

**MINUTES**  
**PIERRE CITY PLANNING COMMISSION MEETING**  
**COMMISSION ROOM**  
**MONDAY, AUGUST 9, 2021 5:35 P.M.**

*Members present* were: Rick Dockter, Emeline Hoblick, Terry Keller, Bill Markley, Laurie Schultz and Dave Templeton.

*Staff members present:* Sharon Pruess & John Childs.

*Guests present:* none.

Chairman Templeton called the meeting to order at 5:44 p.m. The first item on the agenda is approval of the 7/26/21 minutes. Commissioner Dockter made a motion to approve the 7/26/21 minutes. Commissioner Hoblick seconded the motion. All members voted to approve the minutes.

**Agenda Item: Public Hearing – Proposed Zoning Ordinance for Medical Cannabis Establishments.**

Sharon Pruess, City Planner, reminded the Commission that a draft of the ordinance had been reviewed and discussed at the last meeting on July 26, 2021. She reviewed the colored chart in the meeting packets that specifies that cultivation and manufacturing establishments will be permitted in the industrial zoning districts. And dispensary and testing facilities will be allowed in business and industrial zoning districts. Pruess noted that there had been two changes made to the draft since the last review by the Planning Commission. On page 6, section 12-160110 has been added as “Other locational requirements”. Item 1 under this section specifies that cannabis establishments are not eligible for home occupation use. This is especially important in the business zoning districts that have quite a number of residential homes. Property owners that have a residence in a business zoning district may want to have a home dispensary so this section clarifies that a cannabis dispensary would not be a permitted home occupation use. Item two under this section specifies that it is unlawful to operate a dispensary in a building which contains a residence or a mixed use building with commercial and residential uses.

Commissioner Templeton asked about amendments and there was additional discussion about amendments to the ordinance. Commissioner Keller asked if the one thousand foot distance requirement for establishments from public or private schools applies to home daycares/preschools. Pruess noted that the ordinance includes a definition for a public or private school and requires the school to be accredited through the Department of Education. Commissioner Dockter asked about the licensing fees for cannabis establishments. Pruess said that fees will be included in the licensing portion of the ordinance which the finance department is currently drafting. State law allows up to \$5,000 for licensing fees. Commissioner Markley said if state law only requires cities and counties to have one dispensary why is the city going to permit more than one dispensary and one each of the other 3 types of establishments. John Childs, City Engineer, noted that there are opinions on both sides of the marijuana issue. Some would like to severely limit the establishments and the other side is that legalizing medical marijuana provides business opportunities and revenue sources. You could severely limit the establishments and push them to rural areas or other cities/counties or you could allow them in your community and have the ability to regulate and control them. Commissioner Keller

wondered about how to test an individual under the influence. He asked if law enforcement could use field sobriety tests. Childs replied that law enforcement can use field sobriety tests but often there are other crimes/substances involved as well. Commissioner Markley asked if state and local law enforcement are in favor of medical marijuana establishments. Pruess said the City could not speak for state law enforcement. However, she noted that the police chief and the two police captains were members of the city's marijuana task force that recommended the draft ordinance.

Commissioner Keller made a motion to recommend approval of the zoning ordinance for medical cannabis establishments. Commissioner Schultz seconded the motion. All members voted in favor of the motion.

**Old or New Business/Public Comment Period per SDCL 1-21-1**

There was no additional old or new business. Chairperson Templeton asked if anyone in the audience would like to make any public comment. Chairperson Templeton closed the public comment period.

**Adjourn**

With no further business, Commissioner Schultz made a motion to adjourn, seconded by Commissioner Markley. All commissioners voted to approve the motion. Chairman Templeton declared the meeting adjourned at 6:02 p.m.

*Minutes by Sharon Pruess.*