

City Council Work Session Memo

From: Paul Briseno, City Manager

Council Meeting: August 17, 2021

Subject: Medical Marijuana Ordinance Discussions

Person(s) Responsible: Paul Briseno, City Manager
Jake Meshke, Assistant City Manager
Mike Struck, Community Development Director

Summary:

The City Council tabled three medical marijuana ordinances until August 24th. A Work Session was requested to properly discuss proposed ordinances regulating marijuana facilities' quantity, zoning, and licensing. The Council's desire to limit the number of dispensaries, manufacturing, testing, and cultivation facilities will guide ordinance development. The City's consultant, Bill Efting, will provide insight into the proposed regulation and experience from Colorado.

Background:

Initiated measure (IM26) 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 draft rules the week of June 21. The Department of Health regulations pertain to the licensing requirements and guide local municipalities to license cannabis establishments. However, local municipalities are responsible for addressing the time, place, and location of cannabis establishments.

Over the past few months, staff provided extensive research, collaborated with peer South Dakota cities and the League of Municipalities to draft the proposed ordinances.

Ordinance 21-025 – establishes zoning regulations for cannabis establishments. The following interactive GIS link depicts recommended allowable zones (<https://brookingscosd.maps.arcgis.com/apps/instant/interactivelegend/index.html?appid=51b8f8b5d29f4bc0a469d4e3b11f3829>) .

Dispensary Zoning

- Recommended in B-1, B-2, B-2A, B-3, and B-4 business districts
- State law prohibits establishments within 1,000 feet from an educational unit
- July 27th Council removed the 300-foot buffer between cannabis dispensaries
 - Various cities have limited the quantity of facilities through buffering requirements

Testing, Manufacturing and Cultivation Zoning

- Recommended in I-1 light industrial districts

Ordinance 21-027 – sets the number of allowable dispensaries, manufacturing, testing and cultivation facilities in Brookings. IM26 requires the allowance of at least one dispensary. The City can prohibit manufacturing, testing and cultivation facilities or set the allowable quantity.

Ordinance 21-028 – establishes procedures for licensing of medical dispensaries in the City. The ordinance presented only addresses dispensaries and will need adjusted if testing, manufacturing and cultivation facilities are allowed.

Item Details:

This item is presented at a work session to allow the City Council to discuss the proposed marijuana ordinances further. The discussion will give staff guidance for proper adjustments to the ordinances. City staff and consultant Bill Efting, a former city manager from Colorado, will answer questions Council has of the recommended ordinances.

The primary point of interest heard at the previous meetings surrounds the allowable quantity of dispensaries, manufacturing, testing, and cultivation facilities.

If there is a desire to limit the quantity, city staff recommends doing so through buffering between facilities within the zoning ordinance. The Council should consider the proper distance between facilities. Staff further recommends an examination of any such ordinance eighteen (18) months after its implementation.

Ordinance 21-027 and 21-028 will need eliminated/adjusting if Council has no desire to regulate the number of dispensaries, manufacturing, testing, and cultivation facilities.

Legal Consideration:

The City Attorney Steve Britzman has crafted and reviewed all ordinances presented.

Supporting Documentation:

GIS Interactive Map

Ordinance 21-025 – Zoning

Ordinance 21-027 – Quantity

Ordinance 21-028 – Licensing