

Planning Commission Meeting Agenda

Wednesday October 9, 2024 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Bernie Shambour
Commissioner: Vickie Selness
Commissioner: Jeri Bowers
City Council Liaison: Carol Szaroletta
Commissioner: Kristy Naegely

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

1. CALL MEETING TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ADOPT AGENDA
4. PLANNING COMMISSION NEW BUSINESS
 - a. Zoning Ordinance Amendment re: Cannabis
5. PLANNING COMMISSION OLD BUSINESS
 - a. Wastewater Treatment Plant Upgrade Status
 - b. Ordinance 153.007 amendment discussion to add “and indoor storage”
 - c. Cologne Main Street Discussion
6. ADJOURN

Collaborative Planning, LLC

Memorandum

Date: October 4, 2024
To: Cologne Planning Commission
From: Cindy Nash, AICP, EDFP
RE: Zoning Ordinance Amendment re: Cannabis

Background

During the 2023 legislative session, the Minnesota Legislature legalized the adult use of cannabis and hemp products. Under this legislation, the state established the Office of Cannabis Management (OCM) which will regulate and license the cultivation, production and sale of these products.

The statute requires that a city may not prohibit the establishment or operation of a cannabis business. However, a city may adopt reasonable restrictions on the time, place and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

A copy of the OCM's "[A Guide for Local Governments on Adult-Use Cannabis](#)" is available on the OCM website for more detailed information.

Non-Zoning Topics Related to Cannabis

There are several related items that may impact particularly the retail component of the zoning portion of the regulations. Decisions will still need to be made by the City Council regarding these items which would be part of a separate ordinance if the City decides to delegate registration authority. These are outside of the scope of the Planning Commission's discussion but are summarized here so that you can be aware of them while contemplating items such as buffer distances and zoning districts.

1. **Cannabis Retail Registration Authority.** Every city will need to make a decision on whether it would choose to register cannabis retailers on their own or delegate that registration authority to the County.
2. **Cannabis Retail Restrictions.** Local governments may limit the number of retailers allowed within their locality, as long as there is at least one location per 12,500 residents. Cologne is not required to seek out a potential applicant, but also cannot prohibit the establishment of a business if this population requirement is not met.

- a. In the event that the City delegates the retail registration authority to the County and it decides to limit the number of retailers allowed, it is possible that Cologne could have more than 1 retailer in the City if that is where they choose to be so long as the County's maximum isn't met.
- b. If the City keeps retail registration authority but the County reaches its minimum number required, statute would allow Cologne to not issue a retail registration even if it doesn't already have any registrations.

Definitions

Draft definitions for inclusion in a zoning ordinance are the following:

1. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the OCM.
2. Cannabis Delivery: A business with a cannabis delivery service license or delivery service endorsement from the OCM.
3. Cannabis Manufacturing: A business with a cannabis manufacturer license or manufacturing endorsement from the OCM.
4. Cannabis Processing: A business with a medical cannabis processor license or processing endorsement from the OCM.
5. Cannabis Retail Business: A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location, (and/excluding) lower-potency hemp edible retailers.
6. Cannabis Testing: A business with a cannabis testing facility license or testing endorsement from OCM.
7. Cannabis Transportation: A business with a cannabis transporter license or transportation endorsement from the OCM.
8. Cannabis Wholesaling: A business with a cannabis wholesaler license or wholesaling endorsement from the OCM.
9. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
10. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.

11. Lower-potency Hemp Edible Manufacturer: A business with a lower-potency hemp edible manufacturer license from the OCM.
12. Lower-potency Hemp Edible Retailer: A retail location with a lower-potency hemp edible retailer license from the OCM, including on-site consumption as allowed by the State of Minnesota regulations.
13. Office of Cannabis Management (OCM): the State of Minnesota Office of Cannabis Management.
14. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
15. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
16. Retail Registration: An approved registration issued by the (insert city or county here) to a state licensed cannabis retail business.
17. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
18. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Districts Allowed

State regulations establish several types of licenses and endorsements for cannabis business.

At this time, suggestions for outside cultivation have not been included. State guidance suggesting fencing, lighting, and security requirements seem inconsistent with typical exterior agricultural practices and may have an impact on nearby residential home use. Staff is reviewing guidance as it evolves on this item and will bring back a recommendation in the future.

Based on the license types to be issued by the state, the following are the type of uses and proposed zoning districts that they may be allowed within for a starting point in discussion. Staff is recommending that the more industrial operations require an interim use permit so that review of potential odor and other concerns can be addressed as conditions to a permit.

Use	Zoning District(s)	Permitted/CUP/IUP
Cultivation - Inside	I-1	IUP
Cultivation - Outside		
Cannabis Manufacturing, Processing, Extraction	I-1	IUP
Cannabis Testing	I-1	IUP
Hemp Manufacturing	I-1	IUP
Wholesale	I-1	IUP
Cannabis Retail	C-1, C-2, C-3	Permitted
Lower potency Hemp Edible Retail Business	C-1, C-2, C-3	Permitted
Transportation	I-1	IUP
Delivery	I-1	IUP

The Planning Commission should review the types of uses and potential zoning districts for each.

Potential Buffer Areas

The statute permits communities to establish buffer areas, provided that those buffers cannot exceed the maximum in statute and that if restrictions are established they cannot result in a prohibition.

The City could also determine to apply differing buffer standards to cannabis retail businesses and lower potency hemp edible (LHPE) retail businesses. LHPE are items such as gummies or beverages which contain not more than 5mg THC per serving. They are often sold in liquor stores, bars, restaurants, and other retailers who sell other items as well. To view the types of businesses and locations that may either already be selling LHPE products or interested in selling, please visit the following registration map maintained by OCM: <https://mn.gov/ocm/businesses/cannabinoid-products/registered-businesses.jsp>.

For purposes of discussion, the buffers that can be established are included in the table below. If established, a decision will also need to be made as to whether those buffers are measured from a structure to another structure or to a property line.

Other Uses	Distance	From (Property Line or Structure)	To (Property Line or Structure)
School	0-1000 feet		
Daycare	0-500 feet		
Residential Treatment Facility	0-500 feet		
Attraction within a public park used regularly by minors	0-500 feet		Attraction within park
Another Cannabis Retail Business	X feet		

Next Steps

Following the initial discussion at the September meeting, staff will draft an ordinance for public hearing to be scheduled at either the October or November Planning Commission meeting.