

**APPROVED 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 Iverson 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>