

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
OCTOBER 18, 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 October 8, 2024.

SCHEDULED PUBLIC HEARINGS:

NEW BUSINESS:

OLD BUSINESS:

2. Cannabis Ordinance Review

COMMUNICATIONS:

UPDATES:

ADJOURN

UPCOMING:

November 12, 2024 - Preliminary & Final Plat of Vollrath Jenson Addition (CLFLWD stormwater treatment site)

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
OCTOBER 8, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for October 8, 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, and Mark Holl*

ABSENT: Commissioner Chris Ortwerth

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 September 24, 2024**

Commissioner Iverson referenced some wording changes on page 3 of the minutes that he felt were needed.

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 SEPTEMBER 24, 2024, AS AMENDED.

Voting Aye: West, Holl, Lobermeier, and Iverson

Voting Nay: None

Abstain: None

Absent: Ortwerth

SCHEDULED PUBLIC HEARINGS:

- 2. Interim Conditional Use Permit for a Home Occupation: I-24-004**

Location: 6880 Greenway Lane

Applicant: Aaron Schille

Property ID Number: 21-11069.07

Zoning Administrator Weck explained that the applicant would like to operate a gunsmithing business from his garage as a home-based business with an ICUP and noted that staff recommended approval.

Aaron Schille explained that he was retired military and gave a brief overview of his proposed gunsmithing business and explained that safety was very important to him. He explained that they have already built up a strong reputation for their work and have achieved an A rating from the Better Business Bureau and have also received 5-star ratings on Google.

Chair Lobermeier asked if the business would be a 'drop-in' type.

Mr. Schille explained that his business is pretty much via word of mouth and everyone would make an appointment with him, so there would not be a lot of vehicles coming in and out, nor would he have any signage.

Commissioner West stated that she did not fully understand what a gunsmith does but noted that her husband was a collector and had some firearms from the Battle of the Bulge.

Mr. Schille stated that he has restored guns, from that timeframe, back to their original condition and described some of the methods that he employed in the restoration. He explained that a gunsmith was basically a mechanic for firearms to restore antique firearms along with cleaning, repairing, and doing customizations.

Commissioner Holl noted that the staff report had mentioned hazardous waste and asked what type would be created for this business.

Mr. Schille explained the only type of hazardous waste that he would have would be a little bit of solvent and some oils.

Commissioner West asked if Mr. Schille's use of materials were that minimal if he would still have to register.

Zoning Administrator Weck stated that he may not need to, but to be on the safe side, he wanted to check into it.

Mr. Schille stated that the only time he has ever really created hazardous waste that he got rid of at a hazardous waste site was when he was doing some Parkerizing work with different chemicals.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:09 P.M.

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

There was no one present to address the Commission.

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

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

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO RECOMMEND APPROVAL OF AN INTERIM CONDITIONAL USE PERMIT FOR A HOME OCCUPATION: I-24-004 LOCATED AT 6880 GREENWAY LANE FOR AARON SCHILLE,

PROPERTY ID NUMBER: 21-11069.07, SUBJECT TO THE CONDITIONS INCLUDED IN THE STAFF REPORT.

Voting Aye: West, Holl, Iverson, and Lobermeier

Voting Nay: None

Abstain: None

Absent: Ortwerth

NEW BUSINESS

OLD BUSINESS:

3. Cannabis Ordinance Review

Zoning Administrator Weck noted that he had received some answers from the City Attorney to questions that had been posed after he had put together the packet, so that information was on the dais. He gave a brief overview of the information that had been shared by the City Attorney.

Commissioner West asked if people could smoke cannabis anywhere.

Zoning Administrator Weck stated that they could not smoke cannabis in public and explained that within the ordinance, there is a section prohibiting public consumption.

Chair Lobermeier stated that it seemed like the City Attorney was suggesting that the City have a smaller buffer distance.

Commissioner West stated that the edibles are what can be purchased and consumed off-sale. She stated that they can be purchased in gas stations and the buffers are talking about where children are located, so that could be less than the original distance of 500 feet.

Zoning Administrator Weck noted that, in that case, it was kind of the same as beer or liquor, where it has to be behind the counter where kids cannot get to it nor can they advertise to children.

Chair Lobermeier stated that, in his opinion, alcohol and cannabis should be treated close to the same.

Zoning Administrator Weck noted that the City did not regulate liquor stores with buffers.

Commissioner West stated that because Minnesota is moving towards legalization, she felt that it should be treated like alcohol.

Commissioner Iverson stated that he agreed with the idea of treating them like a liquor store, but noted that the City did not have buffers in place for liquor stores.

Mayor Iverson referenced page 5, Section 12-421 (3), and asked what this type of cannabis event would actually be.

Zoning Administrator Weck stated that his understanding was that this would be like a trade show event.

Commissioner Iverson stated that he thought of it like a craft beer event where the breweries would come and give out samples of their product.

Commissioner West asked if that meant people would be sampling this product and smoking it.

Mayor Iverson asked if this language was required because of the State statute, which meant that the City would have to allow this type of event.

Zoning Administrator Weck stated he believed that they did have to have someplace where they

can do it. He reviewed the proposed hours of operation and explained that it matched up with the liquor store hours. He noted that the last question he had asked the City Attorney was related to their standards and her answer was that basically, the City can create its own, and noted that this was where they could include the stipulation that on-site consumption was prohibited.

Commissioner Iverson stated that he had a question about something included on page 4 related to limiting of registrations. He noted that there was some question earlier in the process on how many there would be and asked if this proposed language was just for one registration in the City for either a cannabis microbusiness, cannabis mezzo-business, or a cannabis retailer.

Zoning Administrator Weck stated that was correct and explained that it would just allow one of those three types of businesses.

Commissioner Iverson asked if they could make it clear because in there they also talk about registrations which also includes low-potency edibles and medical cannabis combinations. He noted that he was not entirely sure what medical cannabis combinations were.

Zoning Administrator Weck stated that medical cannabis combinations is a separate category.

Commissioner Iverson suggested that they may want to include some language that states that this number of registrations did not include those things, so it is explicit and not confusing.

Commissioner West agreed that they should make it clear that essentially the edibles and the medical-grade products can be located pretty much wherever they wanted to be.

Commissioner Iverson stated that he wanted it understood that the City was not including the edibles and medical in this limit on registrations.

Zoning Administrator Weck stated that he thinks they may be able to make it clear by changing the title of that section to 'Limiting of Cannabis Registrations' because that would make it clear that it did not include the hemp products.

Chair Lobermeier referenced discussion from page 4 of the last meeting minutes where Zoning Administrator Weck had made a statement that he felt that the City Attorney had the intention of having one of each of those types of businesses.

Zoning Administrator Weck explained that was a question that he wanted to ask the City Attorney and her answer was that it could basically be 'one and done' for the City.

Commissioner West asked if the City was also limiting registrations for manufacturing.

Zoning Administrator Weck stated that they were just limiting registration for the retail businesses.

Chair Lobermeier stated that when they talk about retail sales, they don't define what they are talking about, and noted that in the definition of terms, it states that cannabis cultivators will sell plants and seedlings.

Zoning Administrator Weck stated that he believed that as part of their registration, they can only sell to other cannabis businesses and not to the public.

Chair Lobermeier stated that when they use the broad terminology of 'retail sales' it makes him ask the question about what sales they are talking about.

Zoning Administrator Weck explained that retail sales would be like the liquor store.

Chair Lobermeier clarified that he understood that reference but was wondering if it would be clear to others. He stated that sometimes words can get in the way and sometimes they really matter.

Zoning Administrator Weck stated he felt that because they had the definitions included, that

would be understood.

Commissioner West stated that she felt that if the definition wasn't clear it would end up coming to a head at a City meeting.

Commissioner Iverson stated that was true but reiterated that he would just like the City to make things as clear as possible.

Zoning Administrator Weck reiterated that he felt things were clear the way it was written and defined.

Commissioner Iverson noted that when they reference limiting registrations, they only speak to the microbusiness, mezzo-business, and retailer businesses. He reiterated his suggestion that they make it clear that the medical cannabis combination and the low-potency edibles were not included in that limitation.

Chair Lobermeier that he understood Commissioner Iverson's point because you don't find that information until the end of the section. He suggested that perhaps the limitation of registrations should come at the beginning, so it is clear.

Zoning Administrator Weck stated that he would talk to the City Attorney about the medical cannabis combination and see if the City can or cannot restrict that.

Commissioner Iverson reiterated that he would just like to see those called out so it is clear that they were not part of these registration limitations.

Zoning Administrator Weck stated that he would make the suggested changes and also clarify things surrounding the medical cannabis combination businesses with the City Attorney.

Chair Lobermeier referenced page 5, Section 12-420 (2), and the 4 numbered bullets that relate to buffer distances for hemp businesses.

Commissioner West asked if the City had a rule on smoking, for example, at sports fields or schools.

Zoning Administrator Weck noted those were public places so there was already language that states that '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.'

Chair Lobermeier stated the City Attorney is recommending a buffer distance less than what the Commission had discussed at the last meeting and asked if the City wanted to have any buffers.

