

## BROOKINGS COUNTY PLANNING & ZONING COMMISSION

BROOKINGS CITY & COUNTY GOVERNMENT CENTER  
520 3rd St, 310 Chambers, Brookings, SD 57006

### AGENDA

*If you have any symptoms of COVID-19 or believe you may have been exposed, please consider watching the Commission meeting from home, broadcast live on Swiftel channel 19, ITC channel 168, or the Brookings County Youtube channel. You can also call in by dialing 605-697-8255 and entering code 6056968205 when prompted.*

1. **Call to Order - 8:30 AM on Tuesday, May 25, 2021.**
2. **Pledge of Allegiance.**
3. **Invitation for Citizens to Schedule Time on the Commission Agenda for an Item Not Listed**  
*Anyone wanting to speak during this agenda item must sign in prior to the start of the meeting. Any requested action items must be scheduled for a future meeting date.  
(Time limited to 5-minutes per person to address the commission.)*
4. **Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication**
5. **Convene as Brookings County Planning and Zoning Commission**
6. **Approval of Agenda**
7. **Regular Business.**
  - A. **Public Hearing of Ordinance #2021-03: a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.**  
*Action: Open/Close Public Hearing*  
Documents:  
  
[Ord 21-03 Medical Cannabis Establishment Permits.pdf](#)
  - B. **Planning & Zoning Commission action to recommend approval of Ordinance #2021-03: a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.**  
*Action: Motion to Approve Recommendation, Comments, Roll Call*
  - C. **Brookings County Board of County Commissioners holds First Reading of Ordinance #2021-03: a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.**  
*Action: First Reading, Note Second Reading on June 1, 2021 at 9:45 AM.*
8. **Adjourn**
9. **Public Notices**
  - o *May 31, Monday: Offices closed due to the Memorial Day holiday.*

- *June 24, Thursday: 8:15 AM, Budget Hearings in the Community Room of the Brookings City & County Government Center.*
- *July 18, Sunday: 2:00 PM, Medary Monument Rededication.*

**Brookings County Zoning Office \* Brookings City & County Government Center \* 520 3rd Street, Suite 200 \* (605) 696-8350 \* [www.brookingscountysd.gov](http://www.brookingscountysd.gov)**

1st Reading: May 25, 2021  
2nd Reading: June 1, 2021  
Date Adopted: June 1, 2021  
Date Published: June 10, 2021  
Effective Date: June 10, 2021

**ORDINANCE NO.           #2021-03**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.**

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, Brookings 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 prior to 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 to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Brookings County, SD:

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

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, 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 \_\_\_\_\_, 2021.

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Larry Jensen, Chairperson  
Brookings County Commission

ATTEST:

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Lori Schultz, Finance Officer  
Brookings County