

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
OCTOBER 8, 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 September 24, 2024.

SCHEDULED PUBLIC HEARINGS:

2. Interim Conditional Use Permit for a Home Occupation: I-24-004
Location: 6880 Greenway Lane
Applicant: Arron Schille
Property ID Number: 21.11069.07

NEW BUSINESS:

OLD BUSINESS:

3. Cannabis Ordinance Review

COMMUNICATIONS:

UPDATES:

ADJOURN

UPCOMING:

Nov. 12 - Pre & Final Plat of Vollrath Jensen Addition & Cannabis Ordinance Public Hearing #2

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
SEPTEMBER 24, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for September 24, 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 Council Liaison 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 September 10, 2024**

A MOTION WAS MADE BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER ORTWERTH, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR SEPTEMBER 10, 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:

2. **Ordinance Regulating Cannabis Businesses**

Location: The City of Wyoming

Applicant: The City of Wyoming

Zoning Administrator Weck explained that in his staff report he had just given a synopsis of the changes that had been made by the Commission. He stated that City Administrator Linwood had sent their draft to Christine Benson, one of the City Attorneys who has been handling quite of a bit of the cannabis issues. He stated that City Attorney Benson got back to the City about 1.5 hours ago and explained that he had placed her draft document at the dais that included her edits. He read aloud the narrative she had sent along that explained the reasoning behind her suggested

edits. He reminded the Commission that he had also only seen this just prior to tonight's meeting. He gave a brief overview of the information and draft language recommendations sent by City Attorney Benson about regulation of cannabis businesses and outlined the questions that he had sent her regarding what she had sent to the City.

Chair Lobermeier asked if there would be any relaxation of the October 22, 2024 deadline where this document would have to be forwarded to the City Council.

Zoning Administrator Weck stated that the City was only allowed to have a moratorium for a certain amount of time, so they could not relax that deadline.

Mayor Iverson noted that she knows of a few other cities that pushed out the moratorium another year and asked if the City could look into that possibility.

Chair Lobermeier noted that would be his first recommendation.

Zoning Administrator Weck stated that he had discussed this briefly with City Administrator Linwood when the information was received from City Attorney Benson. He stated that they felt that they should hold the public hearing tonight, as planned, and then discuss the comments from the City Attorney as well as the public at the next Planning Commission meeting before they were forwarded to the Council.

Chair Lobermeier stated that the City had already advertised tonight as the public hearing for the ordinance, but he would question whether it actually made sense to open it because he felt they were eventually going to have a public hearing on whatever they come up following the City Attorney's feedback.

Zoning Administrator Weck clarified that they would not need to hold another public hearing because tonight's public hearing would suffice.

Chair Lobermeier explained that he wanted to be clear with this because there were a lot of difference between the ordinance the Planning Commission had drafted and the proposed ordinance from City Attorney Benson.

Zoning Administrator Weck noted that many of the major edits were deletions of statutory things, which were already covered through the Statute, so they did not need to be included in the City's ordinance. He explained that if they did not remove them and then the Statute was amended, the City would also have to amend its ordinance.

Chair Lobermeier asked about the Council's deadline for when they would have to approve the ordinance.

Zoning Administrator Weck explained that their deadline date was just related to the moratorium expiration date.

Commissioner West stated that she worried about a situation where there was a business that were waiting to get into the cannabis business in the City and the City didn't have their restrictions lifted by the deadline.

Chair Lobermeier stated that to him it looks like the first night the City Council could take action on this ordinance was November 5, 2024.

Mayor Iverson reminded the Commission that they would not have a City Council meet that night due to the election, so it would be on November 6, 2024.

Chair Lobermeier explained that he just wanted to make sure his timelines were correct so he knew what they were up against.

Zoning Administrator Weck stated that the next Planning Commission meeting would be on

October 8, 2024, so if they wanted to, the Commission could forward it to the Council for the October 15, 2024 meeting.

Chair Lobermeier referenced the last paragraph from the staff report and asked if the Commission actually had until October 22, 2024, to forward it to the Council which would still give them two of their own meetings to discuss and adopt the ordinance before the moratorium expired.

Zoning Administrator Weck stated that he had a lot of dates running around in his head and would need to double-check that information.

Commissioner West stated that she felt the Commission should give the Council as much time as possible to discuss this item. She asked what would happen if they did not have this passed by the time the moratorium was lifted and if that meant that the City wouldn't have any rules in place.

Mayor Iverson noted that the moratoriums can go until January 1, 2025, but the City had passed theirs for a year.

Commissioner West asked when they had passed their moratorium.

Chair Lobermeier asked what the Commission thought about trying to do something tonight with the new draft ordinance put together by City Attorney Benson rather than the draft that they had crafted at their last meeting.

Commissioner West stated that she kind of liked what City Attorney Benson was talking about in the memo that Zoning Administrator Weck had read aloud about 'less being more' so if the City was mandated by the Statutes they wouldn't need to have those items included in the City's language. She clarified that she was fine with it as long as there were some rules.

Commissioner Holl stated that he agreed with Commissioner West.

Commissioner Iverson stated that he wanted to make sure that he was clear about the low-potency hemp stuff. He noted that the Commission had not really addressed that before and asked if it would now be rolled into this.

Zoning Administrator Weck stated that was correct because in addition to the normal cannabis businesses, the City also has to do compliance checks on the low potency hemp product sales. He stated that if they have to do compliance checks on them, the thought is that they should also be registered, so they can recoup the money to do the compliance checks through the registration fee.

Commissioner Iverson stated that he was not a hemp/cannabis guy and expressed frustration about knowledge of the actual differences.

Zoning Administrator Weck explained that the difference is that when the State made it legal, they first made hemp legal, which is a type of cannabis. He stated that those products were allowed to be sold pretty much anywhere, which was why staff was originally thinking that they would not include them in the registration process because those products were already out there. He stated that now, under the new Statute, they are saying that they also need to do compliance checks for those types of businesses as well, so the new thought process is that they should also be registered.

Commissioner Iverson asked if that meant that they would need to come up with a distance where it would be allowed. He asked if when they said 'hemp' if that meant they were talking about the low potency edible type stuff.

Zoning Administrator Weck confirmed that they would need to come up with a distance and hemp references did mean the low-potency edible products. He stated that he went back and looked

at the date that the moratorium was extended and explained that they had 120 days from the public hearing which was held on July 2, 2024, which would bring it to the end of October or early November when the Council would have to finish adopting the ordinance.

Commissioner West asked what would happen if the Council did not finish by that date.

Zoning Administrator Weck explained that if someone came in the day after it expired and applied, then the ordinance would not apply to them.

Commissioner Ortwerth stated that he was okay moving forward, but had concerns about moving from 1 vendor or retailer to 3, 4, or 5 because he didn't know where it would stop.

Zoning Administrator Weck stated that if the way City Attorney Benson wrote it was the way he was interpreting it and the City would have to let all 3 of those types of businesses in and allow one of each, they would still be stuck with that, by Statute. He noted that City Attorney Benson also wanted the City to include all the other types beyond the 3 types of retail uses, for where they would have them within zoning districts, to make sure that they actually cover every named type of business.

Commissioner Iverson asked if it was City Attorney Benson's intent for the City to have 1 of each of the listed types of businesses.

Zoning Administrator Weck clarified that he believed that her interpretation was that it was the intent of the State to have one of each of the types of businesses that were listed.

Commissioner West noted that it was possible that the City would not actually get any of them.

Chair Lobermeier noted the portion of the recommended draft from City Attorney Benson that just has 'x's' for the distances.

Commissioner West suggested that they just put in the distances that the Commission had already discussed at their last meeting, unless they were left as 'x's' because City Attorney Benson did not like what the Commission was suggesting.

Zoning Administrator Weck stated that he didn't know if that was her thought and noted that it was possible that she just copied and pasted the information from the Office of Cannabis Management documents.

Chair Lobermeier stated that he thinks these all related to hemp businesses as opposed to cannabis businesses so they could simply say the distances they wanted.

Commissioner West noted that hemp was already available in gas stations.

Commissioner Iverson expressed concerns that they may put in a distance, but those gas stations could also already be within those buffer zone distances.

The Commission listed off places in the City that they have seen this type of hemp product and what was close to them.

Chair Lobermeier asked if there was a provision for an existing business in the Commission's draft of the ordinance.

Zoning Administrator Weck stated that they did have something about existing businesses.

Commissioner West stated that her other thought was around whether the City wanted a pop-up shop or if they would rather have them in the liquor store where it would already be kind of controlled. She stated that she thinks she would rather have it at the liquor store than to have a pot shop in the City.

Chair Lobermeier stated that language was important and read aloud from the draft proposed by

City Attorney Benson that said that 'buffer zone distances shall be measured from the property line of the proposed hemp businesses and asked about existing hemp businesses.

Zoning Administrator Weck stated that he would have to ask City Attorney Benson about that issue.

Chair Lobermeier noted that it looked like they would also need to recommend zoning districts for items 2, 4, and 5.

Zoning Administrator Weck stated that they need to get answers on hemp, how many businesses the City would be stuck with, but will also need to work on where they will allow the mezzo business, microbusiness, testing facilities, and hemp edible retailers. He noted that City Attorney Benson had listed the edible retailer as an accessory or primary use.

Commissioner West stated that she also had questions about cannabis events and noted that she thought the Commission had said that they could not be within 500 feet of a park.

Chair Lobermeier confirmed that was what the Commission had outlined.

Commissioner West asked where a cannabis event would be held in the City and asked if there could be a zoning designation of 'nowhere'.

Zoning Administrator Weck stated that he believed that was why they had included industrial and agricultural.

Chair Lobermeier stated that City Attorney Benson's comments had kind of wiped out the definitions.

Zoning Administrator Weck clarified that City Attorney Benson had deleted the definitions in order to place them back where the zoning information was located. He stated that he felt that the Commission and staff needed to be able to spend time really reading through what she had recommended for the City, but reiterated that he felt that they could still hold the public hearing tonight, as planned. He stated that he would then work at getting the answers to some of their questions and the Commission could plan on discussing this in more depth at their next meeting.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:26 P.M.

<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>

There were no comments.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO CLOSE THE PUBLIC HEARING.

<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>

Zoning Administrator Weck noted that when he gets the answers from City Attorney Benson, he would forward them to the Commission.

**MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER WEST, TO
TABLE DISCUSSION OF THE CITY'S ORDINANCE REGULATING CANNABIS BUSINESSES
UNTIL THE NEXT PLANNING COMMISSION MEETING.**

Voting Aye: *Ortwerth, West, Holl, Lobermeier, and Iverson*
Voting Nay: *None*
Abstain: *None*
Absent: *None*

NEW BUSINESS

OLD BUSINESS:

3. Comprehensive Plan

Zoning Administrator Weck explained that this was basically what he and Chair Lobermeier had brought to the City Council's Work Session meeting. He noted that Commissioner Holl had thought about this and asked if he wanted to share it with the Commission.

Commissioner Holl stated that he had an issue with his printer so he could not print his ideas for the Commission as planned, but could explain it to them.

Chair Lobermeier stated that the Council showed a fair amount of interest in the Comprehensive Plan itself and had a lot of questions about certain areas of the City and their zoning and land use. He explained that their questions told him that there was still some work to be done because if the Council still had some questions, he would expect that other people would also have those types of questions.

Commissioner Holl stated that his idea was to try to keep it as simple as possible and explained that he had started with R-3, single-family homes, public parks, and daycares and used the example of rezoning to Central Business District which is high-density, pedestrian-friendly, professional services, restaurants/bars, and convenience stores. He stated that the way he understood this was that there would be no tax increase and was told by some real estate professionals that it would definitely increase property sales values. He stated that his thought was to put all this information on a big 3 x 3 sign and put them on the walls so they are easy for people to see when they come in and would be simple and basic.

Chair Lobermeier stated that after the Council Work Session, they had talked about the fact that they need to hold a public hearing, but it would probably also make sense to have an Open House similar to what was done during the Comprehensive Plan process where people can come in and ask specific questions about what rezoning would do to their specific property. He stated that he had done something similar to what was described by Commissioner Holl and noted that within the packet on page 8 of this portion of the packet there is a table labeled 'In the A & R1-R6...' and explained that this table outlined what would happen if someone was zoned Agricultural today and would be rezoned to one of the other categories. He noted that he felt that what Commissioner Holl had described was kind of the next evolution of this existing table. He stated that he felt that having a map or graph to go along with the table to support the information was an excellent idea. He stated on the way to the Council Work Session he got caught up in the question or whether they were going to rezone everything to match the Comprehensive Plan or if they would just rezone all the vacant parcels to match the Comprehensive Plan.

Zoning Administrator Weck stated that was a good question and explained that when he started,

he had separated them in order to allow the City to do that, but whether they actually do it or not would be up to the Commission.

Chair Lobermeier explained that he just wanted to know where they were at because if you look back at the agendas going back to April, they were titled, 'Rezoning of Undeveloped Parcels', but he thinks now, with the numbers they were presenting, they seemed to be talking about rezoning the entire community. He stated that there were a few questions from Councilmember Luger related to Agricultural and explained that when he had gone back to the Comprehensive Plan, he had gotten a little confused. He stated that in the Land Use section of the Comprehensive Plan, he looked at the text descriptions, then looked at Table 5, which lists them, but they are slightly different. He clarified that there were some wording differences between the text descriptions and the table. He noted that Table 6 generally matched Table 5, except it included Agricultural as a land use which was not described in the body of the text at all. He stated that his question was where they were with relation to Agricultural, because in the packet materials, there is a table titled, "Comprehensive Plan – Rezoning of Parcels" that lists Agricultural at the top that shows zero parcels to be rezoned and explained that this was the point where he had gotten a bit more confused.

Zoning Administrator Weck explained that was referring to parcels being rezoned from something else to Agricultural and noted that they would not be creating any new Agricultural parcels. He described other line items and what the numbers in the various columns meant.

Chair Lobermeier stated that the Comprehensive Plan does list Agricultural as a use, but it is not described as that within the Comprehensive Plan.

Zoning Administrator Weck stated that one of Councilmember Luger's questions was probably why Mr. Crenshaw was at tonight's meeting.

Chair Lobermeier asked Mr. Crenshaw to introduce himself and tell the Commission where he lived.

Tim Crenshaw stated that he lived at 26696 Halite Court.

Chair Lobermeier stated that he had coffee with Brian Murdoch this morning to discuss the situation because it was unique. He asked if Zoning Administrator Weck could highlight Mr. Crenshaw's property on the land use map.

Zoning Administrator Weck gave a quick explanation of Mr. Crenshaw's parcel location.

Chair Lobermeier asked Zoning Administrator Weck to bring up the zoning map and explained that what was unique about the property is that there is an island of R-1 surrounded by Agricultural.

Zoning Administrator Weck pointed out Mr. Crenshaw's property on the zoning map and explained that what had happened in this situation was that under the township's Comprehensive Plan, they had it as R-1 and the property owner at the time wanted to create the 1 acre lot that is next to them but in order to do that he had to rezone it to R-1 which is what he did and then sold the larger parcel to Mr. Crenshaw. He stated that the previous property owner had hoped to subdivide the property even further but Halite is a private road so in order to turn it into a public road, everyone would have to agree that they were going to give up their land which nobody wanted to do.

Chair Lobermeier referenced the area that is directly to the west, which on the zoning map was zoned as Agricultural, was actually a mobile home park.

Mayor Iverson asked if he was referring to the senior mobile home park.

Zoning Administrator Weck stated that was the senior mobile home park and then referenced

Birch Wood Terrace.

Chair Lobermeier stated that most of those lots are adjacent to Wyoming Trail and have homes on all of them. He stated that Mr. Crenshaw wants to be able to have an agricultural use continue on the property that is currently zoned R-1. He stated that in many cases, what the Commission was talking about doing with the Comprehensive Plan was to take property that was probably zoned Agricultural and change it to a different designation. He stated that the agricultural uses on his property that Mr. Crenshaw would like to have he could probably not have. He stated that it would seem to leave the Commission with a few choices such as, not doing that, or having Mr. Crenshaw come in and rezone his property to Agricultural, even though the City was considering making other changes, or expanding use within a residential district to allow for agricultural uses. He noted that right now, the City's residential uses really would not allow any of the uses under Agricultural.

Zoning Administrator Weck explained that currently, Mr. Crenshaw's parcel was being cultivated and has been since it was rezoned so that agricultural use was grandfathered in, but explained that Mr. Crenshaw would like to have animals, however, there have not been animals there, so that would be the agricultural use that Mr. Crenshaw would not be able to do.

Chair Lobermeier stated that the challenge when they are focusing on taking a map and a map designation and going to another map with another map designation leaves out a lot of discussion about use, which is all the text in the zoning ordinance. He gave examples of possible scenarios or questions that may arise about whether a use can continue or not if it was rezoned. He stated that Mr. Crenshaw was already there and this was something that the City would be talking about doing to other Agricultural parcels.

Zoning Administrator Weck noted that some of the parcels may be grandfathered in, depending on what they were doing on the parcels. He explained that for Mr. Crenshaw's property, in the past, it was being cultivated for crops, so when it was rezoned, as long as they kept on cultivating and had not stopped for a year, it would be grandfathered in as a legal non-conforming use and noted that it could also expand under a CUP. He stated that the issue is that was the only part of Agricultural that was being done on the parcel and noted that if there had been a horse barn or cattle, those would also have been grandfathered in. He noted that Mr. Crenshaw was the first person that he had talked to specifically about this scenario, but stated that he had also spoken with people who were looking to buy land and were checking to see what they could do on the parcel. He gave a scenario of a 40-acre parcel and he has to tell someone that the only thing they were allowed to do is have a house, because whoever lived there before them was not using it as a farm. He noted that if someone wanted to come in and purchase that parcel and use it as a hobby farm, the City's zoning would not allow that. He stated that he was not sure that it was a map problem, but perhaps more of a text problem. He asked whether the thought was that the City should look at it from an acreage standpoint and say that if they have a certain number of acres and want to have an agricultural use then the City could find a way to allow it, but limit it.

Chair Lobermeier stated that for an agricultural use it should be 5 or more acres and if they also have an animal unit that would also be based on how many acres they have. He noted that if they are taking agricultural uses and planning to call it something else from a zoning standpoint, he questioned whether they would need a conditional use or something else that would allow someone to come in and have that use continue on the property, if they wanted to. He stated that without having an 'A' on it, it would allow what Councilmember Luger was essentially asking for so the City would still be able to see Agricultural.

Commissioner West stated that she liked the idea of having a conditional use permit for someone who does want to have a 5 or 10-acre parcel for that kind of use.

Chair Lobermeier reiterated that it seemed like Mr. Crenshaw's choice right now was to come to the City and ask to be rezoned by R-1 to Agricultural.

Zoning Administrator Weck stated that he thinks that they would have to do a Comprehensive Plan amendment and noted that, in Mr. Crenshaw's case, it really would be spot zoning.

Chair Lobermeier stated that he felt the City would turn back around and say, we are rezoning the entire community now.

Zoning Administrator Weck noted that all of the districts have uses, conditional uses, and accessory uses and suggested that this could be listed as an accessory use or an interim accessory use.

Chair Lobermeier explained that he was the least comfortable with the grandfathering language and asked if that was actually how it was stated within the ordinance. He stated that the reason that he felt this issue was timely and why it was important to look at it was because he felt it would be important for them to be able to tell people how they can have this kind of use on their property, even if that use was no longer being done on their property. He stated that the Commission had talked before that once they were done with the map amendments they would have to battle their way through of the code and ordinances and suggested that they take a look at what the Agricultural parcels would become first and then decide what they would have to do if they wanted to allow the use in some manner within those districts.

Zoning Administrator Weck read aloud from the Agricultural Operations section of the code and explained how it applied to Mr. Crenshaw's situation as well as other fictional scenarios.

Chair Lobermeier explained that his overall point was that the Commission was going to need more information than just some maps and would need to be able to address how the City will speak to their continuing use of the property and forget about what is called.

Zoning Administrator Weck explained that his only other thought was to bring this to Planning Consultant Lindquist and get her thoughts on this to see if she has any ideas or if she felt that the City was using feelings in their decision-making rather than logic.

Chair Lobermeier stated that he would like to create the ability to have a conditional use process in this type of situation, so people can come individually and talk to the City about uses that would only go with the ownership of the property.

Zoning Administrator Weck noted that an interim conditional use would go with the owner and a normal conditional use would go with the property.

Chair Lobermeier stated that he felt it would be good to hear from Planning Consultant Lindquist regarding the issue Zoning Administrator Weck had raised about making decisions based on logic rather than emotions. He stated that he thinks part of it may be answered by looking at where the parcel is in relation to utilities. He reiterated that he felt that City needed to have this answer in their pocket because he expected that to be the question that people may ask for those that may be in the same kind of situation as Mr. Crenshaw on their own properties.

Zoning Administrator Weck stated that he would have a conversation with Planning Consultant Lindquist and try to get something to bring back to the Commission.

Chair Lobermeier stated that he felt that the Council still had some questions about the land use map.

Mayor Iverson stated that she would agree, but the problem is that they cannot know every single parcel, which makes it difficult. She stated that she was glad that Mr. Crenshaw came and had a conversation with the City because it shows them that it was not perfect. She noted that she felt that this was a difficult process for the Commission to start looking at and believes that, for the

most part, when something comes before the Council, they go by the Planning Commission recommendations, so she would this to be as close to perfect as possible.

Commissioner West gave the example of when they were working on the Comprehensive Plan with relation to the Highway 8 corridor and noted that they have been working on this for years.

Commissioner Holl stated that he lives on Highway 8 corridor and noted that he believe that 9 out 10 homeowners on each side of the road cannot wait for it to go to commercial zoning, so their property value would increase.

Chair Lobermeier stated that they had talked about that with the Council last week regarding the economic impact of what was being done with the hope that there would be a positive economic impact. He asked about a possible timeline for working through this, including holding an open house in addition to a public hearing.

Zoning Administrator Weck stated that they are currently putting together the fall newsletter, but didn't think they would be ready to put anything into that edition. He suggested that they may be able to put something into the January edition.

Chair Lobermeier suggested that they shoot for January and work backward from that point on the elements that they would need to have in place before those conversations and meetings took place. He stated that would also give them time to put it back on the agenda and incorporate some of the graphic ideas that Commissioner Holl had described as well. He thanked Mr. Crenshaw for coming and talking to the Commission about this situation.

Mr. Crenshaw asked that the City make it as easy as possible for people who are coming to Wyoming because they were looking for this when they came to the City. He explained that he came out of the Twin Cities in order to get some space and some animals, and if people could not do that, it would change the whole landscape of the City. He stated that he didn't think anybody wanted Wyoming to end up looking like Woodbury.

Chair Lobermeier agreed and noted that he felt that property rights were an important piece of this discussion.

COMMUNICATIONS:

Zoning Administrator Weck noted that there will be a public hearing for a Home Occupation Permit for a gunsmith at their next meeting.

UPDATES:

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER ORTWERTH, TO ADJOURN THE SEPTEMBER 24, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:05 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>

**CITY OF WYOMING
PLANNING AND ZONING**

TO:	Planning Commission
HEARING DATE:	October 8, 2024
FROM:	Fred Weck, Zoning Administrator
RE:	ICUP Home Occupation
APPLICANT:	Arron Schille
PROPERTY OWNER:	Arron & Lena Schille
PROPERTY:	6880 Greenway Lane
	21.11069.07
FILE NO.:	I-24-004

OVERVIEW

Arron Schille is requesting approval of an Interim Conditional Use Permit to allow a home occupation at 6880 Greenway Lane. The residential property hosts a principal structure, a detached accessory structure, and a small shed. The property is zoned R-1 and is surrounded by other R-1 lots. The site is approximately 3 acres, and the future land use is guided for Semi-Rural Neighborhood.

The Applicant and Owner, Arron Schille, seeks to use his existing detached garage on the north side of his property for a home-based gunsmithing business. The Applicant would like to run the small business that he had in Alabama before relocating to Wyoming. The Applicant states that the business will focus on the restoration of antique firearms and the customization shotguns, rifles, and handguns. There would be no alterations to the residence, with the current garage set-up considered sufficient for the needs of the business.

The business will be conducted primarily by the Applicant with his wife providing administrative assistance. The Applicant indicates that all storage will occur inside the existing garage. There will not be a sign associated with the business.

The Applicant noted that hazardous waste will be created by the business. The applicant will need to register with the MPCA as a hazardous waste generator.

STAFF REVIEW

General Comprehensive Plan and Zoning Review

The subject property is zoned R-1 - Rural Residential I. The property is guided as Semi-Rural Neighborhood in the City of Wyoming's Comprehensive Plan. The zoning and surrounding uses are as follows:

North – R-1; Rural Residential I; Semi-Rural Neighborhood
South – R-1; Rural Residential I; Semi-Rural Neighborhood
East – R-1; Rural Residential I; Semi-Rural Neighborhood
West – R-1; Rural Residential I; Semi-Rural Neighborhood

Existing Site

The 3-acre site contains three structures; a single-family residence approximately 2,600 square feet that fronts Greenway Lane. A detached garage measuring approximately 800 square feet is located north of the home and is accessed via a continuation of the driveway; this is the structure where the home occupation will take place. The small shed lies north and east of the detached garage. A driveway runs east-west, connecting Greenway Lane to the front of the principal structure.

Permitted uses in the Rural Residential I District include provision of very low-density housing. Section 40-183 allows a home occupation by interim conditional use permit that may “...require additional parking, an accessory building, or an attached garage, or generate a noticeable increase in traffic, and which are in accordance with Article VII, Division 13.”

The Applicant states that off-street parking will not be required for the home occupation. The applicant’s letter describing his proposed business does indicate that there will be occasional drop-off and pick-ups of items to be worked on. The City Ordinance allows up to 3 spaces of off-street parking related to a home occupation. The Applicant’s site plan indicates that off-street parking needs can be met by the driveway connecting to the accessory structure.

HOME OCCUPATION STANDARDS

The following lists the 10 performance standards necessary to operate a home occupation in Wyoming. Staff believes the standards are met and has noted the business must continue to operate under these requirements. Conditions of approval have been modified to specially relate to the proposed business.

Division 13 Home Occupations, Sec. 40 – 543. Performance Standards.

All home occupations shall conform to the following standards:

- (1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence. *No alterations are proposed.*
- (2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day. *The owners of the property are the only employees.*
- (3) Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District. *No signage is proposed.*
- (4) No outdoor display of goods. *No goods will be stored outside.*
- (5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces. *This standard is met.*
- (6) Should the occupation be teaching, classes shall not exceed ten (10) students at any one time. *Not applicable.*
- (7) Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as

allowed by this Ordinance. *The items to be repaired will be worked on and stored in the detached accessory building.*

- (8) No outside storage is permitted. *No outside storage is proposed or anticipated.*
- (9) An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, (7), and/or for the storage of goods or articles produced or used by the occupant of the principle structure. *This standard is met.*
- (10) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for offsite disposal. *Once the applicant has received his hazardous waste generator license this standard will have been met.*

INTERIM CONDITIONAL USE PERMIT STANDARDS

Chapter 40, Article V, Division 6, Conditional Use Permits, Section 40 – 112, sets forth the general standards that shall be met in order to grant an ICUP. Granting of an Interim Conditional Use Permit is required for approval of a Home Occupation in the R-1 zoning district. These standards are as follows:

- 1. The use is in conformity with the Comprehensive Plan and development policies of the City.
A home occupation is allowed in the Rural Residential I zoning district and is in conformity with the Comprehensive Plan. This standard has been met.
- 2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities. This standard has been met.
- 3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
The property will maintain its residential character if the operation is consistent with the application and conditions of approval. Proposed gunsmithing work will occur within the garage away from public view. The standard has been met.
- 4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
All business proposed activity will occur solely in the existing accessory structure as a condition of approval and therefore the site appearance should not be altered. This standard has been met.
- 5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
The use is consistent with the zoning ordinance intent for home occupations in the Rural Residential I zoning district, with specific reference to repair services. This standard has been met.

6. The use will be consistent with the purpose of this and other City Ordinances.
This standard has been met.
7. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
The applicant must adhere to the home occupation standards and conditions of approval for the interim conditional use permit, which will mean the site is consistent with the existing and intended character of the Rural Residential I zoning district. This standard has been met.
8. The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
The intention of a home occupation is that it should not generally attract more traffic than typical residential use. The use as a repair business will bring some additional traffic to the site but the limitations on parking and business activity being located within the accessory structure will limit traffic associated with the business. This standard has been met.
9. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
This standard has been met.
10. The establishment or maintenance of the use shall not be detrimental to the public, health, safety, or general welfare.
Compliance with the conditions, and applicable ordinance will ensure that this standard can be met. The Applicant has indicated that firearm repair will occur within the existing garage so as not to impact local surroundings.
11. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness, or other nuisances.
Compliance with the conditions, and applicable ordinance will ensure that this standard can be met. The Applicant will need to obtain a hazardous waste generator license. Other refuse must also be readily disposed of and must be stored inside the accessory structure.
12. The use will preserve and incorporate the site's important natural and scenic features into the development design.
This standard has been met.
13. The use will cause minimal adverse environmental effects.
The home occupation activity will all be enclosed indoors which should reduce any potential adverse environmental effects. This standard has been met.

In addition, the following factors must be considered for Interim Use Permits:

- 1) Whether the use conforms to the zoning regulation;
The use conforms to the zoning regulation with the issuance of this permit.
- 2) Whether a date or event for the termination of the use can be identified with certainty.
The applicant requests the permit be valid until the sale of the property or the home.

- 3) Whether the permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future;
This standard is met – There should be no additional cost to the public.

- 4) Whether the landowner will agree to the conditions that the City Council deems appropriate for permission of the use.

This is to be determined.

STAFF RECOMMENDATION

The requirements of Chapter 40, Article V, Division 6, “Conditional Use Permits,” Section 40 – 112, as contained in the City of Wyoming Ordinance have been complied with. Staff recommends approval of an Interim Conditional Use Permit to allow a home occupation based upon the ICUP findings of fact and subject to the following 9 conditions:

1. Storage and removal of hazardous materials associated with the business must meet MPCA storage and handling requirements.
2. The Applicant shall comply with all home occupations performance standards found in Section 40-543.
3. The ICUP permit shall be valid until one of the following, whichever occurs first:
 - a. Until the property owner vacates the premises or;
 - b. Until the property is sold

Next Steps

The City Council will review the Planning Commission’s Interim Conditional Use review recommendation at the next regularly scheduled meeting.



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

LAND USE APPLICATION: INTERIM USE PERMIT FOR A HOME OCCUPATION

An Interim Use Permit application requests a conditional use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning Commission.

Applicant(s)/Owner(s):

Name(s) Arron and Lene Schille

Address 6880 Greenway Lane North

City Forest Lake

State MN

Zip 55025

Phone Number 425-232-7734

Email Arron.schille@gmail.com

Legal description of property: Lot 7 & part of lot 8, block 1, Palmer Heights 2nd Plat Chisago County, Minnesota

Property Identification Number: R.21 .11069.07

Present zoning of property: R1

Present use of property: Single family home

Proposed Home Occupation: Gunsmith

On what date, or upon what event, would the applicant desire the interim use to expire? _____ / _____ / _____

This application and the following attachments must be submitted to be considered a complete application:

- A detailed site plan showing the following information from Sec. 40 - 111, 5, (a – k):
 - Site plan drawn at scale showing parcel and building dimensions and their square footages
 - Curb cuts, driveways, access roads, parking spaces and off-street loading areas
 - Type of business or activity and proposed number of employees
 - Proposed floor plan of any building and use indicated
 - A location map showing the general location of the proposed use within the City and showing all principal land uses within 250 feet of the parcel for which application is being made
 - Any other information deemed necessary by the Zoning Administrator or Planning Commission
- A letter explaining the proposed home occupation and how it will be operated
- A completed Home Occupation Worksheet
- A completed Conditional / Interim Use Permit Worksheet
- The application fee and escrow must be paid at the time of application - The fee is **not** refundable and the unused portion of the escrow will be returned to the applicant.
- Any other information deemed necessary by the Zoning Administrator or Planning Commission
- An application for a property in a Shoreland District must include a valid Septic System Certificate of Compliance

Applicant(s) Signature(s) [Signature] | [Signature] Date 13 September 2024

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 6, Conditional Use Permits, and Article VII, Division 13, Home Occupations are attached to this application and by signing this application, the Applicant acknowledges that they have been read and understood.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # I-24-004

Date Complete Application Received 9/16/24

Fee: \$220.00 + Escrow \$750.00

Revised 01/24/23

Date Application Received 9/16/24

60 Days 11/15/24

Date Paid 9/16/24

By: [Signature]

Check # Card

Official

September 9th, 2024

RE: Request for Interim Use Permit for Gunsmithing Business, Chisago County

We are submitting a request for an Interim Use Permit for our established gunsmithing business, which has recently relocated from Alabama to Minnesota. Our business holds the necessary Federal Firearms License (FFL) from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has a proven record of success in Alabama, where we operated in full compliance with local, state, and federal regulations.

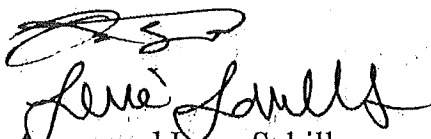
Our business specializes in the restoration of antique firearms, as well as the cleaning, repair, and customization of shotguns, rifles, and handguns. We take pride in our craftsmanship, attention to detail, and adherence to all safety and legal standards. We have built a strong reputation for quality, with an A rating from the Better Business Bureau and consistent 5-star reviews on Google. Additional information may be found at algunsmith.com.

Key factors that minimize the community impact of our operation include:

- No storefront operation.
- All drop-offs and pick-ups are by appointment only.
- The business address is not published online, ensuring limited traffic and discretion.
- Work will be completed on site in the existing stand-alone shop. No additional modifications are required.

Our business is committed to full compliance with local zoning laws and safety protocols, and we maintain a safe, secure, and professional environment. We respectfully request approval of this Interim Use Permit to continue our gunsmithing services at our new Minnesota location.

Thank you for the consideration,



Arron and Lene Schille

425-232-7734

Arron.schille@gmail.com

HOME OCCUPATION WORKSHEET

Applicant: Arron and Lene Schille

Address: 6880 Greenway Lane Forest Lake MN 55025

Type of Business: Gunsmith

Business name: A&L Gunsmith

Answer the following questions based on the standards contained in Article VII, Division 13, of the City of Wyoming Zoning Ordinance for home occupations. If needed, use a separate page. **All questions must be answered.**

Sec. 40 – 543, Performance Standards; Items 1-10. **All home occupations shall conform to the following standards:**

1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.

Are any alterations to the exterior of the home proposed? ☐ Yes ☒ No

If yes, what is proposed? _____

2. Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.

How many employees will the business have? 2

3. Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R1, R2, R3, R4, R5, R6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.

Are any signs proposed for the business? ☐ Yes ☒ No

Has a sign permit been applied for? ☐ Yes ☐ No N/A

4. No outdoor display of goods.

Will any goods be displayed outdoors? ☐ Yes ☒ No

5. Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.

Will there be any off-street parking? ☐ Yes ☒ No (If yes, show the location of parking on the site plan)

6. Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.

Is the business teaching? ☐ Yes ☐ No If yes, how many students per class? _____

7. Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.

Is the business repair? ☐ Yes ☒ No If yes, where will the items be repaired? _____

8. No outside storage is permitted.

Where will items be stored? Inside

9. An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, 7), and/or for the storage of goods or articles produced or used by the occupant of the principle structure.

Will an accessory building be used for the business? ☐ Yes ☒ No

If yes, what will the building be used for? _____

10. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard onsite sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for offsite disposal.

Will the business generate sewage that cannot be treated? ☐ Yes ☒ No (If yes, attach plan for offsite disposal)

Will hazardous wastes be generated? ☒ Yes ☐ No (If yes, attach plan for offsite disposal)

Application # _____

Revised 01/24/23

CONDITIONAL & INTERIM USE PERMIT WORKSHEET

Applicant: Arron and Lene Schille

Address: 6880 Greenway Lane North Forest Lake MN 55025

Type of Business: Gunsmith

Business name: A&L Gunsmith

Answer the following questions based on the standards contained in Sec. 40 – 112 of the City of Wyoming Zoning Ordinance for Conditional and Interim Use Permits. If needed, use a separate page. **All questions must be answered.**

1. Is your proposed use in conformity with the Comprehensive Plan and development policies of the City?
☒ Yes ☐ No Explain: _____
2. Will your proposed use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?
☐ Yes ☒ No Explain: _____
3. Will your proposed use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and so there will be no deterrence to development of vacant land?
☒ Yes ☐ No Explain: _____
4. Will the structure and site have an appearance that will not have an adverse effect upon adjacent properties?
☒ Yes ☐ No Explain: _____
5. Is the proposed use reasonably related to the overall needs of the City and to the existing land use?
☐ Yes ☐ No Explain: _____
6. Will the proposed use be consistent with the purpose of the Zoning Ordinance and other City Ordinances?
☒ Yes ☐ No Explain: _____
7. Will the proposed use be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located?
☒ Yes ☐ No Explain: _____
8. Will the proposed use generate only minimal vehicular traffic on local streets?
☒ Yes ☐ No Explain: _____
9. Will the proposed use create traffic hazards or unsafe access or parking needs?
☐ Yes ☒ No Explain: _____
10. Will existing businesses nearby be adversely affected by your proposed use because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness?
☐ Yes ☒ No Explain: _____
11. Will the establishment or maintenance of the proposed use be detrimental to the public health, safety or general welfare?
☐ Yes ☒ No Explain: _____
12. Will the proposed use be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to water pollution, odor, fumes, and general unsightliness or other nuisances?
☐ Yes ☒ No Explain: _____
13. How will the proposed use preserve and incorporate the site's important natural and scenic features into the development design?
☐ Yes ☐ No Explain: There will be no _____
14. Will the proposed use cause adverse environmental effects?
☐ Yes ☒ No Explain: change _____

