

THE LINCOLN COUNTY BOARD OF COMMISSIONERS reconvened in a joint session with the City of Sioux Falls in the City of Sioux Falls Commission Chambers at Carnegie Town Hall. The meeting was brought to order by Chairman Tiffani Landeen, at 7:00 p.m. on August 24, 2021, with Commissioners Joel Arends, Jim C. Jibben, Michael Poppens, and Jim Schmidt present. Deputy Auditor, Shaun Feilmeier, served as Clerk of the Board. Chief Civil Deputy State's Attorney, William Golden, was also present.

MOTION by Schmidt and seconded by Poppens to approve agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion Carried.

REGULAR BUSINESS:

SECOND READING & PUBLIC HEARING occurred for an Ordinance of Lincoln County, SD, amending the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls by amending Article 9.00, C Commercial District and Article 24.00, Definitions. Sam Trebilcock, Senior Planner of the City of Sioux Falls, presented the amendments. Toby Brown, Planning & Zoning Director of Lincoln County, was also available via telephone to answer questions.

Public input actually pertaining to the proposed ordinance consisted of concerns regarding setback distance and derivation. Other public banter comprised of praise and condemnation of the two governing bodies assembled this evening and their different levels of governance and accessibility, claims of overwhelming voter support of Initiated Measure 26, and concerns over violating federal law resulting in potential funding loss.

Commissioner discussion agreed on the desire to amend the ordinance before them; specifically, the setbacks and facilities being Permissive instead of Conditional Use. However, Paul Bengford from the City of Sioux Falls Attorney Office explained the following: due to the State Department of Health statement that their rules would be in place by October 4th (which is 25 days sooner than the statute requires), there would not be enough time to notice another public hearing to adopt substantial changes to this ordinance and have them become effective before an entity could apply for a medical cannabis facility basically creating a span of time without regulation.

AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE JOINT ZONING REGULATIONS FOR LINCOLN COUNTY AND THE CITY OF SIOUX FALLS BY AMENDING ARTICLE 9.00, C COMMERCIAL DISTRICT AND ARTICLE 24.00, DEFINITIONS.

BE IT ORDAINED BY LINCOLN COUNTY, SD:

Section 1. That Section 9.02, of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls, is hereby amended by adding a new subsection J. as follows:

J. Medical cannabis establishment registered with the South Dakota Department of Health and licensed by Lincoln County, subject to:

1. Must be located at least 1,000 feet from a single-family dwelling. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which medical cannabis establishment is conducted or proposed to be conducted), to the property line of the single-family dwelling.
2. Must be located at least 1,000 feet from a public or private school. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the public or private school.

3. Must be located at least 1,000 feet from a church. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the church.
 4. Must be located at least 1,000 feet from a public service facility. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the public service facility.
 5. Must be located at least 1,000 feet from a park. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the park.
 6. Must be located at least 1,000 feet from another medical cannabis establishment, unless located on the same parcel of property and owned by the same entity. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which each of the medical cannabis establishments are conducted or proposed to be conducted.
 7. A medical cannabis establishment may contain a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary, or any combination thereof, at one location.
- Section 2. That Section 24.02, of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls, is hereby amended by adding the following terms and definitions in alphabetical order:
- CANNABIS PRODUCT MANUFACTURING FACILITY.** An entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary.
- CANNABIS TESTING FACILITY or TESTING FACILITY.** An independent entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G to analyze the safety and potency of cannabis.
- CULTIVATION FACILITY.** An entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.
- MEDICAL CANNABIS DISPENSARY OR DISPENSARY.** An entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders.
- MEDICAL CANNABIS ESTABLISHMENT.** A cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary.
- MOTION by Poppens and seconded by Schmidt. Arends: “Nay” Jibben: “Nay” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion Carried.

MOTION by Arends and seconded by Poppens to amend AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE JOINT ZONING REGULATIONS FOR LINCOLN COUNTY AND THE CITY OF SIOUX FALLS BY AMENDING ARTICLE 9.00, C COMMERCIAL DISTRICT AND ARTICLE 24.00, DEFINITIONS by changing “1,000” in Section 1 J1, 3, 4, 5, & 6 to “500”. Arends: “Aye” Jibben: “Aye” Poppens: “Nay” Schmidt: “Nay” Landeen: “Nay”. Motion failed.

MOTION by Arends and seconded by Jibben to amend AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE JOINT ZONING REGULATIONS FOR LINCOLN COUNTY AND THE CITY OF SIOUX FALLS BY AMENDING ARTICLE 9.00, C COMMERCIAL DISTRICT AND ARTICLE 24.00, DEFINITIONS by changing “This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to

be conducted), to the property line of the . . .” to “This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the exterior walls of the . . .” in Section 1 J1, 3, 4, 5, & 6. Arends: “Aye” Jibben: “Aye” Poppens: “Nay” Schmidt: “Nay” Landeen: “Nay”. Motion failed.

OPPORTUNITY FOR PUBLIC COMMENT:

An individual commented on COVID-19 information.

An individual commented on marijuana and religion.

An individual asked that the Board schedule a First Reading.

MOTION by Poppens and seconded by Jibben to adjourn at 8:07 p.m. until 8:30 a.m. on September 7, 2021. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion Carried.

/s/

Tiffani Landeen, Chair,
Lincoln County Board of
Commissioners

ATTEST:

/s/

Shaun Feilmeier, Deputy Auditor

Approved September 7, 2021.

Please publish the week of September 13, 2021.