

**PENNINGTON COUNTY BOARD OF COMMISSIONERS  
PROPOSED SPECIAL MEETING AGENDA  
JUNE 2, 2021  
2:00 P.M.  
COMMISSION CHAMBERS  
COUNTY ADMINISTRATION BUILDING**



*Gary Drewes, Chair, District 5  
Ron Rossknecht, Vice Chair, District 1*

*Lloyd LaCroix, District 2  
Deb Hadcock, District 3  
Travis Lasseter, District 4*

**Agenda disclaimer: The preferred practice of the Board is to proceed thru the agenda in the order it is published. From time to time, agenda items may be disposed of quickly leaving a gap in the meeting agenda prior to the next advertised agenda item start time. To utilize time effectively in those circumstances, the Board may move items up on the agenda to fill those gaps.**

*Welcome to the June 2<sup>nd</sup>, 2021 special Board of Commissioners Meeting.  
Please silence cell phones, pagers and other electronic communication devices.  
Agendas are located at the back of the Chambers.*

1. Call to Order
2. Moment of Silent Reflection
3. Pledge of Allegiance
4. Review and Approve Agenda
5. Items From Planning & Zoning
  - a. Ordinance #727: Pennington County. A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.
6. Adjourn

Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and need accommodations, please notify the Commissioners' Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.



Scan the code to access the agenda packet online.

AGENDA  
PENNINGTON COUNTY BOARD OF COMMISSIONERS  
June 2, 2021 @ 2:00 p.m.

County Commissioners' Meeting Room – Pennington County Administration Building

**REGULAR AGENDA**

- A. ORDINANCE #727: Pennington County. A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.

Planning Commission recommended approval of Ordinance #727.



**PLANNING DEPARTMENT**  
**MEMORANDUM**

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: ORDINANCE #727: Pennington County. A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.

**PLANNING COMMISSION RECOMMENDATION:**  
**Planning Commission recommended approval of Ordinance #727.**

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
May 17, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Jim Coleman, Kathy Johnson, Sande Runde, and Gary Drewes.

STAFF PRESENT: Brittney Molitor, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE AGENDA

**Moved by K. Johnson and seconded by Runde to approve the Agenda of the May 17, 2021, Planning Commission meeting. Vote: unanimous 5 to 0.**

2. ORDINANCE #727: Pennington County. A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.

Molitor reviewed Ordinance #727 - A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.

Staff recommended approval of Ordinance #727 - A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.

Discussion followed.

**Moved by Drewes and seconded by Coleman to approve of Ordinance #727 - A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits or Licenses or Both.**

**All voting aye, the Motion carried 5 to 0.**

3. ADJOURNMENT

**Moved by Coleman and seconded by K. Johnson to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 9:14 a.m.**

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Rich Marsh, Chairperson



# 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: