

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
AUGUST 27, 2024
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action may be deferred to staff for research and future Planning Commission Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak.

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for August 14, 2024.**

SCHEDULED PUBLIC HEARINGS:

NEW BUSINESS:

- 2. Adult Use Cannabis Ordinance - Review and set public hearing date.**

OLD BUSINESS:

- 3. Rezoning of parcels to match the Comprehensive Plan.**

COMMUNICATIONS:

UPDATES:

ADJOURN

UPCOMING:

September 10th - Public hearing to rezone 24989 Heath Avenue and Sketch Plan Review. Comfort Lake Forest Lake Watershed District.

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
AUGUST 14, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for August 14, 2024 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Katie West, Dan Iverson, Mark Holl, and Chris Ortwerth

ABSENT: None

Also Present: Fred Weck Zoning Administrator and Mayor Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for July 23, 2024

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER HOLL, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JULY 23, 2024 AS SUBMITTED.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, Lobermeier, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

SCHEDULED PUBLIC HEARINGS: NONE

NEW BUSINESS

2. Adult Use Cannabis Draft Ordinance

Zoning Administrator Weck explained that at the dais he had provided the Commission with a copy of the City’s liquor and tobacco application because the ordinance talks about what should be on the application for adult use cannabis and felt those may be a good reference point for them. He stated that the current ordinance basically asks them to submit who they are, where they are, and also asks for ‘other information as the City needs’. He noted that he felt that may be the best way to go about listing it instead of trying to put everything that they may want and then have to amend the ordinance if they wanted to change something later.

Chair Lobermeier asked if there was enough flexibility within the model ordinance and the statute to be able to do that.

Zoning Administrator Weck stated that there was enough flexibility for this approach and noted that in the document where it says, 'insert here' that is where the City has the option to fill in those blanks.

Chair Lobermeier asked when the ordinance needed to be completed.

Zoning Administrator Weck stated that in order to get it done before the moratorium ends, it would have to be completed before the October 22, 2024 meeting. He stated that the meeting before that would be October 8, 2024, but noted that they would also need to schedule a public hearing and give themselves time to work on the comments that may be received.

Chair Lobermeier suggested that they plan to hold the public hearing in September in order to give them time to work on it after they get the public input. He stated that the reasons that the Planning Commission was going to be looking at this is because there is a land use and zoning component and noted that it was pretty unusual to have an ordinance that they really do not have much say about and explained that the balance would need to be determined by the Council. He asked if the idea was for the Commission to present a complete package for the Council for consideration.

Zoning Administrator Weck confirmed that he thinks that is what they are looking for and explained that the Commission could give the Council a complete package but also show them some of the options that could be changed. He noted that the City could have their own cannabis dispensary operated by the City plus one additional business, but right now he has it drafted as just one dispensary in the City. He explained that the City has to have at least 1 per 12,500 in population but there is no limit after that. He gave the example of the City deciding that there will be 2 cannabis businesses but had received 4 applications and asked how they would decide who would get to have the business, for example, would they use a first come, first serve or some other approach.

Chair Lobermeier asked how much they can look at liquor stores and liquor sales as somewhat of a guide on how this is handled.

Zoning Administrator Weck stated that he did not think the City had a limit on the number of liquor licenses the City can issue, but some cities do.

Commissioner Holl stated that the way he reads this is that Wyoming only legally has to have one store.

Zoning Administrator Weck stated that was correct.

Commissioner West stated that she views it as being fairly similar to liquor licenses and should be handled similarly with some of the rules and limitations.

Commissioner Iverson asked if they were supposed to consider where it could be grown, dispensed, and all the other categories.

Zoning Administrator Weck stated that they can do it by zoning for parts of it, but noted that overall he thinks there are 12 or 13 different license categories for the State.

Commissioner West asked if, through zoning, they could say someone could not grow cannabis or control the amount that can be grown.

Zoning Administrator Weck clarified that they cannot restrict it and explained that, for example, the City does not restrict how many soybeans or stalks of corn someone can grow. He noted that

he believes cannabis is more likely to be an indoor crop because of security and potential issues with harvesting if it was outside.

Chair Lobermeier asked what Zoning Administrator Weck wanted the Commission to begin working on tonight.

Zoning Administrator Weck suggested that they walk through the model ordinance so he can explain some things and noted that the Commission's component of this is really the zoning. He noted that the first page is really just the statutory authority statements and the second and third pages were just definitions.

Chair Lobermeier referenced Section 12-405 (2) and pointed out a typographical error where a comma should be present at the end of line two rather than a period after 'mature plant' and continue the list with 'harvest,' He stated that the last line of 12-405(2) says 'approved by the office' and he assumes that was referring to Office Cannabis Management and asked if that should be clarified somehow and not just referred to as 'the office'.

Zoning Administrator Weck stated that he would make sure, but had also assumed that was referring to the Office of Cannabis Management.

Chair Lobermeier stated that he found it interesting that they had not provided any definitions for cannabis or hemp.

Zoning Administrator Weck noted that may be able to be found within the Statute.

Chair Lobermeier moved the discussion onto the next section and asked about the areas highlighted in yellow.

Zoning Administrator Weck explained that the yellow highlighted areas were the places that they had options to pick and choose what they would like include. He stated that the first area would be related to the fine for violations.

Commissioner West asked what the typical fine was.

Zoning Administrator Weck stated that misdemeanors and gross misdemeanors under their general penalties are up to \$2,000. He noted that if someone is ticketed, it will go to court and the judge would be the one handing out the fines.

The Commission asked questions and discussed the draft documents and made the following recommendations:

There was consensus to leave Section 12-410 (2) with a fine amount of up to \$2,000 for each violation; Section 12-412 (2)(a)5 and Section 12-412(2)(b)3 to include 'Other information as the City requires'; Section 12-404 and Section 12-412(2)(c) should state City Administrator; Section 12-412 (5) A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 12-412 (2), if it seeks to move to a new location still within the legal boundaries of the City of Wyoming; Section 12-413 (3)(a)2 "Other information as the City requires"; and Section 12-414 (3)(b) "The City of Wyoming may reinstate a registration if it determines that the violations have been resolved."

The Commission moved the discussion onto limiting the number of registrations.

Chair Lobermeier asked if things got complicated if the City said that they would just allow one retail business of this nature.

Zoning Administrator Weck stated that was why he had raised the question earlier about who would get it if more than one person applied at the same time. He stated that he thinks these are things that the City needed to consider.

Commissioner West asked how the City handled liquor stores and stated that she felt this was kind of the same thing if the store is selling the appropriate product allowed by Minnesota and following the guidelines. She explained that she did feel that there should be parameters around children/schools and marketing targeted towards children but noted that the overall number allowed didn't matter to her she just did not want it marketed to children.

Chair Lobermeier stated that he felt that issue may be hard and suggested that they may want to come back to it because he had initially thought that the City only needed to have one, but the comments made by Commissioner West made him think a bit.

Commissioner West stated that there are a lot of gas stations that are adding smoke shops onto them, so they have a separate room and is a totally separate entity.

Commissioner Holl stated that he was old school and would hate for Wyoming to become the pot capital of Chisago County.

Chair Lobermeier reiterated his suggestion to come back to this point later in the discussion.

Commissioner Iverson stated that he assumed that there will also be locations in Stacy and Forest Lake.

Zoning Administrator Weck reminded the Commission that every city will have to allow at least one location.

Chair Lobermeier noted that this was only talking about the retail establishments.

Commissioner Iverson took the discussion back to and Section 12-414 (3) (b) and stated that if the OCM does a suspension for a longer period of time, he asked if the City could decide when that was over. He noted that he believed that they had talked about just going with the top part of (b) where it said that the City 'may' reinstate a registration, but questioned what would happen if the OCM had suspended it.

Zoning Administrator Weck stated that if it was suspended then they would not have a license and if they don't have a license through the State, then they are done.

Commissioner Iverson asked if the second proposed statement was a moot point.

Zoning Administrator Weck explained that it was an either/or statement.

Commissioner Iverson asked when the second statement would apply.

Zoning Administrator Weck stated that the first statement says that the City 'may' reinstate and gave the example of them violating one of the rules so they get turned into the State and the State under (b) says things are all good, the second possible statement says that the City 'shall' reinstate. He stated that if they go with the first choice, even if the State says that they were all okay, the City would be able to say that they did not like that they screwed up and don't trust them. He stated that in that scenario the City would not have to reinstate their registration.

Commissioner West stated that she likes the use of the word 'may' so the City has a choice, but suggested that maybe they could mix and match the two statements a bit.

Zoning Administrator Weck stated that if the State doesn't renew their license, they were already done, but the option that includes 'may' gives the City the option to say that even though someone has complied with the State rules, the City can decide that they do not want them back.

Commissioner West suggested that they could say 'The City of Wyoming may reinstate a registration if OCM determines that the violation(s) have been resolved.'

There was consensus for Section 12-414 (3) (b) to state, 'The City of Wyoming may reinstate a registration if OCM determines that the violation(s) have been resolved.'

The Commission discussed minimum buffer requirements.

Chair Lobermeier stated that he did not have any problems with selecting the largest possible buffers.

There was a consensus of the Commission to have the largest buffers possible for Section 12-420 for items (1), (2), (3), and (4).

Chair Lobermeier noted that the Commission could talk about what zones they do and don't want this type of business in.

Commissioner West reiterated that she just really did not want it around her kids.

Chair Lobermeier stated that the map in the packet showed the buffer zones, but once you also apply the zoning designation, there are probably a lot of places that they do not want this type of thing.

Zoning Administrator Weck stated that he would try to compile a map that also showed zoning because it would be helpful for their discussion.

Chair Lobermeier asked if the distance in Section 12-420 (5) could be whatever the City wanted.

Zoning Administrator Weck stated that he thinks it can be whatever distance they want and suggested that they could perhaps wait on this one until they decide whether or not they will allow more than one in the City or not.

Chair Lobermeier suggested that the Commission read all the way through Section 12-420 (6) and noted that the way he read this is that if a cannabis business is established and something like a school or a daycare is built nearer to the pre-existing cannabis facility that they would not have to move.

Zoning Administrator Weck stated that he felt it was an issue of fairness.

Chair Lobermeier agreed but felt that the discussion is really that it comes back to zoning and if they would use that to limit this.

Zoning Administrator Weck stated that the thing he felt was most likely to happen was that someone would have an in-home daycare and end up too close to one of the locations for this type of business.

Commissioner West stated that if nobody applies to have a pot shop in Wyoming, they do not actually have to have one.

Zoning Administrator Weck stated that was correct but noted that if the City did not do the ordinance and someone came in and said that they wanted to move in next door to Commissioner West and sell the product from there, they could.

Mayor Iverson asked about a homeschooling situation.

Zoning Administrator Weck stated that he did not think that made a difference. He stated that he had contacted the County about residential facilities and has not gotten a response yet. He stated that it is possible that they do not have any but it also may be a HIPAA thing where they do not

want to let people know where they are located. He stated that he was not aware of any and noted that the group homes are usually for physically or mentally disabled individuals and not a half-way house for someone going through drug treatment.

Chair Lobermeier moved the discussion onto Section 12-421 Zoning and Land Use.

Zoning Administrator Weck stated that he had drafted them all as interim uses which he felt may be the best way to handle it, because they could end it when they end their business and it would not run with the property.

Chair Lobermeier stated that he felt that the two zones suggested for cultivation were correct, but questioned whether they want it to be located in industrial or if the City would prefer industrial uses other than for this purpose.

Zoning Administrator Weck stated that he thinks the Hallberg Industrial Park is built out for that kind of thing but in the Comprehensive Plan there are a lot of rural areas that would fit pretty well as industrial zoning and be secluded from other businesses and residences. He explained that what he had done was essentially pick all the districts that it kind of fit.

Commissioner Ortwerth stated that this will not be like a farm and will be a high end greenhouse which means there will be enclosed buildings that will need large amounts of electricity, gas, and water.

There was consensus that allowing this use for cultivation in the Agricultural and Industrial Districts made sense.

Chair Lobermeier moved the discussion onto the section that dealt with manufacturing.

Zoning Administrator Weck stated that the reason that he threw in all the business districts was because it may fit into them.

There was consensus to allow use for manufacturing in the Agricultural and Industrial Districts made sense.

Commissioner West asked if a manufacturing facility would be a locked facility and not open to the general public.

Chair Lobermeier stated that he believed that would be the case because they were not selling anything.

Zoning Administrator Weck noted that a few years ago, they did have distilleries and breweries in some of the downtown areas which was why he included the Central Business District and the other ones. He stated that part of that would be allowing consumption of the beverage on site where they were also making the beverages, but, as things stand right now with the law, they could not consume the cannabis on site.

Chair Lobermeier stated that it is not that he would not want this in the downtown area, but more about the fact that there are other things that he would like to have in the downtown area. He stated that he also felt that the City had other places where manufacturing would fit perfectly. He stated that he would propose that they also limit manufacturing to just Agricultural and Industrial Districts.

There was a consensus of the Commission to limit cannabis manufacturers to Agricultural and Industrial Districts.

Zoning Administrator Weck explained that hemp manufacturing would be for things like the edibles that can be purchased at the smoke shops. He stated that the smoke shop next to Subway is selling edibles and were essentially grandfathered in and started selling before the moratorium went into effect. He clarified that they were selling these products and not manufacturing them.

Commissioner West stated that she felt that for any of the manufacturing uses that they should stick with the Agricultural and Industrial Districts.

There was a consensus of the Commission to limit hemp manufacturers to Agricultural and Industrial Districts.

Chair Lobermeier noted that he thinks that someone coming in may fall into more than one category. He gave the example of someone coming in and growing, being a manufacturer, and also having wholesale on one property or in one facility.

Commissioner Holl asked if that may be something that they would want Police Chief Bauer to discuss with the Commission about some of his past experiences. He asked if Agricultural was going to be a hidden thing and whether that could mean it would be a trouble area for the police.

Zoning Administrator Weck noted that these businesses would have to be registered with the State so they will not be 'hidden' because the City will have to do compliance checks on them. He stated that there could be a meth lab kind of situation happening, but in that scenario they would not be licensed and would already be illegal.

Commissioner Iverson asked about the laws related to distribution of this kind of product and asked if they could send it across the State if they manufacturer it.

Zoning Administrator Weck stated that they can, but they would need to have a license to transport as well. He stated that they would need a license to grow it, a license to process it, a license to transport it, and explained that all the way down the line there is a licensing component. He stated that for the transporting part, you are allowed to have 2 ounces on you so there has to be some kind of license to allow them to transport more than 2 ounces.

Chair Lobermeier asked if Zoning Administrator Weck thought that wholesale would be governed as much by the other wholesaling applications there are within the Code.

Zoning Administrator Weck stated that was correct and it would probably be a warehouse type situation.

Commissioner Ortwerth stated that he doubted that they would have to do anything to take it off the farm to the processing plant. He stated that at the processing plant they will dry it, vacuum seal it, and put it into bales. He reiterated that he would think that he would doubt that they would have to do anything to take it off the farm and bring it to the building.

Zoning Administrator Weck stated that he believed that once it left the farm it needed to be licensed for transportation.

Commissioner Iverson asked if they should say that wholesale is the same for the others with the Agricultural and Industrial Districts.

There was a consensus of the Commission to limit wholesale to Agricultural and Industrial Districts.

Commissioner Holl stated that he felt that anyone who was going to get involved in this industry would end up going for all the licenses because then it could be a one stop shop.

Chair Lobermeier moved the discussion onto retail and noted that this was where he was thinking that he may not want retail to be located in Agricultural or Industrial.

Zoning Administrator Weck agreed and noted that the City would not allow retail there anyway.

Chair Lobermeier asked if they wanted retail to be located in Office and Health Care or Mixed Use.

Zoning Administrator Weck stated that it could include dispensaries for medical use.

Commissioner West stated that she felt that they may want that near, for example, the dialysis facility.

Mayor Iverson cautioned that there were a lot of homes in that area.

Zoning Administrator Weck stated that he would assume that there were not going to be many daycares because it is 55+.

Chair Lobermeier stated that he felt that you could make the argument that having a small retail establishment in Mixed Use may fit.

Zoning Administrator Weck stated that liquor could be sold in all the districts that were listed.

There was consensus of the Commission to allow cannabis retail in the Central Business District; Commercial District; Office and Health Care District; and Mixed Use District.

Chair Lobermeier stated that he was kind of confused by the transportation.

Zoning Administrator Weck stated that he believes that transportation is more about where they are parking the vehicles and where their base of operations is located. He stated that it could be trucks delivering a lot of product, but could also be someone just delivering samples to the retailer, which means it could be a semi-truck or just a car.

Chair Lobermeier asked how transportation was a land use question for the Commission.

Commissioner West questioned how it would be enforced if someone just had a minivan that was being used for transportation to deliver in a residential neighborhood.

Chair Lobermeier stated that everything that is made in an industrial area does not have a transportation component which is something he was struggling with.

Zoning Administrator Weck stated that they don't really talk about trucking. He stated that he would assume for the larger ones he could see existing trucking businesses that already have a fleet expanding to transport this type of product.

Chair Lobermeier stated that it would be more about managing the fleet and making sure the vehicles had parking spaces and potential traffic issues.

Zoning Administrator Weck stated that he did not think they were allowed to store anything.

Commissioner Iverson stated that he has seen trucking outfits in industrial areas where they have a whole fleet of trucks.

Chair Lobermeier asked if that was something that they wanted to see in the Central Business District.

Commissioner Iverson stated that he did not want to see that in the Central Business District and would prefer for it to just be Industrial.

Chair Lobermeier suggested that this also be kept with just the Agricultural and Industrial Districts because he would like to see other things happen in the other districts. He explained that it wasn't

that he necessarily wanted to restrict them, but more about what the City was trying to drive towards with their Comprehensive Plan.

There was consensus of the Commission to limit cannabis transportation to Agricultural and Industrial Districts.

Chair Lobermeier moved the discussion onto cannabis delivery and the differences from transportation.

Zoning Administrator Weck clarified that this would basically be delivering the product to homes.

Commissioner West explained that she had a friend who was terminally ill, and this kind of service was wonderful for her because she was also not able to leave her home.

There was consensus of the Commission to allow cannabis delivery in the Agricultural District, Industrial District, Central Business District, Commercial District, Office and Health Care District, and Mixed Use District.

Chair Lobermeier moved the conversation onto the hours of operation.

Zoning Administrator Weck noted that the hours he had included in the draft balanced with the liquor store hours as well.

There was consensus of the Commission to recommend the hours of operation be 10:00 a.m. to 9:00 p.m.

Chair Lobermeier moved the discussion to Section 12-430 related to Temporary Cannabis Events. He noted that he had gone and looked for what constituted an 'event' and found that it was something that can be no more than 4 days long, but this was not stated within the ordinance, nor was it defined.

Zoning Administrator Weck stated that he sees this similar to Stagecoach Days which has a beer garden. He stated that this is another area where it says 'insert additional standards' where they could do what was done for the earlier items.

There was consensus of the Commission for Section 12-430(3) (a) iii to state, 'Other information as required by the City'; for Section 12-430(3) (b) to have the application submitted to the City Administrator; for Section 12-430(3) (c) that the application be forwarded to the City Council; and for Section 12-430(4) (a) to state, 'Other information as required by the City'.

Chair Lobermeier moved the discussion onto the optional items listed under Temporary Cannabis Events.

Commissioner West asked about the time during Stagecoach Days where the beer garden would be open.

Zoning Administrator Weck stated that he believed they were open the whole time and noted that the optional items listed were actually optional.

Chair Lobermeier stated that limiting the temporary event to a particular place seemed hard to do within an ordinance.

Zoning Administrator Weck agreed and stated that they could leave the optional items out and just look at the location requested and whether they can actually support it for things like transportation and parking.

There was consensus of the Commission to eliminate the optional items under Section 12-430 (7) and (8).

Chair Lobermeier moved the conversation onto Division 5 related to Lower Potency Hemp Edibles and noted that to some degree this is kind of happening already and felt that they probably did not need to include it.

Commissioner West stated that she looks at this like a tobacco product and does not see a problem with it at things like gas stations.

Chair Lobermeier stated that the City was not regulating it now and it is already here so he would suggest that they remove this section.

There was consensus of the Commission to eliminate Division 5 – Lower Potency Hemp Edibles.

Chair Lobermeier moved the discussion onto Division 6 regarding the Local Government as a Cannabis Retailer.

Zoning Administrator Weck stated that if they kept this section in, it did not mean that they would have to do it, but it would give them the option to do it.

Mayor Iverson stated that there are a lot of cities that were looking at doing this.

Commissioner West stated that she would imagine that it may generate some revenue.

Commissioner Holl stated that in addition to generating revenue, it would also give them full control and would be a way to have responsible people taking care of it.

There was consensus of the Commission to keep Division 6 – Local Government as a Cannabis Retailer in the ordinance.

Zoning Administrator Weck explained that he would make the proposed changes to the ordinance and bring it back to the Commission at a future meeting.

Commissioner West asked if the Commission could see a map that reflected the guidelines that they suggested tonight.

Chair Lobermeier stated that somewhere he had seen that they would have to define how the buffer would be determined and measured.

Zoning Administrator Weck stated that the easiest way would be having a buffer 500 feet from the property lines.

Chair Lobermeier stated that he believed that this was in the discussion portion, but he did not remember seeing it in the actual ordinance language. He asked if the buffer requirement should say something about property lines.

Zoning Administrator Weck agreed that it would be a good idea to add information about the buffer requirements and property lines in the ordinance. He stated that he will bring this back for discussion at the August 27, 2024 meeting.

Chair Lobermeier asked if there was anything that they needed to talk about related to zoning that had been on past agendas.

Zoning Administrator Weck stated that those were the meetings where Chair Lobermeier was unable to attend and explained that his thought on providing the maps was because if they did want to do any kind of break down between developed parcels or undeveloped parcels it was something he wanted them to have in order to have a discussion about it before talking to the Council.

Chair Lobermeier stated that since they were planning to meet on August 27, 2024 he suggested that they add discussion of rezoning parcels to match the Comprehensive Plan to the agenda before they go to the Council on September 17, 2024.

Commissioner West asked what would happen if someone was growing their own marijuana plant for their own recreational use.

Zoning Administrator Weck explained that they are allowed a certain number of plants, which he believed was around 5 or 6 plans, and once you go over that you would need to be licensed by the State.

OLD BUSINESS:

COMMUNICATIONS:

UPDATES:

The amendment to the Summer Field PUD and the Kabalan residential kennel were both approved by the City Council.

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER ORTWERTH, TO ADJOURN THE AUGUST 14, 2024 “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:00 PM.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, Lobermeier, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

STATE OF MINNESOTA
COUNTY OF CHISAGO
CITY OF WYOMING

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 12, BUSINESSES; CREATING ARTICLE VII, ESTABLISHING REGULATIONS FOR CANNABIS BUSINESSES AND AMENDING CHAPTER 40, ARTICLE VI, DIVISIONS 2, & 9 – 13 AMENDING ZONING DISTRICT ALLOWED USES FOR LICENSED CANNABIS BUSINESSES.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that Chapters 12 and 40 of the Wyoming City Code are amended as follows:

ARTICLE VII CANNABIS BUSINESSES.

DIVISION 1. ADMINISTRATION.

Sec. 12-401. Findings and Purpose.

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes The City of Wyoming to protect the public health, safety, welfare of the City of Wyoming residents by regulating cannabis businesses within the legal boundaries of the City of Wyoming.

The City of Wyoming finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Wyoming, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

Sec. 12-402. Authority and Jurisdiction.

The City of Wyoming has the authority to adopt this ordinance pursuant to:

- (1) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (2) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (4) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- (5) Ordinance shall be applicable to the legal boundaries of the City of Wyoming.

Sec. 12-403. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Sec. 12-404. Enforcement.

The city clerk administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Sec. 12-405. Definitions.

- (1) Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- (2) Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by OCM.
- (3) Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, ~~(and/excluding)~~ lower-potency hemp edible retailers.
- (4) Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- (5) Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- (6) Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 Subd. 50.
- (7) Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- (8) Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- (9) Preliminary License Approval: OCM preapproval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- (10) Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- (11) Residential Treatment Facility: As defined under Minn. Stat. 245.462 Subd. 23.
- (12) Retail Registration: An approved registration issued by the City of Wyoming to a state-licensed cannabis retail business.

- (13) School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
- (14) State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

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DIVISION 2.

REGISTRATION OF CANNABIS BUSINESSES.

Sec. 12-410. Consent to registering of Cannabis Businesses.

- (1) No individual or entity may operate a state-licensed cannabis retail business within the City of Wyoming without first registering with the City of Wyoming.
- (2) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.
- (3) Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

Sec. 12-411. Compliance Check Prior to Retail Registration.

- (1) Prior to issuance of a cannabis retail business registration, the City of Wyoming shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (2) Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Wyoming shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Sec. 12-412. Registration and Application Procedure.

- (1) Fees.
 - (a) The City of Wyoming shall not charge an application fee.
 - (b) A registration fee, as established in the City of Wyoming's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
 - (c) An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
 - (d) Any renewal retail registration fee imposed by the City of Wyoming shall be charged at the time of the second renewal and each subsequent renewal thereafter.
 - (e) A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.
 - (f) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.
- (2) Application Submittal

The City of Wyoming shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

 - (a) An applicant for a retail registration shall fill out an application form, as provided by the City of Wyoming. Said form shall include, but is not limited to:

1. Full name of the property owner and applicant;
 2. Address, email address, and telephone number of the applicant;
 3. The address and parcel ID for the property which the retail registration is sought;
 4. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
 5. Other information as required in the application form.
- (b) The applicant shall include with the form:
1. the ~~application~~ registration fee as required in Section 12-412, (1);
 2. a copy of a valid state license or written notice of OCM license preapproval;
 3. Other information as required in the application form.
- (c) Once an application is considered complete, the city clerk administrator shall inform the applicant as such, process the ~~application~~ registration fees, and forward the application to the City Council for approval or denial.
1. The registration fee shall be non-refundable once processed.
- (3) Application Approval.
- (a) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 12-415.
 - (b) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
 - (c) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.
- (4) Annual Compliance Checks.
- (a) The City of Wyoming shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this Article.
 - (b) The City of Wyoming shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
 - (c) Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.
 - (d) Any failures under this section must be reported to the Office of Cannabis Management.

- (5) Location Change.
 - (a) A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 12-412, (2) if it seeks to move to a new location still within the legal boundaries of the City of Wyoming.

Sec. 12-413. Renewal of Registration.

- (1) Annual Renewal of Registration.
 - (a) The City of Wyoming shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
 - (b) A state-licensed cannabis retail business shall renew their registration on a form established by the City of Wyoming.
 - (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (2) Renewal Fees.
 - (a) The City of Wyoming may charge a renewal fee for the registration starting at the second renewal, as established in the City of Wyoming's fee schedule.
- (3) Renewal Application.
 - (a) The application for renewal of a retail registration shall include, but is not limited to:
 - 1. Items required under Section 12-412, (2) of this Ordinance.
 - 2. Other information as required in the application form.

Sec. 12-414. Suspension of Registration.

- (1) When Suspension is Warranted.
 - (a) The City of Wyoming may suspend a cannabis retail business registration if it violates the ordinance of the City of Wyoming or poses an immediate threat to the health or safety of the public. The City of Wyoming shall immediately notify the cannabis retail business in writing the grounds for the suspension.
- (2) Notification to OCM.
 - (a) The City of Wyoming shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Wyoming and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(3) Length of Suspension.

- (a) The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.
- (b) The City of Wyoming may reinstate a registration if OCM determines that the violation(s) have been resolved.

(4) Civil Penalties.

- (a) Subject to Minn. Stat. 342.22, Subd. 5(e) the City of Wyoming may impose a civil penalty, as specified in the City of Wyoming's Fee Schedule, for registration violations, not to exceed \$2,000.

