

MINUTES
JOINT CITY AND COUNTY PLANNING COMMISSION MEETING
CITY COMMISSION ROOM
Monday, August 9, 2021 5:30 P.M.

City Planning Commission members present: Emeline Hoblick, Rick Dockter, Bill Markley, Terry Keller, Dave Templeton, and Laurie Schultz.

City Staff members present: Sharon Pruess and John Childs.

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

County Staff members present: Eric Booth and Kevin Hipple.

Guests present: None.

Commissioner Templeton called the meeting to order at 5:30 p.m. and requested approval of the agenda.

Commissioner Grambihler motioned to approve the agenda for August 9, 2021, Commissioner Johnston seconded and the vote to approve the agenda was unanimous.

A review of the minutes from the 7/26/21 meeting found no errors and Commissioner Templeton asked for a motion on the minutes.

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

Public Hearing – Proposed Zoning Ordinance for Medical Cannabis.

Sharon Pruess, City Planner, noted that a copy of the proposed ordinance had been mailed out to the Planning Commission members. The proposed ordinance had also been previously mailed out after the July meeting. Pruess said that the City had a 12-member task force that has been meeting every 2 weeks for quite a number of months on the medical cannabis issue. The City staff has been working closely with County staff to coordinate on the extra-territorial area. State law requires each city and each county to allow at least one dispensary. Cities and counties are not required to allow the other types of establishments – cultivation, testing and manufacturing establishments. The City task force is leaning toward allowing up to 3 dispensaries and 1 each of the cultivation, testing and manufacturing facilities in city limits. The County is looking at allowing the one dispensary and none of the other types of establishments in the county. The task force, and city and county staff are recommending that the extra-territorial area be allowed no medical cannabis facilities. Pruess noted that the proposed ordinance starts out with the definitions for marijuana and marijuana establishments as printed in state law and then goes through each of the zoning districts in the extra-territorial area and specifies cannabis establishments as declared incompatible and excluded.

Commissioner Markley noted under the definition provided for cannabis products that the definition did not include smoking or inhaling cannabis. Kevin Hipple said that smoking appears to be included under the definition of cannabis (or marijuana) rather than under the definition of cannabis products. Commissioner Grambihler asked if any comments had been received from the public on the draft ordinance or the public notice that was printed for the public hearing. Both Sharon Pruess and Eric Booth indicated that they had not received any comments on the draft ordinance or public hearing. Commissioner Keller asked if federal laws and state laws are consistent when it comes to transporting marijuana. Kevin Hipple said there is concern about transporting marijuana across state lines since it is still illegal at the federal level. He noted that there are related concerns for pharmacies and banks dealing with marijuana as those agencies do not want to jeopardize any of their federal funding. Commissioner Markley asked about how folks go about getting a prescription from their doctor for marijuana. Kevin Hipple said his understanding is that folks have to have a debilitating medical condition as defined in the state law and the physician has to certify the person has the debilitating medical condition in order to obtain a registry ID card. It is not a prescription. He noted that folks can petition the state Department of Health to include medical conditions not currently listed as debilitating medical conditions. Commissioner Markley asked who will know the list of approved card holders. It was discussed that the Department of Health will have access to the registry and the dispensaries will be able to check the list by individual name to verify valid registry ID cards. Commissioner Johnston asked how CBD oil relates to this ordinance. It was noted that CBD oil is currently legal if it has less than 3% THC.

Commissioner Schultz made a motion to recommend approval of the proposed ordinance for medical cannabis establishments. Commissioner Markley seconded the motion. The motion was approved unanimously.

Old/New Business: Staff stated 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 Keller moved to adjourn, seconded by Commissioner Grambihler. Approval was unanimous.

Commissioner Templeton declared the meeting adjourned at 5:42 p.m.

Minutes by Sharon Pruess.