

**City of East Bethel**  
**Planning Commission Agenda**  
**Planning Commission Regular Meeting**  
**Date: December 17, 2024**



Two or more Council Members and/or the Mayor may be in attendance at this meeting.  
If two or more Council Members and the Mayor attend the event, there will be a quorum of Council Members.

This meeting may be monitored live via the following means:  
Cable Channel 10, MidcoTV Channel 77, or the City of East Bethel YouTube channel  
([www.youtube.com/channel/UC8\\_7ShcME-XG14pN5JrmBGg/live](https://www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live))

1. Call To Order
2. Adopt Agenda
3. Updates
4. Approval of Minutes: November 26, 2024
5. **PUBLIC HEARING: AMENDING APPENDIX A ZONING TO REGULATE CANNABIS AND HEMP BUSINESSES AND AMENDING CHAPTER 18 PROVIDING FOR THE REGISTRATION OF CANNABIS AND HEMP BUSINESSES IN THE CITY OF EAST BETHEL**
6. Adjourn

# DRAFT MINUTES: NOT YET APPROVED

## EAST BETHEL PLANNING COMMISSION MEETING November 26, 2024

MEMBERS PRESENT: Chair Sharon Johnson, Vice Chair Gabriel Hanschen, Tanner Balfany, Brian Downie, and Kory Jorgensen.

MEMBERS ABSENT: Glenn Terry and Diana Saenger.

ALSO PRESENT: Aaron Berg, Community Development Director  
Jim Smith, City Council Liaison

### 1.0 Call to Order

Chair Johnson called the Planning Commission regular meeting to order at 7:00 pm.

### 2.0 Adopt Agenda

**Commissioner Balfany moved and Commissioner Hanschen seconded to adopt the agenda as presented.** Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

### 3.0 Updates

Council Liaison Smith updated the Commission on recent Council actions.

### 4.0 Approve October 22, 2024 meeting minutes

Berg requested a correction on page 1, under members present, Kory Jorgensen was listed as Vice Chair instead of Gabriel Hanschen.

**Commissioner Jorgensen moved and Commissioner Balfany seconded to adopt the October 22, 2024 regular meeting minutes as written.** Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

### 5.0 Planning Commission Reappointment Recommendations

Berg reviewed staff's report, noting the recommendation is to re-appoint Sharon Johnson and Brian Downie to the Planning Commission.

Berg noted that Sharon Johnson has served on the East Bethel Planning Commission multiple terms. Her most recent appointments started in January 2022 and her current appointment expires on January 31, 2025. Commissioner Johnson has submitted a letter of interest seeking to serve another term that would expire on January 31, 2028.

Berg added that Brian Downie was appointed to serve a partial term on the East Bethel Planning Commission which began on February 27, 2024, and is scheduled to expire on January 31, 2025. Commissioner Downie has submitted a letter of interest seeking to serve another term that would expire on January 31, 2028.

Berg stated that the Planning Commission is requested to consider the approval of a recommendation to City Council to re-appoint Sharon Johnson and Brian Downie to the Planning Commission for an additional term to commence on February 1, 2025, and expire on January 31, 2028.

**Commissioner Balfany moved and Commissioner Hanschen seconded to recommend approval to City Council to reappoint Sharon Johnson and Brian Downie to the Commission.** Johnson asked

46 any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That  
47 motion passes. **Motion passes unanimously.**

48 Hanschen discussed that he will not be requesting reappointment after his term ends in January, 2025.  
49 He noted that due to starting his own business and spending time with family, he does not have enough  
50 time to commit to the Commission. He shared that he has really enjoyed his time on the Commission.

51 This item goes before City Council on December 9, 2024.

#### 52 **6.0A Public Hearing – Setback Variance - 3564 Edmar LN NE – Sharper Homes**

53 Berg reviewed staff's report stating on October 3, 2024, the City received an application from Sharper  
54 Homes, Inc. to reduce the standard setback from 10 feet to 8 feet, in the front yard for the installation of  
55 a septic drainfield and a setback reduction from the Ordinary High Water Level (OHWL), of 75 feet to  
56 61.5 feet, for the construction of an attached patio cement slab, at the property located at 3564 Edmar  
57 LN NE, Wyoming, MN 55092.