Application # _____

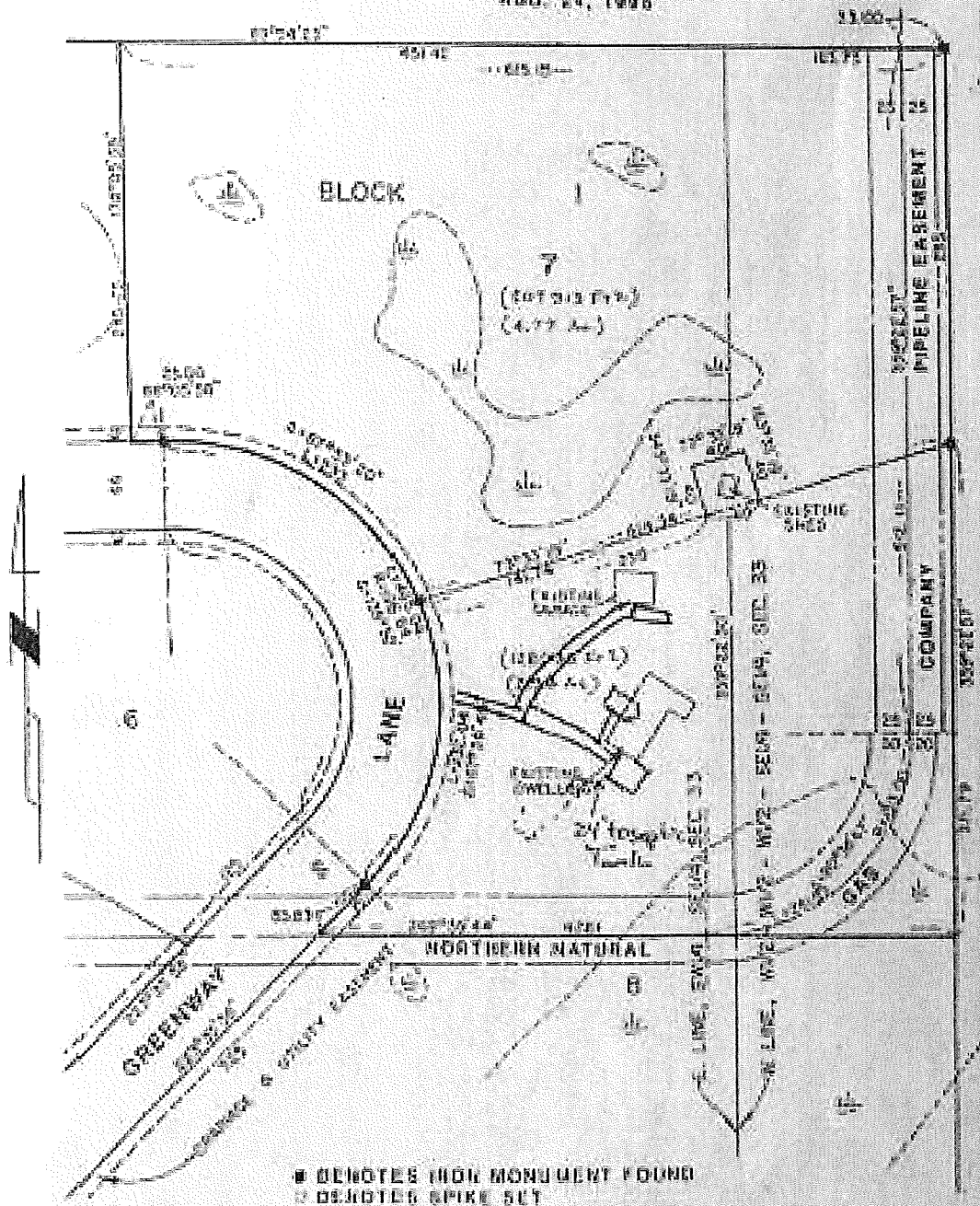
Revised 01/24/23

DEAR MARY:

FILE NO. 100-507
 FILE NO. 100-507
 FILE NO. 100-507
 FILE NO. 100-507

I hereby certify that the above, plain, in report was required by me or under my direct supervision and that I am a duly Registered Labor Organizer under the laws of the State of Minnesota.

Date APRIL 17, 1969 Page: 1 of 100 Pages
 (Type in Arabic) RECEIVED JULY 17, 1968
APR. 24, 1968



LOT 7 & PART OF LOT 8, BLOCK 1, PALMER HEIGHTS 2ND PLAT,
CHICAGO COUNTY, MINNESOTA

SURVEY FOR: JOHN MATHERN, FOREST LAKE, MINNESOTA



Memorandum

Date: October 3 2024

Presented to: Planning Commission

Presented by: Zoning Administrator / Building Official Frederick E. Weck, IV

Department: Planning & Zoning

Reference: Adult Use Cannabis Ordinance City Attorney Revisions

Method: Old Business

Background Information:

With this memorandum you will find the draft ordinance with the City Attorney's edits incorporated into it. The following is an explanation of those edits. Items in the ordinance that are highlighted in yellow will need to be addressed during this meeting. Due to the number of edits and the fact that no one commented on the original draft, or appeared at the public hearing, the City Attorney is recommending that the Planning Commission hold another public hearing. The earliest that that hearing can be held is during the Planning Commission's regular meeting on November 12th. This will still allow the City Council time to review before the moratorium expires.

12-401 Findings and Purpose – No changes.

12-402 Authority and Jurisdiction – Added hemp businesses and removed Office of Cannabis Management (OCM) language that is unnecessary.

12-403 Severability – No changes.

12-404 Enforcement – No changes.

12-405 Definitions – The definitions were moved to Division 3.

12-410 Registration of Cannabis Businesses – Listed the specific license categories and removed the reference to Tribal government.

12-411 Compliance Check Prior to Retail Registration – Removed OCM language that is unnecessary.

12-412 Registration and Application Procedure – Removed OCM language that is unnecessary.

12-413 Renewal of Registration – Removed OCM language that is unnecessary.

12-414 Suspension of Registration, Length of Suspension – Removed OCM language that is unnecessary.

12-415 Limiting of Registrations – There are three categories of State license that allow retail sales of cannabis to the public; cannabis microbusiness, cannabis mezzobusiness, and cannabis retailer business. This section is limiting the total number of retail sales location to one. This retail sales location could be



DEPARTMENT OF BUILDING SAFETY

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938

any one of those categories. It does not mean that there could be one of each category established in the city.

12-420 Minimum Buffer Requirements – Removed OCM language that is unnecessary. Added (to be determined) buffer distances for hemp businesses.

12-421 Definitions of Terms – These are the definitions that were moved from Division 1. New definitions were added to correspond with the draft ordinance and others were removed that are defined in Statute. The repositioning of the definitions to this location of the ordinance rennumbers the subsequent sections of this Division.

12-422 Zoning and Land Use – Cannabis license categories were revised to match the State’s cannabis and hemp licenses. Categories were added that were left out in the OCM model ordinance. I have added suggested districts based on the definition of the business and where the Planning Commission determined that a similar business could be located.

12-422 Hemp Edible Retailer – The City Attorney’s comment: *It is to account for on-site consumption at on-sale liquor establishments. I recommend including this as an accessory use for all districts where places eligible for on-sale liquor licenses are located.* The attorney’s edit has hemp edible retailer as both an accessory use and an interim use. I am awaiting a clarification as to whether the intent was to choose one over the other.

12-423 Odor – This is a new section.

12-424 Hours of Operation – There are three types of retail cannabis businesses being regulated:

- (1) Retail businesses selling cannabis.
- (2) Retail businesses selling low potency hemp edibles for off-site consumption.
- (3) Retail businesses selling low potency hemp edibles for on-site consumption. These are businesses that have an on-sale liquor license; the hours are the same as those for the sale alcohol.

12-425 Advertising – No changes.

Division 4 Temporary Cannabis Events – Removed OCM language that is unnecessary. Added titles for application standards. I have asked the attorney for suggestions to coincide with the titles.

Division 5 Local Government as a Cannabis Retailer – This division allows the City to operate its own dispensary if it wishes to do so. The City Attorney recommends deleting this Division if the City will not be operating a retail location.

Division 6 Use in Public Spaces – No changes.

Fred Weck
Zoning Administrator
Building Official #MN1825
Advanced Septic Inspector #C5199

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 IV, DEFINITION OF TERMS; 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 businesses and hemp businesses.
- (2) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of cannabis businesses and hemp 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.

DIVISION 2.

REGISTRATION OF CANNABIS BUSINESSES.

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

- (1) No individual or entity may operate a cannabis microbusiness, cannabis mezzobusiness, cannabis retailer business, medical cannabis combination business, or lower-potency hemp edible retailer business within the City of Wyoming without first registering with the City of Wyoming.
- (2) Any cannabis microbusiness, cannabis mezzobusiness, cannabis retailer business, medical cannabis combination business, or lower-potency hemp edible retailer 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.

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

- (1) Prior to issuance of a registration, the City of Wyoming shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Sec. 12-412. Registration and Application Procedure.

