted to continue operating in the same zoning districts permitted today. Permitted zoning districts include all business, commercial, and industrial districts. The form of dispensaries does not vary significantly from other retail commercial uses. Additionally, the impacts of dispensaries on surrounding areas are similar to other retail uses. These zoning districts also permit liquor stores (Food and Beverage sales) which have similar impacts on neighboring properties.

Cannabis cultivation and manufacturing are proposed to be classified as manufacturing uses. While the implementation of cultivation and cannabis product manufacturing as manufacturing uses would not change, the definitions of the use would be clarified to include cannabis. With the amendments, cannabis cultivation is proposed to be scaled based on square footage of the plant canopy area. The current classification of cultivation does not consider the scale of the operation. The state cultivation licensing is broken up across tiers based on plant canopy area. As the size of the operation increases, the form of the structure becomes less fit for commercial corridors and mixed-use areas due to structure size and lack of windows. Larger cultivation operations are more likely to follow the urban form of industrial areas. The impacts of cultivation on neighboring properties has greater potential to increase as the size of the canopy area increases. These impacts may include odor and use of bright security lighting.

The manufacturing use classification is broken up into artisan, limited, general, and intensive manufacturing subtypes. Cultivation is proposed to be divided across three of the manufacturing classifications based on plant canopy area as defined in state law. The business, commercial, and limited industrial-residential zoning districts permit high density residential uses. The recommended revisions ensure the appropriate scale of cultivation is permitted in zoning districts that also allow for residential uses. This protects residences from perceived public health and safety impacts.

Staff recommend cultivation operations of up to 1,000 square feet of canopy area be permitted in the artisan manufacturing use classification. Artisan manufacturing is permitted in B3 Business Mixed-Use, all commercial, and all industrial zoning districts. Artisan manufacturing is permitted as a conditional use in the B1 Neighborhood Business and B2 Community Business zoning districts. Staff recommend cultivation operations of up to 2,500 square feet of canopy area be added to the limited manufacturing use classification and permitted in all commercial and industrial zoning districts. Limited manufacturing is permitted in the B3 Business Mixed-Use district as a conditional use. All cultivation operations with canopy areas above 2,500 square feet are proposed to be classified as general manufacturing which is only permitted in the M1 Limited Industrial and M2 Heavy Industrial zoning districts. The M1 and M2 zoning districts do not permit residential uses.

Cannabis products, those created from the raw materials of cannabis production, often require the use of solvents, heat, pressure, and/or other industrial processes. These products include but are not limited to edibles, tinctures, and salves. The current definition of general manufacturing states it is "manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials" which aligns with cannabis product manufacturing. Staff recommend adding cannabis product manufacturing to the general manufacturing use classification. General manufacturing is permitted in the M1 Limited Industrial and M2 Heavy Industrial zoning districts which do not permit residential uses.

### 2. Prohibit Commercial Cannabis Cultivation and Manufacturing Home Occupations

Title 20, Section 20.45.050 contains current requirements for home occupations. The current zoning regulations governing home occupations are intended to ensure the viability of the dwelling is maintained and that home occupations in residential zoning districts will not adversely affect the character and livability of the surrounding neighborhood. The current ordinance states that home occupations which alter the residential character of the property, or produce noise or odor are not permitted. Cultivation produces waste products, waste water, and can produce odor if not properly ventilated. Cannabis product manufacturing often utilizes solvents, heat, and pressure. Currently, there are not proposed updates to building code to mitigate these concerns at residential locations. Staff determined the potential impacts to adjacent properties, the livability of the dwelling

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unit, and processes utilized by cannabis cultivation and manufacturing do not align with the current home occupation standards. As a result, staff recommend prohibiting commercial cannabis cultivation and cannabis product manufacturing as home occupations. To clarify, this does not include cultivation for personal use permitted by state law, only commercial businesses.

### 3. Preserve a Diverse Mix of Uses

Mapping of current medical cannabis dispensaries presented a pattern of clustering in specific areas. Over saturation of one use in an area reduces the amount of commercial space available for other services and amenities. Promoting a diverse mix of uses at the neighborhood level creates a more equitable city by increasing accessibility to economic opportunities and every day services within a short commute distance. Implementing a buffer distance between dispensaries ensures the current pattern of clustering does not continue, providing opportunity for other uses in all commercial districts.

Staff recommend promoting a diverse mix of uses by implementing a 500-foot buffer between retail cannabis dispensaries, measured from the parcel line. Staff selected the 500-foot buffer because it aligns with the approximate area of a standard downtown block and is already a buffer distance utilized between dispensaries and schools/places of worship in state law. During a stakeholder meeting, business owners stated that finding property owners willing to lease commercial space for a dispensary can be quite difficult. While larger buffers were analyzed, the 500-foot buffer disperses dispensaries while ensuring the buffer is not too large to prevent new businesses from entering the market.

