

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
May 17, 2021 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

**If unable to attend the meeting, please submit your comments via e-mail to plz@penngo.org or by mail to the attention of the Pennington County Planning Department, 130 Kansas City St., Ste. 200, Rapid City, SD 57701, or, if appearing by teleconference, contact the Planning Department at 605-394-2186, twenty-four (24) hours prior to the scheduled meeting.

ROLL CALL

1. APPROVAL OF THE AGENDA
2. ORDINANCE #727: Pennington County. A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.
3. ADJOURNMENT

ADA Compliance: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.



Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200
Rapid City, SD 57701 • Phone: 605.394.2186

MEMO

TO: Pennington County Planning Commissioners
FROM: Brittney Molitor, Planning Director
DATE: May 17, 2021
RE: A Temporary Ordinance Regarding the Issuance of Local Cannabis Establishment Permits or Licenses or Both.

Dear Planning Commissioners:

Last year the voters adopted medical marijuana in IM 26. The law is set to take effect on July 1, 2021. This is a sea change in the law.

Given that sea change, the County's current regulations and controls may not adequately address the unique needs and impacts of cannabis establishments. Informing that are the rules that the South Dakota Department of Health must promulgate. Those rules will determine the standards for cannabis establishments. DOH will not have those rules finalized until late October or early November. So, until then, we will neither (1) know the standards for cannabis, nor (2) be able to adequately assess the zoning and licensing requirements necessary to approve permits and to better ensure applicants have a more predictable permitting process.

To address those concerns, Staff has therefore requested that this Temporary Ordinance be adopted.

ORDINANCE NO. 727

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS OR LICENSES OR BOTH.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Pennington County, SD (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments;

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment before the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County’s Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary for the immediate preservation of the public health, safety, and general welfare; and support of the county government and its existing public institutions.

NOW, THEREFORE, BE IT ORDAINED BY PENNINGTON COUNTY, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment that wants to operate in the County must apply for a permit or license or both from the County. Applications for a local permit or license or both to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, will not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received before those regulations have been promulgated will be denied.

Section 2. Immediate Effect.

This ordinance is necessary for the immediate preservation of the public health, safety, and general welfare; and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Dated this _____ day of June, 2021.

PENNINGTON COUNTY COMMISSION

Gary Drewes, Chairperson
Pennington County Board of Commissioners

ATTEST:

Pennington County Auditor / Deputy
(SEAL)

Publication: