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TO: Planning Staff
FROM: Erik K. Mack, AICP, Planning Director
DATE: February 21, 2023
RE: Marijuana Zoning Interpretation

With the recent changes to State's marijuana laws because of legislation House Bill 701, Initiative 90, legalizing adult recreational marijuana use, which passed in November 2020, and was officially legalized in January 2022, it appears to be appropriate to revisit the previous zoning interpretations regarding where marijuana may be cultivated, processed, and dispensed, and to add an interpretation regarding where marijuana testing laboratories and transportation facilities (distribution) can be located.

1. **Marijuana and marijuana-infused products can be cultivated, manufactured, and dispensed** in zones that allow for agriculture and a produce stand as a permitted use. These zones are as follows: **AG-80, AG-40, AG-20 SAG-10, SAG-5, R-2.5, R-1 and BS.**
 - The justification for allowing the cultivation and processing of marijuana and marijuana-infused products in these zones appear straightforward as marijuana can be considered like any other agricultural commodity.
 - Since marijuana is cultivated similarly to any other agricultural commodity, it should be available similar to a produce farmer who is able to sell produce from a stand.
2. **Marijuana and marijuana-infused products can be cultivated, manufactured, and distributed** in zones that allow for the distribution of products and processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages, and beverage manufacturing and bottling as a permitted use. These zones are as follows: **I-1, I-1H, EEO, and I-2.**
 - The reason for allowing cultivation and manufacturing in industrial zones is that it appears that grow operations will be accomplished in indoor facilities. Most, if not all, marijuana operations include processing marijuana into products such as edibles, oils, and other marijuana-infused products.
3. **Marijuana and marijuana-infused products can be dispensed** in zones that allow for retail sales and services, drug store, or liquor store as a permitted use. These zones are as follows: **B-1, B-2, B-3, B-4, B-5, BM-2, BR-4, I-1, I-1H, I-1, LS, and CVR zones.**
 - Marijuana purchases require a valid form of identification as do alcohol and tobacco purchases. Permit uses such as grocery store, restaurant, convenience store, bar,

tavern, lounge, and wine shop require some form of a valid identification before someone is allowed to acquire certain products. In addition, many of the marijuana-infused products will be available in some form of an edible product.

4. **Testing laboratories for marijuana and marijuana-infused products** can be located in zones that allow for research laboratory and institution. These zones are as follows: **I-1, I-1H, and I-2.**
 - The justification for allowing testing for marijuana and marijuana-infused products in these zones although not defined in the Flathead County Zoning Regulations, is that research laboratory and institutions typically do not involve the mass manufacture, fabrication, processing, or sale of products but would allow for research, development, and testing.