Sec. 12-415. Limiting of Registrations.

The City of Wyoming shall limit the number of cannabis retail businesses to one.

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DIVISION 3.

REQUIREMENTS FOR CANNABIS BUSINESSES.

Sec. 12-420. Minimum Buffer Requirements.

Buffer distances shall be measured from the property line of the proposed cannabis business to the property line of the protected use. The buffer distance for a property platted as a condominium shall be measured from the parent parcel property line to the property line of the protected use.

- (1) The City of Wyoming shall prohibit the operation of a cannabis business within 1,000 feet of a school.
- (2) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of a daycare.
- (3) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
- (4) The City of Wyoming shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (5) Pursuant to Minn. Stat. 462.367 Subd. 14, nothing in Section 12-420 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

Sec. 12-421. Zoning and Land Use.

The City of Wyoming Zoning Ordinance, Chapter 40, shall be amended to incorporate licensed cannabis businesses as uses in suitable zoning districts as follows:

- (1) Cultivation.
 - (a) Cannabis businesses licensed or endorsed for cultivation are permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.
- (2) Cannabis Manufacturer.
 - (a) Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.
- (3) Hemp Manufacturer.
 - (a) Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as an interim use in the following zoning districts:
 1. Agricultural (A) District.
 2. Industrial (I) District.

- (4) Wholesale.
 - (a) Cannabis businesses licensed or endorsed for wholesale are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
- (5) Cannabis Retail.
 - (a) Cannabis businesses licensed or endorsed for cannabis retail are permitted as an interim use in the following zoning districts:
 - 1. Central Business (CBD) District.
 - 2. Commercial (C) District.
 - 3. Office and Health Care (OHC) District.
 - 4. Mixed Use (MXD) District.
- (6) Cannabis Transportation.
 - (a) Cannabis businesses licensed or endorsed for transportation are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
 - 3. Mixed Use (MXD) District.
- (7) Cannabis Delivery.
 - (a) Cannabis businesses licensed or endorsed for delivery are permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
 - 3. Central Business (CBD) District.
 - 4. Commercial (C) District.
 - 5. Office and Health Care (OHC) District.
 - 6. Mixed Use (MXD) District.

Sec. 12-422. Hours of Operation.

- (1) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

Sec. 12-423. Advertising.

- (1) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by the City of Wyoming's sign ordinances.

DIVISION 4. TEMPORARY CANNABIS EVENTS.

Sec. 12-430. License or Permit Required for Temporary Cannabis Events.

- (1) License Required.
 - (a) A license or permit is required to be issued and approved by the City of Wyoming prior to holding a Temporary Cannabis Event.
- (2) Registration and Application Procedure.
 - (a) A registration fee, as established in the City of Wyoming's fee schedule, shall be charged to applicants for Temporary Cannabis Events.
- (3) Application Submittal and Review.
 - (a) The City of Wyoming shall require an application for Temporary Cannabis Events.
 1. An applicant for a temporary cannabis event ~~retail registration~~ shall fill out an application form, as provided by the City of Wyoming. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. Other information as required in the application form.
 2. The applicant shall include with the form:
 - i. The registration fee as required in Section 12-430, (2);
 - ii. A copy of the OCM cannabis event license application, submitted pursuant to 342.39 Subd. 2.
 - (b) The application shall be submitted to the city clerk administrator, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.
 - (c) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
 - (d) The registration fee shall be non-refundable once processed.
- (4) The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - (a) Other information as required in the application form.
- (5) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- (6) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of Wyoming shall notify the applicant of the standards not met and basis for denial.

DIVISION 5. LOCAL GOVERNMENT AS A CANNABIS RETAILER.

Sec. 12-440. The City of Wyoming may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

- (1) The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 12-415.
- (2) The City of Wyoming shall be subject to all of the same rental license requirements and procedures applicable to all other applicants.

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DIVISION 6. USE IN PUBLIC PLACES.

Sec. 12-450. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Sec. 40 – 451–459. Reserved.

Passed and approved by the City Council of the City of Wyoming this ____ day of _____, 2024.

Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Clerk

This Document Drafted by:
The City of Wyoming
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