- (1) Fees.
 - (a) A registration fee, as established in the City of Wyoming's fee schedule, shall be charged to applicants depending on the type of business license applied for.
 - (b) The initial registration fee shall include the initial registration fee and the first annual renewal fee.
 - (c) Any renewal registration fee imposed by the City of Wyoming shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (2) Application Submittal
The City of Wyoming shall issue a registration to a cannabis microbusiness, cannabis mezzobusiness, cannabis retailer business, medical cannabis combination business, or lower-potency hemp edible retailer business that adheres to the requirements of Minn. Stat. 342.22.
 - (a) An applicant for a 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 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 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) An application shall not be approved if the business would exceed the maximum number of registered businesses permitted under Section 12-415.
 - (b) An application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
 - (c) An application that meets the requirements of this ordinance shall be approved.
- (4) Annual Compliance Checks.
 - (a) The City of Wyoming shall complete compliance checks pursuant to Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24.
- (5) Location Change.
 - (a) A cannabis microbusiness, cannabis mezzobusiness, cannabis retailer business, medical cannabis combination business, or lower-potency hemp edible retailer 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 registration at the same time OCM renews the business' license.
 - (b) A business shall renew their registration on a form established by the City of Wyoming.
 - (c) A 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 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 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 business in writing the grounds for the suspension.

- (2) Length of Suspension.
 - (a) The suspension of a 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.
- (3) Civil Penalties.
 - (a) 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.

There shall be one registration available for either a cannabis microbusiness, cannabis mezzobusiness, or cannabis retailer businesses in the City of Wyoming.

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DIVISION 3.

REQUIREMENTS FOR CANNABIS BUSINESSES.

Sec. 12-420. Minimum Buffer Requirements.

- (1) 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.
- (2) Buffer distances shall be measured from the property line of the proposed hemp 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 hemp business within **XX** feet of a school.
 - (2) The City of Wyoming shall prohibit the operation of a hemp business within **XX** feet of a daycare.
 - (3) The City of Wyoming shall prohibit the operation of a hemp business within **XX** feet of a residential treatment facility.
 - (4) The City of Wyoming shall prohibit the operation of a hemp business within **XX** feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Sec. 12-421. Definition of Terms.

The City of Wyoming Zoning Ordinance, Chapter 40, Division IV, shall be amended to include the following definitions:

- (1) Cannabis Business. A business licensed by the Office of Cannabis Management (OCM) as defined by Minnesota Statute 342.01 Subd. 14.
- (2) Cannabis Cultivator. A cannabis business that grows cannabis plants from seed or immature plant to mature plant, harvests the cannabis flower from a mature plant, and packages and labels immature cannabis plants and seedlings and cannabis flower for sale to pursuant to Minnesota Statute Section 342.30.
- (3) Cannabis Event. A temporary cannabis event lasting no more than four days operating pursuant to Minnesota Statute 342.39.
- (4) Cannabis Manufacturer. A cannabis business that makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-

potency hemp edibles, hemp-derived consumer products to other cannabis businesses pursuant to Minnesota Statute Section 342.31.

- (5) Cannabis Mezzobusiness. A cannabis business that grows cannabis plants from seed or immature plant to mature plant, harvests the cannabis flower from a mature plant, makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to consumers pursuant to Minnesota Statute Section 342.29.
- (6) Cannabis Microbusiness. A cannabis business that grows cannabis plants from seed or immature plant to mature plant, harvests the cannabis flower from a mature plant, makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to consumers, including on-site consumption, pursuant to Minnesota Statute Section 342.28.
- (7) Cannabis Retailer. A cannabis business that sells immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers pursuant to Minnesota Statute Section 342.32.
- (8) Cannabis Testing Facility. A cannabis business that obtains and tests immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, and industrial hemp growers pursuant to Minnesota Statute Section 342.37.
- (9) Cannabis Wholesaler. A cannabis business that sells immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers pursuant to Minnesota Statute Section 342.33.
- (10) Hemp Business. A business licensed by the Office of Cannabis Management (OCM) as defined by Minnesota Statute 342.01 Subd. 34.
- (11) Lower-Potency Hemp Edible Manufacturer. A hemp business that makes hemp concentrate, manufactures artificially derived cannabinoids lower-potency hemp edibles, and/or hemp-derived consumer products, and sells hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products to other cannabis businesses and hemp businesses pursuant to Minnesota Statute Section 342.45.
- (12) Lower-Potency Hemp Edible Retailer. A hemp business that sells lower-potency hemp edibles to customers, including on-site consumption, pursuant to Minnesota Statute Section 342.46

- (13) Office of Cannabis Management (OCM). The state agency with the powers and duties of making rules, establishing policy, and exercising its regulatory authority over the cannabis industry and hemp consumer industry.

Sec. 12-422. Zoning and Land Use.

- (1) 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) Cannabis Cultivator.

- (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 Event.

- (a) Cannabis businesses licensed or endorsed for cannabis event are permitted as an interim use in the following zoning districts:

1. Agricultural (A) District.

(3) 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.

(4) Cannabis Mezzobusiness

- (a) Cannabis businesses licensed or endorsed for cannabis mezzobusiness are permitted as an interim use in the following zoning districts:

1. Agricultural (A) District.
2. Industrial (I) District.

(5) Cannabis Microbusiness.

- (a) Cannabis businesses licensed or endorsed for cannabis microbusiness are permitted as an interim use in the following zoning districts:

1. Agricultural (A) District.
2. Industrial (I) District.

(6) 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.

- (7) Cannabis 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.
- (8) 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.
- (9) 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.
- (10) Hemp Edible Manufacturer.
- (a) Hemp businesses licensed or endorsed for lower-potency hemp edible manufacturers permitted as an interim use in the following zoning districts:
 - 1. Agricultural (A) District.
 - 2. Industrial (I) District.
- (11) Hemp Edible Retailer.
- (a) Hemp businesses licensed or endorsed for lower-potency hemp edible retailers permitted as an accessory 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.
 - (b) Hemp businesses licensed or endorsed for lower-potency hemp edible retailers 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.

Sec. 12-423. Odor.

- (1) Cannabis Businesses and Hemp Businesses shall be ventilated so that all odors cannot be detected by a person with a normal sense of smell at the exterior of the facility or at any adjoining use or property; they shall not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the facilities.
- (2) The facility shall not produce noxious or nuisance causing odors, subject to the following conditions:
 - (1) The applicant shall provide plans that show appropriate odor control systems so as not to produce any noxious or dangerous gases or odors or create any dangers to any person or entity in or near the facility.
 - (2) An odor maintenance plan must be submitted to the City and approved by the City.

Sec. 12-424. 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.
- (2) Lower-Potency Hemp Edible Retailer are limited to retail sale of lower-potency hemp edibles, or hemp-derived consumer products for off-site consumption between the hours of 10 a.m. and 9 p.m., seven days a week.
- (3) Lower-Potency Hemp Edible Retailers are limited to retail sale of lower-potency hemp edibles, or hemp derived consumer products for on-site consumption between the hours of 8:00 a.m. & 2:00 a.m.

Sec. 12-425. Advertising.

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. Permit Required for Temporary Cannabis Events.

- (1) Permit Required.
 - (a) A 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 permit ~~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 permit for a Temporary Cannabis Event shall meet the following standards:
 - (a) On-site consumption is prohibited.
 - (b) Sign
 - (c) Size
 - (d) Hours
 - (e) Time
 - (f) Place
 - (g) Manner
 - (h)
- (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 businesses under Section 12-415.

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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:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Robb Linwood, City Clerk

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