58  
59 Berg added that this .64 acre lot is in the Coon Lake Zoning District and covered by a Shoreland  
60 Overlay Zone. Not only does this lot have shoreland but it also includes a section of wetlands. In  
61 addition, the land immediately adjacent to the east is City owned and it contains lowland with an open  
62 drainage ditch that runs parallel to the lot line. These features create a list of setbacks that must be met.

63 Berg stated that Sharper Homes, Inc. is proposing a slab-on-grade home with placement that takes all  
64 setbacks into consideration; however, to place the septic system and well on the property, an  
65 encroachment into a property line setback is necessary. A setback reduction from the required 10 feet to  
66 8 feet will be required for the installation of a drainfield on this property. Setbacks for drainfields are  
67 established in City Code, which identifies Minnesota State Statute. Under Minnesota State rules, it is  
68 noted that infringement on a property line must be made through accepted local procedures (variance  
69 process).

70 Berg mentioned that Sec. 57-5 has a list of definitions including setback and structure. A setback is a  
71 minimum horizontal distance between a structure, sewage treatment system, or other facility and an  
72 ordinary high-water level, top of a bluff, road, highway, property line, or other facility. This definition is  
73 clear that the setback is between the OHWL and a structure. He added that a structure is defined as any  
74 building or appurtenance, including decks, except aerial or underground utility lines, such as sewer,  
75 electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. This definition is  
76 clear as to what is and what is not a structure. An appurtenance, which is also not defined in East Bethel  
77 City Code has a general definition as accessory to and permanent.

78 Berg also stated that Sec. 57 requires a 75 foot setback from the OHWL. The proposed house placement  
79 has the back wall of the house at or near the setback line. The proposed construction also includes a 14  
80 by 20-foot concrete patio slab, which is attached to the back of the house protruding toward the lake into  
81 the OHWL setback. Sharper Homes, Inc. is requesting a reduction of the 75-foot setback to 61.5 feet.  
82 The opinion of City staff is that the proposed concrete patio slab, attached to the house, is an  
83 appurtenance.

84 Berg noted to hear requests for variances from the literal provisions of the ordinance in instances where  
85 their strict enforcement would cause practical difficulties because of circumstances unique to the  
86 individual property under consideration, and to grant such variances only when it is demonstrated that  
87 such actions will be in keeping with the spirit and intent of the ordinance. Economic considerations  
88 alone do not constitute practical difficulties.

89 Berg added that a consideration of a variance requires the following three-factor test for practical  
90 difficulties. The first factor, a test of reasonableness, means that the landowner would like to use the

91 property in a practical way but cannot do so under the rules of the ordinance. He added in this case  
92 septic systems are required for a home to be considered habitable. The approval of the variance would  
93 allow this property to be used as a residence. The second factor is a test of uniqueness. In this case, the  
94 issue for the variance is due to circumstances unique to the property and not caused by the landowner.  
95 The uniqueness generally relates to the physical characteristics of the particular property. He mentioned  
96 that in this case, current setback requirements for sewage treatment systems are 50 feet from the OHWL,  
97 50 feet from any well, 20 feet from any structure, and 10 feet from any property line. Tanks are required  
98 to be placed 10 feet from any structure and 10 feet from property lines. The adjacent property contains  
99 wetlands and a ditch which require a 25-foot setback. Shoreland setback for structures is 75 feet from  
100 the OHWL, 25 feet from the front lot line, and 7 feet from the side yard lot lines. Finally, the third factor  
101 is that a variance would not alter the essential character of the neighborhood. This factor is used to  
102 consider whether the resulting structure or improvement will be out of scale, out of place, or otherwise  
103 inconsistent with the surrounding area. In this case, there are nine other properties on Edmar Lane NE  
104 that have septic mounds in the front or side yards visible from the right-of-way. The adjacent property to  
105 the west has a box mound in the side yard that is visible from the right-of-way.

106 Berg stated that a patio slab is not a minimum building requirement of a new single-family home in the  
107 East Bethel Building Code. The amenity is a personal preference of the landowner. The elevation at the  
108 OHWL is 904.8 feet above sea level while the elevation at the proposed slab extension is 909.0 feet.  
109 This is over a 4-foot elevation drop over a 75-foot distance. The risk of damage by changing lake water  
110 levels is minimal. For additional consideration, the Shoreland Overlay District permits property owners  
111 25% impervious surface lot coverage. The total square footage of this proposal including the patio is  
112 21%.

113 Berg noted that staff recommends the Planning Commission hold a public hearing and make a  
114 recommendation regarding the variance request for the reduction of the property line setback for the  
115 installation of a sewage treatment system and a reduction of the OHWL setback for the construction of  
116 an attached cement patio slab, at the property located at 3564 Edmar Lane NE.

117 Johnson opened the public hearing at 7:15 pm

118 Johnson closed the public hearing at 7:16 pm

119 Downie noted that they would need to approve this for the property use to be considered residential. He  
120 added that since surrounding properties have visible septic mounds, the property needs the second septic  
121 system to be considered residential. In regard to the patio, he does not feel that it is necessary for the  
122 property. He added that he feels there is reasoning to recommend approval.

123 Johnson noted that she has no issue with the septic system, but also does not see the patio as necessary.

124 Hanschen asked if the patio was not permanent, would it change the need for a variance.

125 Berg explained that if it wasn't a permanent concrete patio slab it would not need a variance or need  
126 discussion.

127 Balfany noted that it all sounds reasonable. He feels that septic is necessary and he could go either way  
128 in regard to the patio slab.

129 Hanschen noted that he does not see an issue with either request.

130 **Commissioner Jorgensen moved and Commissioner Hanschen seconded to recommend to City**  
131 **Council approval of both setback variances at 3564 Edmar LN NE, for Sharper Homes with the**  
132 **conditions set forth in the provided resolution.** Johnson asked any discussion? To the motion, all in  
133 favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes**  
134 **unanimously.**

135 This item goes before City Council on December 9, 2024.

136  
137 **6.0B Public Hearing – Variance - Driveway and access standards - 19408 E. Front Blvd. NE**

138 Balfany noted he will abstain from voting due to his relation to the case.

139  
140 Berg reviewed staff's report, stating on October 29, 2024, the City of East Bethel received a variance  
141 application from Josh Balfany, the property owner at 19408 E. Front Blvd. NE, for the construction of a  
142 second driveway/access to his parcel off E. Front Blvd. NE, in Coon Lake zoning district.

143 Berg stated that Mr. Balfany and his brother, who owns 19356 E. Front Blvd. NE, acquired a vacant  
144 parcel from family, which was located between their two parcels. In a private land transaction, they  
145 divided the lot and adjoined each portion to their respective lots. Balfany subsequently applied for an  
146 accessory structure which was permitted, and the project was completed. During the final inspection,  
147 Balfany was informed he would need to obtain a permit for a second driveway/access. Balfany indicated  
148 on his September 28, 2023, building application that there are no plans for a driveway. City Code does  
149 not permit more than one driveway/access in certain zoning districts of the City.

150 Berg referenced Section 10. - General Development Regulations, Sub.15. - Driveway Access and  
151 Standards. He stated that the access requirements are: Properties in the R1, R2, and CL districts are  
152 allowed one access point from a public street. Properties in the RR and A districts are allowed two  
153 access points from a public street; however, properties located on Municipal State Aid (MSA) streets,  
154 major thoroughfares, and major streets are allowed one access point from a public street. He added that  
155 in all residential zoning districts, driveways located on an improved street require a bituminous or  
156 concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is  
157 less.

158 Berg noted that on this property the septic drainfield is located on the north side of the house. The well  
159 is located in the front yard forcing the placement of the detached accessory structure on the opposite side  
160 of Balfany's existing driveway and therefore he is unable to access the new building from the existing  
161 access.

162 Berg added that in addition to the request for a second driveway, Balfany is requesting a variance to the  
163 (improvement requirements) paving standards, as required in Sec. 10, Sub.15 (B2), under (B3), which  
164 states that parking spaces for heavy equipment that would damage bituminous or concrete surfaces are  
165 exempt from the paving requirement. Balfany owns a skid steer/loader he intends to park on the  
166 driveway and believes its parking would be damaging to a paved surface. City ordinance does not define  
167 heavy equipment.