### 4. Limit Non-Transparent Glazing

Existing medical cannabis dispensaries have attempted to comply with State regulations prohibiting the visibility of product by reducing the transparency of windows, most commonly using tinting, frosting, and application of decals. This action creates “dead” zones for pedestrian interaction which do not align with the neighborhood character of Missoula’s commercial districts, many of which include active storefronts. Staff are concerned that as the number of dispensaries increases in Missoula, the connection between building frontages and public spaces will be diminished by opaque windows.

Staff recommend creating a new section under Use- and Building- Specific Standards (Title 20, Section 20.40) for cannabis uses. This code section allows staff to regulate the design and mitigate impacts of specific uses on neighborhood character. For new dispensaries, glazing on the ground floor, street facing building façade must be provided. In order to count as glazed area meeting the minimum requirements, the glazing must be transparent. External reflectance of the glazing would be limited as well. Existing buildings must maintain transparency of any existing glazing, up to the required glazed area. Essentially, a new dispensary that moves into an existing building that does not comply with the standards may retain existing windows in their current state as long as they do not reduce the transparency any further.

The intent of this section is to have businesses comply with the State regulations by using different methods than window coverings/tinting; thereby promoting active building frontages and creating connection between public and private space. Alternatives might include but are not limited to strategically designing the floor plan to meet both regulations or creating a lobby area in the front of the dispensary. Based on stakeholder feedback, staff determined some spaces may be too small to modify floor plans. Staff recommend including an option for dispensaries to create decorative window displays that provide storefront activation but allow the retail area to be obscured.

### 5. Direct Staff to Amend Title 15 Buildings and Construction Code

City Council and Planning Board expressed interest in mitigating the impacts of high energy consumption associated with cannabis cultivation. Following discussions with the City of Missoula Climate Action Specialist and Building Department, staff recommend City Council direct staff to amend Title 15 Buildings and Construction code in order to prohibit the use of high-intensity discharge (HID) lighting for cannabis cultivation. HID lighting uses approximately twice as much energy as other options such as LED lighting. HID lighting also generates more heat than alternatives, increasing energy consumption associated with HVAC systems. Title 15 was determined to be the most suitable location for codes relating to energy consumption.

Section of code affected:

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Based on the afore mentioned strategy components, the proposal calls for modifications to the following sections in Title 20:

- 20.10 Business and Commercial Districts
- 20.15 Industrial and Manufacturing Districts
- 20.40 Use- and Building-Specific Standards
- 20.45 Accessory Uses and Structures
- 20.100 Terminology
- 20.105 Use Classifications

For full draft language, see Attachment A

## III. AGENCY AND PUBLIC COMMENT

On October 8<sup>th</sup>, 2021 Community Planning, Development, and Innovation requested agency and interested party review and comment on the proposed amendments, see Attachment B – Agency Memo. The project was posted on Engage Missoula on August 19<sup>th</sup> and periodically updated as new information was made available. As of October 26<sup>th</sup>, 2021, three (3) public comments were received, and two (2) agency comments were submitted (see Attachments C, D, and E). One public comment supported prohibition of cultivation and cannabis product manufacturing as a home occupation. One public comment opposed glazing transparency standards. The remaining public comment supported a 2,000 foot buffer between dispensaries. In response to an agency comment from the Climate Action Specialist, staff have determined a path forward for mitigating energy concerns associated with cannabis cultivation through amendments to Title 15 Buildings and Construction code. Agency comment from Missoula Valley Water Quality District requested new manufacturing businesses be reviewed by the district.

## IV. REVIEW CRITERIA

Title 20, Section 20.85.040.G states “In reviewing and making decisions on zoning amendments, the Zoning Officer, Planning Board, and City Council must consider” a set of criteria. The following is a review of the proposed regulations relative to the criteria listed in Section 20.85.040.G.

### **1. Whether the proposed zoning amendment is consistent with §76-2-304(2) MCA.**

MCA 76-2-304(2) requires that governing bodies, in adopting zoning regulations, must be made in accordance with a growth policy and be designed to secure safety from fire and other danger, promote public health, safety, and general welfare and facilitate the adequate provision of transportation, water, sewerage, and schools, parks and other public requirements. In addition, the governing body shall consider the reasonable provision of adequate light and air; the effect on motorized and non-motorized transportation systems; the promotion of compatible urban growth, the character of the district and its peculiar suitability for particular uses, and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed regulation revisions are in accordance with the 2035 Our Missoula Growth Policy

#### Cannabis Use Classifications

Staff recommend amendments to the zoning use classifications to include cannabis retail dispensary, cultivation, and cannabis product manufacturing uses. Adding cannabis use classifications to zoning code allows the uses to be properly zoned based on the specific business activities. Classifying and appropriately zoning cannabis uses ensures compatible urban growth, considers the character of district suitability for uses, and encourages the most appropriate use of land.

