

Planning Commission Agenda Memo

From: Mike Struck, Community Development Director

Meeting: July 6, 2021

Subject: Cannabis Establishments

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

Summary:

The City of Brookings has submitted an ordinance establishing zoning regulations for cannabis establishments.

Background:

Initiated measure (IM26), 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. The Department of Health released their draft rules the week of June 21st. The Department of Health regulations pertain to the licensing requirements and provide guidance to local municipalities on licensing of cannabis establishments. However, local municipalities are responsible for addressing the zoning aspect of cannabis establishments.

Item Details:

The proposed ordinance identifies different types of cannabis establishments, appropriate zoning districts for each type of establishment, and buffer distances. The types of establishments are defined and the definitions closely mirror the definitions adopted by the State of South Dakota, however, are not exactly the same. The main difference is the City approached the zoning regulations from the perspective cannabis being legal, whereas the State definitions referenced medical cannabis.

Cannabis dispensary regulations were drafted in a manner to closely align with a pharmacy use and the proposed zoning districts customarily associated with retail/pharmacy uses are the B-1, B-2, B-2A, and B-3 districts. Cannabis testing facilities, product manufacturing facilities, and cultivation facilities are proposed in the Industrial I-1 Light District as these uses closely resemble other business uses more commonly located in industrial parks due to the size of the facility, utility needs, and odors.

Options and Recommendation:

The Planning Commission has the following options:

1. Approve as presented
2. Amend
3. Deny

4. Table until a later date

The Development Review Team recommends approval.

Supporting Documentation:

1. Notice
2. Ordinance