

MINUTES
JOINT CITY AND COUNTY PLANNING COMMISSION MEETING
COUNTY COMMISSION ROOM
Tuesday, May 25, 2021 5:30 P.M.

City Planning Commission members present: Emeline Hoblick, Rick Dockter, Stacy Bartlett, Bill Markley, and Laurie Schultz.

City Planning Commission members absent: Terry Keller, and Dave Templeton.

City Staff members present: Sharon Pruess

County Planning Commission members present: Les Stewart, Anissa Grambihler, Bill Johnston, Lee McCurrin, Tom Rounds, and Roger Inman.

County Planning Commission members absent: Brent Pries

County Staff members present: Eric Booth and Kevin Hipple.

Guests present: None

Commissioner Stewart called the meeting to order at 5:30 p.m. and lead the Pledge of Allegiance.

Commissioner Johnston motioned to approve the Agenda for May 25, 2021, Commissioner Rounds seconded and the vote was unanimous.

A review of the minutes from the 4/26/21 meeting found no errors and Commissioner Stewart asked for a motion on the minutes.

Commissioner Rounds moved, seconded by Commissioner Markley to approve the April 26, 2021, Joint Planning Commission minutes. Approval was unanimous.

Public Hearing, Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses in the City of Pierre, Hughes County, and the Extra Territorial District, Hughes County, South Dakota.

Commissioner Stewart opened the Public Hearing at 5:32 pm.

Staff summarized the proposal. Initiated Measure 26 (IM 26) was approved by voters in 2020 and allows for the use of medicinal cannabis by individuals with certain medical conditions. The law will become effective on July 1, 2021. The South Dakota Department of Health must promulgate rules by October 29, 2021. The approved measure allows local governments to regulate medicinal cannabis through zoning and licensing. Local governments may enact ordinances that govern the time, place, manner, and number of medical cannabis establishments. State law identifies four classifications and definitions of medical cannabis establishments; dispensary, cultivation, testing, and manufacturing. Local governments may not prohibit a dispensary. If local governments are going to regulate medical cannabis establishments then a local license is a prerequisite to obtaining a license from the SD Department of Health.

The SD Municipal League, Public Assurance Alliance, along with members of the SD Planners and SD attorneys knowledgeable in planning and zoning put together a sample ordinance for cities and counties to use in the interim until South Dakota promulgates rules governing medicinal cannabis. The ordinance allows that applications for local permits and/or licenses shall not be accepted or shall be denied until the State of South Dakota has promulgated rules covering the distribution, manufacturing, testing, and cultivation of medicinal cannabis.

City and County staff will work on creating an ordinance to regulate medical cannabis in Pierre, Hughes County, and the extra territorial jurisdiction once the State has promulgated rules. Staff discussions have focused on the zoning where the activities could work, distance from schools, and trying to write them in a way that will also fit recreational marijuana when it becomes legal. Currently staff is looking at keeping medical cannabis facilities a minimum of 1000 feet from a school, public and private. Staff shared a map of what that looks like in the City of Pierre. Commissioners asked if schools included the private school at the mall. Staff is not aware of a school at the mall but will look into that school. Staff added that certain cannabis facilities may not work well outside of Pierre because security, electrical, and other utility needs may not be able to be met in rural Hughes County. The commissioners asked if the City or County could simply ban all establishments and staff responded that IM 26 states that local government must allow at least one dispensary. Sales tax may be charged on the cannabis but a special tax isn't allowed. The Commissioners asked if State law set the 1000 feet distance from schools. Staff stated that is set locally and 1000 is liked by local police because the distance is similar to other ordinance restrictions. Staff added that many things will be considered and shared with the Planning Commission as an ordinance is promulgated by City and County Staff to regulate medicinal and recreational cannabis.

Commissioner Schultz made a motion to recommend approval of the Temporary Medicinal Cannabis Ordinance. Commissioner Bartlett seconded the motion and the motion was approved unanimously.

Old/New Business: Staff indicated there was no old or new business.

Public Comment per SDCL 1-25-1: No comments were offered by the general public.

With no further business, Commissioner Bartlett moved to adjourn, seconded by Commissioner Schultz. Approval was unanimous.

Commissioner Stewart declared the meeting adjourned at 5:49 p.m.

Minutes by Eric Booth.