

Butte County Board of Adjustment Meeting Agenda  
Butte County Courthouse  
Commission Meeting Room  
839 5<sup>th</sup> Avenue  
Belle Fourche, SD 57717  
Phone: 605-892-4485

*Commissioners*

**Tuesday, August 15<sup>th</sup>, 2023**

**1:00 P.M. Call Meeting to Order**

1. Approve Meeting Agenda
2. Approval of Minutes 25Jul2023

**1:05 PM PUBLIC HEARING** – Redwater Cannabis Care Dispensary Application For Variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County.

**1:20 PM PUBLIC HEARING** – GLP Custer; DBA Greenlight LLC Application For Variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County.

**Opportunity for Public Comment** – Opportunity for Public Comment - The Commission is pleased to include a period for public comments in this agenda. Guests are asked to sign in and indicate their desire to speak next to their name. Each speaker will be recognized by the Chair and allowed a maximum of three (3) minutes to make comments. There will be no response by commissioners or other guests taken during this time.

Outside of Public Comment - Please address the Chair with your wish to speak and wait for acknowledgement from the Chair. There will be no response by commissioners or other guests taken during this time. All responses to comments must be requested through and addressed to the Chair.

3. Discussion with possible action Redwater Cannabis Care, LLC application for variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County
4. Discussion with possible action GLP Custer; DBA Greenlight LLC application for variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County

**Adjournment**

Butte County Board of Adjustment Meeting Agenda  
Butte County Courthouse  
Commission Meeting Room  
839 5<sup>th</sup> Avenue  
Belle Fourche, SD 57717  
Phone: 605-892-4485

②

**Tuesday, July 25<sup>th</sup>, 2023**

THE BOARD OF BUTTE COUNTY BOARD OF ADJUSTMENTS CONVENED AT 9:00 A.M. on July 25, 2023. Commissioners present were Harms, Ager, Walton, Herman, and Erk.

Motion Ager, Second Walton to approve the agenda with no changes. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Ager to approve the Board of Adjustment Meeting from May 23, 2023, with no changes. Vote Unanimous. Motion Carried.

Beginning at 9:05 a.m. a Public Hearing was held to consider an application for a variance from the requirement that medical cannabis establishments not be within 1,000 feet of a residence. Application for variance submitted by High Plains Cannabis Application For Variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis within Butte County.

- Luke Mundt from High Plains Cannabis spoke in favor of variance. Mr. Mundt reached out to neighbors and provided contact information. High Plains cannabis has an open-door policy with anyone as long as an appointment is made. Mr. Mundt said that when the state inspects their establishment, they will provide the results to the Commission.
- Donald Kurtti and his wife reside within 600' of High Plains Cannabis. Mr. Kurtti said he doesn't have an issue with medical marijuana but is concerned about the effect on his property values. For this reason, Mr. Kurtti requested that the commissioners deny the variance.
- Travis Ismay stated that every time the commissioners issue a variance, they are causing the ordinance to be ineffective. Mr. Ismay shared that he believes the county will be sued either by the establishments or residents.
- Sue Broadhurst quoted Luke 18:16 and says for this reason she is against any renewals or variances for medical marijuana establishments. After viewing the documentary *Chronic State* regarding how legalizing marijuana affected children in Colorado, Ms. Broadhurst shared her research on the marijuana ordinance timeline and decisions made throughout the timeline.

The 9:20 Public Hearing for Redwater Cannabis Care Dispensary Application For Variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County was postponed due to inaccurate address on Public Notice. Auditor Capp will send draft of the corrected public hearing to Redwater Cannabis representatives for review.

Discussion was held regarding Center of Nation Cultivation and Manufacturing, LLC application for Variance Of Butte County Ordinance # 2021-02 Section 2.B(1); Second Amended Ordinance To Regulate Medical Cannabis Within Butte County.

Previously held public hearing. Commissioners Walton and Herman were absent and have since listened to the audio recording and read the minutes from the previous public hearing.

Mr. Ager discussed the issues with the variance, stating the current ordinance was not revised to go back in time and affect existing businesses. Mr. Ager pointed out that the new ordinance includes public hearing for future applicants showing that the commissioners were listening to residents.

Mr. Erk asked about the timing of the original application process. The original certificate of compliance was issued. Erk believed that the establishments should have waited until the new ordinance was effective before securing a location.

Motion Erk to deny Center of Nation Cultivation and Manufacturing, LLC Application For Variance Of Butte County Ordinance # 2021-02 Section 2. B(1) Second Amended Ordinance To Regulate Medical Cannabis Within Butte County. Motion died for lack of a second.

Motion Ager Second Herman to approve Center of Nation Cultivation and Manufacturing, LLC Application For Variance Of Butte County Ordinance # 2021-02 Section 2. B(1) Second Amended Ordinance To Regulate Medical Cannabis Within Butte County. Roll Call Erk Nay, Herman Aye, Walton Aye, Ager Aye, Harms Aye. Motion carried.

Discussion was held regarding High Plains Cannabis application for variance Of Butte County Ordinance # 2021-02; Second Amended Ordinance To Regulate Medical Cannabis Within Butte County

Erk asked about timing of approvals for High Plains Cannabis approvals. Mr. Erk again stated that the facility should have waited to build until after the final approval from County was issued so they could operate under the ordinance in affect at the time operations began.

Capp shared information on neighbors Schaeffer and Kokesh who wrote and/or called regarding request to deny variance. Their concerns centered around property values, increase in crime, proximity of school bus stop, and the smell from the establishments.

Motion Erk to deny High Plains Cannabis Application For Variance Of Butte County Ordinance # 2021-02 Section 2. B(1) Second Amended Ordinance To Regulate Medical Cannabis Within Butte County. Motion died for lack of a second.

Motion Herman, Second Ager to approve High Plains Cannabis Application For Variance Of Butte County Ordinance # 2021-02 Section 2. B(1) Second Amended Ordinance To Regulate Medical Cannabis Within Butte County. Roll Call Erk Nay, Herman Aye, Walton Aye, Ager Aye, Harms Aye. Motion carried.

#### Public Comment

- Brandon Manger asked that commission be organized so that those in need of medical cannabis can get the medicine they need. Mr. Manger spoke about a friend of the family who is suffering from cancer and the help he has received from medical marijuana.
- Travis Ismay said the problem with medical marijuana is the detriment it has caused every county and state it has been legalized. Mr. Ismay went on to share his thoughts on the benefits of medical cannabis and the already existing medication with THC in pill

form. Mr. Ismay shared his concerns with effects of medical cannabis in Butte County based on detrimental results of legalizing marijuana in California and Colorado.

After speaking about Commissioner Herman's religious beliefs Commissioner Ager requested that Chairman Harms give Mr. Ismay a warning with possibly removal of up to three meetings.

Mr. Ismay began his comments again and started speaking all of the commissioner's religious beliefs.

Motion Commissioner Ager, Second Herman to remove Mr. Ismay from the meeting for disturbing the business of the County. Roll Call Vote: Erk - Nay, Herman - Aye, Walton - Aye, Ager - Aye Harms - Aye, Motion carried.

A short recess was called to restore order.

Motion by Erk, Second by Ager to adjourn the meeting at 9:43 a.m. Vote Unanimous. Motion Carried.

---

APPROVED BY THE COMMISSION:  
Stanley Harms, Chairperson

---

ATTEST: Annie Capp, Butte County  
Auditor

1:05

**NOTICE OF PUBLIC HEARING  
ON APPLICATION FOR VARIANCE OF BUTTE COUNTY ORDINANCE # 2021-02  
SECOND AMENDED ORDINANCE TO REGULATE MEDICAL CANNABIS WITHIN BUTTE  
COUNTY**

Notice is hereby given that the Butte County Board of Adjustments will hold a public hearing on August 15<sup>th</sup>, 2023, at 1:05 p.m. in the Commission Room at the Butte County Courthouse located at 839 5<sup>th</sup> Avenue, Belle Fourche, South Dakota. The purpose of the public hearing is to consider an application for a variance from the hours of operation requirements of medical cannabis establishments. Application for variance submitted by Toni Moncur of Redwater Cannabis Care Dispensary, LLC.

