

# City Council Agenda Memo

**From:** Ryan Miller, City Planner

**Meeting:** June 8, 2021 / June 22, 2021

**Subject:** Temporary Ordinance Pertaining to Medical Cannabis Establishments

**Person(s) Responsible:** Mike Struck, Community Development Director

## **Summary:**

The City of Brookings has submitted a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. The proposed ordinance is temporary while the City awaits guidance from the South Dakota Department of Health on rules and regulations pertaining to the licensing of medical cannabis facilities.

## **Background:**

Initiated Measure 26 (IM 26), which legalized medical cannabis in the State of South Dakota, provides that the South Dakota Department of Health shall set rules for medical cannabis establishments no later than October 29, 2021. Due to the current lack of Department of Health standards and requirements, the City's current regulations and controls may not yet adequately address the unique needs and impacts of medical cannabis establishments.

## **Item Details:**

The proposed ordinance is temporary while the City awaits guidance from the South Dakota Department of Health on rules and regulations pertaining to the licensing of medical cannabis facilities. As IM 26 has an implementation date of July 1, 2021, this temporary ordinance would allow the City to deny any applications for medical cannabis facilities until such time as the State adopts rules and regulations for the licensing of medical cannabis facilities. In the interim, the City continues to research zoning regulations for medical cannabis facilities.

## **Legal Consideration:**

City Attorney Steve Britzman has reviewed the temporary ordinance.

## **Strategic Plan Consideration:**

- 1) Fiscal Responsibility
- 2) Safe, Inclusive, Connected Community
- 3) Service and Innovation Excellence

- 4) Sustainability
- 5) Economic Growth

**Financial Consideration:**

None

**Options and Recommendations:**

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Do nothing

The Planning Commission voted 7 – 0 recommending approval. Staff recommends approval.

**Supporting Documentation:**

Ordinance

Hearing Notice

Planning Commission Minutes