Commissioner West asked what the City Attorney had typically seen for this distance because she felt Wyoming should be on par with everyone else.

Commissioner Iverson stated that the City Attorney said that many cities do a bit of a lower buffer distance for the lower potency products than they do for cannabis.

Zoning Administrator Weck noted that the statement by the City Attorney was not a requirement, so the City did not have to include a buffer if they didn't want to have one.

Commissioner West referenced the liquor stores that the City already has and asked how close they were to a daycare.

Zoning Administrator Weck explained that the City did not have a buffer distance for liquor stores.

Commissioner West stated that was kind of her point and explained that would ideally be where she would like to see this type of product.

Chair Lobermeier questioned whether the Commission wanted there to be any type of buffer or if

they would be more in favor of having no buffers for the hemp businesses.

Commissioner West asked if this was something that the City could consider again if things went haywire somewhere down the road.

Zoning Administrator Weck stated that the City can always amend the ordinance.

Chair Lobermeier questioned what type of logic could be put on something that is not zero.

Commissioner Holl briefly left the dais at 7:28 p.m.

The Commission discussed various buffer distances.

Commissioner West stated that she may be okay with starting with no buffer distance.

Chair Lobermeier stated that he agreed because that is how it is today and with liquor stores or the sale of cigarettes with no restriction. He stated that he felt that whatever the Commission may put for a buffer distance would really just be an arbitrary number.

Commissioner West stated that it made her feel a bit more comfortable moving forward with no buffer because if this did become an issue, the City can always amend the ordinance.

Commissioner Iverson stated that he was also fine with having no buffer.

Zoning Administrator Weck stated that he would remove item (2) from Section 12-420 related to buffer requirements.

Commissioner West stated that this brings the discussion back to the question raised earlier by Mayor Iverson and explained that it almost makes her think of a Burning Man festival.

Mayor Iverson stated that she has been trying to wrap her mind around it and planned to Google what other states have done.

Commissioner West stated that it is probably like a trade show, where vendors come in and sell things like pipes.

Chair Lobermeier stated that this made him think of the pumpkin patch every fall, and explained that there could be a grower that would have people come out to their location so they can get people more familiar and comfortable with it.

Mayor Iverson stated that there are expos on 4/20 that are called 'Festival Expos'.

Commissioner West stated that this could also be something that the City allowed until it becomes a nuisance.

Mayor Iverson stated that they do have festivals, like fairs.

Zoning Administrator Weck stated that if the City starts out saying that on-site use is prohibited, they could also have a requirement that there be police officers present.

Mayor Iverson read aloud from information she found on Google that stated 'cannabis festival attendees can sample new product, learn to grow weed at home, and smoke in designated areas'.

Zoning Administrator Weck stated if the City did not allow smoking of the product then the attendees could just learn to grow weed at home.

Commissioner West stated she felt that if the City was going to allow the festival then they should allow use and gave the example of going to a beer festival and not being able to drink beer.

Chair Lobermeier stated that the City could restrict where these festivals can happen which gives them some control.

Zoning Administrator Weck stated that he would think that if the City does not allow them to smoke

it, they may choose not to have their event in the City.

Chair Lobermeier referenced Section 12-421 (6) regarding cannabis microbusinesses and noted that this is word for word the same as cannabis mezzo-businesses.

Commissioner Iverson stated that he noticed one small difference and explained that the micro business language states, 'including on-site consumption'.

Zoning Administrator Weck noted that another difference was that the Statute number referenced was different for a microbusiness and a mezzo-business. He noted he believes the difference between them was based on the number of plants.

Chair Lobermeier asked if the information included by Zoning Administrator Weck for Section 12-422 related to zoning and land use were suggestions.

Zoning Administrator Weck confirmed that what was included were just suggestions and noted that some of these had already been discussed by the Commission. He clarified that the ones that the Commission needed to address were underlined and highlighted in yellow.

Mayor Iverson noted that in her research it also looks like many of the festivals also have music.

Chair Lobermeier stated that he was comfortable with the recommendations that Zoning Administrator Weck had made in the packet.

There was consensus of the Commission to support the recommendations made by Zoning Administrator Weck related to zoning and land use.

Chair Lobermeier moved the discussion onto Section 12-430 (4) related to Temporary Cannabis Events.

Zoning Administrator Weck stated that the City Attorney did not have any suggestions for this portion. He explained that his thinking for signage, was that they could just have this be in accordance with the City's sign ordinance. He noted that he was not sure what was meant by 'size'.

Commissioner West suggested that it may mean the number of people in attendance and noted that they could do it per acreage.

Chair Lobermeier suggested they take a step back and think about this as a generic event, such as a car sales, and noted the City would not have these standards for that type of event. He stated that most likely what would happen is they would come in and apply for a permit and give the City details about what they would like to do on-site related to signage, hours, time, and place. He felt that all of those types of details would be part of the permit for the event and asked if they needed to specify them in this section just because it was a Temporary Cannabis Event.

Zoning Administrator Weck stated that he could see it being done with the permit process.

Chair Lobermeier agreed and stated that he felt it would also be simpler to handle it that way, as well.

Zoning Administrator Weck noted that they could just include language that says that they have to comply with the Conditional Use Permit standards, per the City ordinance but suggested that they leave in the language about on-site consumption being prohibited.

Commissioner West asked for clarification if the City was saying that they would not allow them to using/consuming during their event.

Zoning Administrator Weck stated that was the recommendation, but the Commission could make a different determination. He explained that part of his thinking about having this type of event was that the City should have someplace for the people to be able to stay and the City did not

have any hotels or motels right now. He stated that if they keep consumption prohibited then they would not have to worry about making sure the attendees have accommodations.

Chair Lobermeier stated that he felt that the City didn't need to hold another public hearing. He stated that the City had already advertised it and held a public hearing. He noted that there have been some changes to the document since the public hearing, but they have primarily been to definitions and other slight language changes and were not anything substantive. He expressed concern that if they held another public hearing it may be after the City's moratorium would expire.

Zoning Administrator Weck stated that the more recent moratorium ordinance that the Council had adopted had to do with hemp sales. He explained that there was a one-year moratorium, but the City could extend it to 18 months. He stated that he had been under the impression that the hemp ordinance the Council had adopted this past summer was that extension, but it was actually creating a new moratorium related to hemp sales.

Chair Lobermeier explained that his reasoning for this recommendation was because of the schedule, but noted that he would still question whether a second public hearing would be needed.

Zoning Administrator Weck stated that the City Attorney's thought process was to hold a second public hearing in case there were any battles over the ordinance, so the City could say that they held two public hearings for both versions of the ordinance.

Chair Lobermeier stated that if the schedule allowed time for it, he would be fine holding a second public hearing.

Zoning Administrator Weck suggested that he make all the recommended revisions to the ordinance and bring it back for discussion at the next Commission meeting. He stated that if the Commission was fine with it, they could pass their recommendation on to the City Council at that meeting.

There was a Consensus of the Commission to forego the second public hearing for this ordinance.

COMMUNICATIONS:

UPDATES:

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO ADJOURN THE OCTOBER 8, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:43 PM.

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



Memorandum

Date: October 18, 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 edits from the last Planning Commission meeting incorporated into it. The following is an explanation of those edits.

12-401 Findings and Purpose – No changes.

12-402 Authority and Jurisdiction – No changes.

12-403 Severability – No changes.

12-404 Enforcement – No changes.

12-410 Consent to Registering of Cannabis Businesses – No changes.

12-411 Compliance Check Prior to Retail Registration – No changes.

12-412 Registration and Application Procedure – No changes.

12-413 Renewal of Registration – No changes.

12-414 Suspension of Registration, Length of Suspension – No changes.

12-415 Limiting of Registrations – No changes.

12-420 Minimum Buffer Requirements – Removed buffer distances for hemp businesses.

12-421 Definitions of Terms – No changes.

12-422 Zoning and Land Use – Added the missing zoning districts to the business types. Added 'temporary' to 'Cannabis Event'.

12-423 Odor – No changes.

12-424 Hours of Operation – No changes.

12-425 Advertising – No changes.

Division 4 Temporary Cannabis Events – Added reference to Interim Conditional Use Permit requirements.

Division 5 Local Government as a Cannabis Retailer – No changes.

Division 6 Use in Public Spaces – No changes.

Fred Weck

Zoning Administrator

Building Official #MN1825

Advanced Septic Inspector #C5199



DEPARTMENT OF BUILDING SAFETY

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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 Cannabis Registrations.

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

DRAFT

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.

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 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) 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.
- (4) 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.
- (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 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Temporary Cannabis Event.
- (a) Cannabis businesses licensed or endorsed for a temporary cannabis event are permitted as an interim use in the following zoning districts:
 1. Agricultural (A) 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) An Interim Conditional Use Permit shall be required for the operation of a temporary cannabis event. All conditional uses shall be subject to the requirements of this Division and Chapter 40, Article V, Division 6 of this code.
 - (b) On-site consumption is prohibited.
- (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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