168 Berg stated that there are three parcels on E. Front Blvd. NE that appear to have second driveways. A  
169 historical review of the GIS aerials provides information that all three of those existed prior to 2008  
170 when the ordinance revision occurred that prohibited second driveways from CL, R-1, and R-2 zoned  
171 parcels.

172 Berg mentioned that Staff advised Balfany that the second access/driveway and pavement standard  
173 requirements would be denied if applied for and a variance would be required before either could be  
174 applied for or approved.

175 Berg added that to hear requests for variances from the literal provisions of the ordinance in instances  
176 where their strict enforcement would cause practical difficulties because of circumstances unique to the  
177 individual property under consideration, and to grant such variances only when it is demonstrated that  
178 such actions will be in keeping with the spirit and intent of the ordinance. Practical difficulties, as used  
179 in connection with the granting of a variance means that the property owner proposes to use the property  
180 in a reasonable manner not permitted by an official control; the plight of the landowner is due to

181 circumstances unique to the property not created by the landowner; and, the variance, if granted, will not  
182 alter the essential character of the locality. Economic considerations alone do not constitute practical  
183 difficulties.

184 Berg stated that the consideration of a variance requires a three-factor test for practical difficulties. The  
185 first factor, a test of reasonableness, means that the landowner would like to use the property in a  
186 practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be  
187 put to any reasonable way without the variance. He added that in this case, the property owner is  
188 requesting a second driveway to access a detached accessory structure is reasonable as adequate ingress  
189 and egress are necessary for a structure intended to store vehicles and equipment. Or alternatively, the  
190 denial of a variance to place a second driveway on a property does not deny the landowner reasonable  
191 use of the property, as detached accessory structure and subsequent access are not a requirement of  
192 development standards of a primary residence. The second factor is that the landowner's problem is due  
193 to circumstances unique to the property and not caused by the landowner. The uniqueness generally  
194 relates to the physical characteristics of the particular piece of property, that is, to the land and not  
195 personal characteristics or preferences of the landowner. In this case, the property is triangular shaped  
196 limiting buildable areas for construction. The septic drainfield is located on the north side of the lot. The  
197 well is located in the front yard. The layout of the home placed the attached garage and existing access/  
198 driveway on the north side of the house, away from the newly constructed detached accessory structure.  
199 Finally, the third factor is that a variance would not alter the essential character of the neighborhood.  
200 This factor is used to consider whether the resulting structure will be out of scale, out of place, or  
201 otherwise inconsistent with the surrounding area. In this case, there are three other parcels with existing  
202 non-conforming second driveways on E. Front Blvd. NE. Or alternatively, properties in the R1, R2, and  
203 CL districts are only allowed one access point from a public street.

204 Berg stated that in this case, it is the opinion of City staff that this variance request partially meets the  
205 standards under the practical difficulties test.

206 Berg added that for additional consideration, Balfany's lot is in a Shoreland Overlay District which has a  
207 maximum allowable impervious surface percentage of 25%. Balfany's lot based on acreage would be  
208 permitted to cover 5,445 square feet. The existing coverage on the lot including the newly constructed  
209 accessory building is 4,335 square feet providing for an additional 1,110 of allowable coverage.  
210 Driveways are required to be a minimum of 12 feet wide but cannot exceed 24 feet in width at the union  
211 of the right-of-way pavement. Based on the minimum paving length standards, a 12-foot wide driveway  
212 would add an additional 650 square feet. A 24-foot wide driveway would add an additional 1,300 square  
213 feet, which would exceed the impervious surface coverage allowed.

214 Berg noted that the Shoreland Overlay District definition of an impervious surface is the area of a lot  
215 (above the Ordinary High Water Level) covered with buildings including all appurtenances, driveways  
216 and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a  
217 gravel base shall be considered impervious. Decks that allow drainage through the decking and that do  
218 not have a plastic weed barrier or some other material that would impede drainage into the ground and  
219 swimming pool water surface area shall not be considered impervious.