The 2035 Our Missoula City Growth Policy is the guiding regional plan for the City of Missoula. The livability section of the Growth Policy state the City shall develop a clear direction and process to maintain the quality, development, and history of the downtown historic district and shall ensure future development in downtown is compatible and appropriate.

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Properly classifying and zoning cannabis uses based on their impacts will ensure the uses permitted in downtown, as well as other areas, are compatible and appropriate with the surrounding neighborhood context.

Retail dispensaries would be permitted in the business, commercial, and industrial zoning districts which permit similar retail and commercial uses. The urban form of dispensaries is compatible with other retail uses. The impacts of cannabis dispensaries also did not vary significantly from the impacts of other retail uses. Classifying dispensaries as a subtype of retail encourages the most appropriate use of land and ensures compatible urban growth. The Growth Policy states “neighborhoods should have easy accessibility to amenities and local services to meet the needs of an expanding diverse population”. Permitting retail dispensaries in all business, commercial, and industrial districts allows dispensaries to exist in all locations that currently allow commercial uses. This application of zoning increases opportunities for dispensaries to disperse throughout commercial areas across the city in order to provide access to the amenity in all neighborhoods. Allowing dispensaries to operate across all business, commercial, and industrial districts will increase the chance of residents living closer to the use, decreasing transportation costs and distances traveled for residents who chose to visit dispensaries. Allowing access to the use across the city could also decrease the potential for clustering and the impact of the use on motorized and non-motorized transportation. Increasing the chance that all neighborhoods are within proximity to the dispensary use promotes multi-modal options for residents to travel to dispensaries.

Commercial cannabis cultivation will be permitted as a manufacturing use and assigned a manufacturing sub type based on the size of the plant canopy area. As the size of the operation is increased, the perceived impacts of the use on the surrounding neighborhood are increased. Zoning cannabis cultivation based on canopy area ensures the scale of the cultivation operation considers the most appropriate use of the land and surrounding urban development. While smaller cultivation operations would be permitted in industrial, commercial and some business zoning districts, larger cultivation operations will only be permitted in industrial zoning districts. Cannabis product manufacturing often requires use of solvents, heat, and pressure. For this reason, staff recommend classifying cannabis product manufacturing as general manufacturing which is only permitted in industrial zoning districts. Limiting cannabis product manufacturing to the industrial zoning districts promotes public health, safety, and general welfare by mitigating the impacts of the use on residential areas.

An economic health implementation item of the Growth Policy states the City shall “identify appropriate locations for industrial uses and actively recruit manufacturing businesses”. The proposed amendment identifies appropriate locations for cannabis cultivation and product manufacturing industrial uses, based on the studied impacts of the uses. Including cannabis cultivation and product manufacturing as manufacturing use classifications provides clear guidance on district suitability for the uses.

### Prohibition of Cannabis Cultivation and Cannabis Product Manufacturing Home Occupations

Cannabis cultivation requires proper ventilation, attention to humidity to prevent mold, and proper disposal of waste water and solid waste. Additionally, cultivation is energy intensive and often requires electrical work prior to occupying the space. Cannabis product manufacturing often requires the use of solvents, heat, and pressure. Currently, Title 20, Section 20.45.050 regulates home occupations. The current standards state home occupations which produce noise, produce odor, or alter the residential character of the property are not permitted. The business must also be subordinate to the use of the structure as a residence. The current home occupation standards consider adequate provision of air, conservation of building value, and compatible urban growth.

Cannabis cultivation and product manufacturing uses are not in alignment with the character of residential neighborhoods or the current Title 20 home occupation standards. Building code standards do not adequately address public health and safety concerns for home-based cultivation and manufacturing and are more difficult to enforce at residential locations, specifically in relation to proper ventilation, safe electrical setup, and prevention of mold. The measures necessary to safely and adequately address the known impacts associated with cannabis uses are beyond those typically associated with home occupations. In order to ensure dwellings are safe from fire and danger and to conserve the value of residential buildings, staff recommend prohibiting cannabis cultivation and product manufacturing as home occupations. The Growth Policy states the City shall “identify appropriate locations for industrial uses...”. Staff determined dwelling units are not an appropriate location for cannabis cultivation and product manufacturing industrial uses based on the impacts.

### Buffer between Cannabis Retail Dispensaries

Mapping of current medical dispensaries presented a pattern of clustering in particular neighborhoods (see Buffer Maps). Oversaturation of one use in a particular area reduces available commercial zoning and space for other uses to

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occupy. A livability goal of the Growth Policy states “neighborhoods should have easy accessibility to amenities and local services to meet the needs of an expanding diverse population”. Additionally, the Growth Policy calls for a mix of uses downtown. Neighborhoods that offer a mix of services to nearby residents reduce impacts on transportation infrastructure because residents do not need to travel far to meet every day needs. Living in proximity to a healthy mix of uses also promotes the use of non-motorized and public transportation modes. The Economic Health section of the Growth Policy promotes a diverse mix of uses by stating the City shall “support strategic economic development efforts that broaden, expand, and/or diversify the base economy”. While diversifying economic opportunity across the city is crucial, diversifying the economy at the neighborhood level allows for more efficient use of transportation infrastructure. A diverse mix of uses at the neighborhood level promotes public health and general welfare while encouraging the most appropriate use of land.

Given the current clustering of dispensaries in particular commercial areas, staff recommend implementation of a 500-foot buffer between dispensaries, measured from the parcel line. The 500-foot buffer prevents oversaturation of dispensaries in a particular area, protecting the ability of each neighborhood to offer a diverse mix of uses. The proposed buffer between dispensaries is in the interest of promoting compatible urban growth, and fostering the character of the district and its peculiar suitability for particular uses.

### Prohibition of Non-Transparent Glazing at Dispensaries

Installation of frosted glass, window decals, and tint creates “dead zones” which effectively function as blank walls on a building frontage. Transparent storefronts are crucial to the character of commercial areas and street frontage activation. Active frontages promote a safer, more interesting, and enjoyable pedestrian environment. The installation of non-transparent glazing on retail spaces is not compatible with adjacent retail uses. Some methods for obscuring glazing are not easily reversible, eroding the value of buildings. While transparency standards already exist in the Design Excellence Overlay, they are not applied to areas outside of the overlay. Downtown Missoula is located within the Design Excellence Overlay and must abide by current glazing transparency standards. The current transparency standards in the overlay are promoted by Growth Policy livability goals which aim to preserve the unique identity, quality, and history of downtown.

An implementation item in the Safety and Wellness section of the Growth Policy calls to identify best practices for implementing crime prevention through environmental design. Crime Prevention through Environmental Design (CPTED) standards describe the importance of passive interaction between the public street and private business. Passive interaction allows the business and patrons to witness activity on the street which creates a safer environment where the community can look out for one another. Staff are concerned that frequent installation of opaque glass will inhibit passive interaction between public and private spaces. “Dead zones” along building frontages often create an environment that is less safe and enjoyable for pedestrians. The inclusion of non-transparent ground floor windows is counter-productive to the street frontage activation goals of the Growth Policy, Design Excellence, and Crime Prevention Through Environmental Design best practices.

Staff recommend expanding transparency requirements beyond the Design Excellence Overlay to apply to all cannabis dispensaries within city limits. The proposed amendment prohibiting opaque glazing is intended to implement Crime Prevention Through Environmental Design best practices to promote public health, safety, and general welfare. The proposed amendment is also intended to ensure compatible urban growth in commercial areas, conserve the value of buildings, and address character of district suitability for uses. Preserving transparent glazing on building frontages also ensures the structure will provide adequate light for the duration of the structure’s lifetime.

All development subject to zoning must comply with all other applicable city, state and federal regulations (Title 20, Section 20.01.060.B). Fire safety, emergency services, water, sewer and other public facilities are taken into consideration during the permitting process.

### **2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition.**

The proposed zoning amendments are a result of the state legalization of recreational use cannabis. The legalization of recreational cannabis is projected to increase the number in cannabis related businesses within Missoula. As a result, the impacts of these uses will be greater. The proposed amendments are intended to address the changing conditions related to recreational cannabis legalization.

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### **3. Whether the proposed zoning ordinance amendments are in the best interests of the city as a whole.**

The proposed zoning ordinance amendments are presented in order to address the land use impacts of recreational cannabis legalization on public health and safety, urban form, and neighborhood character, and to ensure the new cannabis uses are compatible with goals and objectives of the 2035 Our Missoula City Growth Policy. These amendments are a result of examining the forecasted impacts of cannabis uses. These amendments are in the best interests of the city as a whole because they consider the public health, safety and general welfare of the community when determining how cannabis uses will best integrated into the fabric of the city.

## **V. ATTACHMENTS:**

- A. Proposed ordinance amendments (October, 2021)
- B. Agency memo and draft ordinance (October 8<sup>th</sup>, 2021)
- C. Agency Comment – Climate Activist Specialist (October 19<sup>th</sup>, 2021)
- D. Agency Comment – Missoula Valley Water Quality District (October 12<sup>th</sup>, 2021)
- E. Public Comment as of October 26<sup>th</sup>, 2021
- F. Buffer Maps (Updated Maps, October 28<sup>th</sup>, 2021)
- G. White Paper (September 8<sup>th</sup>, 2021)