The Plat is legally described as: ***19075 S Hwy 85, Belle Fourche 57717.***

The Board of Adjustments invites all interested people to attend and offer comments. Those interested persons not able to attend are invited and encouraged to send written comments, prior to the hearing, to the Butte County Auditor, at 117 5<sup>th</sup> Avenue, Belle Fourche, SD 57717.

**As directed by the Butte County Board of Adjustments**

Dated this 28<sup>th</sup> Day of July 2023

---

Annie Capp; Butte County Auditor

Published: August 4<sup>th</sup>, August 11<sup>th</sup>, 2023

1:20

**NOTICE OF PUBLIC HEARING  
ON APPLICATION FOR VARIANCE OF BUTTE COUNTY ORDINANCE # 2021-02  
SECOND AMENDED ORDINANCE TO REGULATE MEDICAL CANNABIS WITHIN BUTTE  
COUNTY**

Notice is hereby given that the Butte County Board of Adjustments will hold a public hearing on August 15<sup>th</sup>, 2023, at 1:20 PM. in the Commission Room at the Butte County Courthouse located at 839 5<sup>th</sup> Avenue, Belle Fourche, South Dakota. The purpose of the public hearing is to consider an application for a variance from the requirement that medical cannabis establishments not be within 1,000 feet of a residence. Application for variance submitted by submitted by Nathan R. Chicoine of DEMERSSEMAN, JENSEN, TELLINGHUISEN & HUFFMAN, LLP of Rapid City, SD 57717 on behalf of GLP Custer; DBA Greenlight LLC.

The Plat is legally described as: ***19140 LINCH LN, BELLE FOURCHE, SD 57717 TRACT R, SEC. 27,T8N, R2E, BUTTE COUNTY, SOUTH DAKOTA***

**AFFECTING THE LANDOWNERS LISTED BELOW:**

**Paul and Christine Pierson** 19130 Remuda Dr., Belle Fourche, SD 57717 (937').  
Legally described as: PRARIE HILLS RANCHETTES #3 LOT 22

**Douglas Gerkin**, 19136 Remuda Dr., Belle Fourche, SD 57717 (858'). Legally described as: PRARIE HILLS RANCHETTES #3 LOT 22

**Rex and Jacque Lamphere**, 19137 Apple Tree Ln., Belle Fourche, SD 57717 (497'). Legally described as: TR A EX TR A-1 & LOT H1 & H2 5.42 ACRES

**CJ Bridgers**, 19143 Apple Tree Ln., Belle Fourche, SD 57717 (473'). Legally described as: TR A-1 OF TR A SE4NW4 EX LOT H1 & H2 1.79

**Schiller Painting LLC**, 19153 Apple Tree Ln., Belle Fourche, SD 57717 (554'). Legally described as: TRS A,B NE4SW4 EX LOT H1 & H2 IN TR A 1.69 ACRES

**Jason and Rachel Walker**, 19157 Apple Tree Ln., Belle Fourche, SD 57717 (654'). Legally described as: N100' TR C NE4SW4 EX LOT H1 & H2 .95 ACRE

**Sandra Boy**, 19161 Apple Tree Ln., Belle Fourche, SD 57717 (717'). Legally described as: S100' TR C NE4SW4 LESS LOT H2 .93 ACRE

**Don and Katherine Linch**, 19150 HWY 85., Belle Fourche, SD 57717 (370'). Legally described as: TRACT 1 SE4 LESS LOT H1 4.49 ACRES

**Don Linch**, 19154 HWY 85., Belle Fourche, SD 57717 (445'). Legally described as: MH ONLY 1992 SCHULT SER# R251821