220 Berg noted that City staff is requesting the Planning Commission hold a public hearing and make a  
221 recommendation to the City Council for the placement of a second driveway and to the driveway access  
222 and standards of paving, as required in Sec. 10, Sub.15 (B2), on a parcel located at 19408 E. Front Blvd.  
223 NE, Wyoming, Minnesota.

224 Johnson opened the public hearing at 7:33

225 Josh Balfany explained that the second driveway does not really affect the neighborhood since three  
226 other properties already have second driveways. He mentioned that in regard to the hard surface, since  
227 he has a bobcat it would crush the existing pavement.

228 Johnson asked if it would be considered impervious if he had the millings. Berg noted that yes, if he put  
229 in a gravel base, it would be considered impervious.

230 Johnson asked what he was thinking of when he applied back in 2023. Mr. Balfany explained that before  
231 the grass area was used as the access point and after driving on it, it turned to dirt. He noted that upon  
232 final inspection, he put boards there and it looked like he was creating his own driveway. Due to this, he  
233 felt he should apply for a formal driveway. He mentioned he will use it as everyday use.

234 Johnson closed the public hearing at 7:43 pm

235 Downie noted that the addition of the structure seems very close to the road. He added that he is  
236 unfamiliar with the milling variance.

237 Jorgensen noted that he is in favor of the second access, but he feels a minimum of 20 feet of impervious  
238 should be required.

239 Hanschen mentioned a previous driveway the Planning Commission considered. He added that he may  
240 not be entirely opposed to the second access point since it is located on a road with slower speeds.

241 Berg added some history of access points in the area.

242 **Commissioner Hanschen moved and Commissioner Downie seconded to recommend to City**  
243 **Council approval of variance for driveway and access standards at 19408 E. Front Blvd. NE, for**  
244 **Josh Balfany, with the surface to be up to the discretion of the owner. Johnson asked any**  
245 **discussion?** To the motion, all in favor say aye. Johnson asked any opposed? **Hanschen, Downie,**  
246 **Johnson - Aye; Jorgensen - Nay, Balfany – Abstain. Motion passes.**

247 This item goes before City Council on December 9, 2024.  
248

## 249 7.0 Adjournment

250 **Commissioner Hanschen moved and Commissioner Downie seconded to adjourn at 7:55 pm.**

251 Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any  
252 opposed? That motion passes. **Motion passes unanimously.**

253 Submitted by:

254 Sylvia Rokosz

255 *TimeSaver Off Site Secretarial, Inc.*  
256

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY OF EAST BETHEL, ANOKA COUNTY, MINNESOTA  
AMENDING APPENDIX A ZONING TO REGULATE CANNABIS AND HEMP  
BUSINESSES AND AMENDING CHAPTER 18 PROVIDING FOR THE REGISTRATION  
OF CANNABIS AND HEMP BUSINESSES IN THE CITY**

**THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN:**

**Section 1.** Findings and Purpose.

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

Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.

Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

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

The City Council finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of East Bethel, 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.

**Section 2.** Appendix A Zoning, Section 9 Definitions is hereby amended to add the following:

**Cannabis Business:** A business licensed by the Office of Cannabis Management (OCM) as Minnesota Statute 342.01 Subd. 14.

**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 pursuant to Minnesota Statute Section 342.30.

**Cannabis Event:** A temporary cannabis event lasting no more than four days operating pursuant to Minnesota Statute 342.39.

**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.

**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.

**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.

**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 Chapter 342 and Minnesota Rule 9810.0200.

**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.

**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.

**Hemp Business:** A business licensed by the Office of Cannabis Management (OCM) as defined by Minnesota Statute 342.01 Subd. 34.

**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.

**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

**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.

**Section 3.** Appendix A is hereby amended to add Section 30 as follows:

## SECTION 30. CANNABIS BUSINESS AND HEMP BUSINESS OPERATIONS

### 1. Minimum Buffer Requirements

A. The operation of a cannabis business is prohibited within:

- 1) 1,000 feet of a school property line;
- 2) 500 feet of a day care principal building;
- 3) 500 feet of a residential treatment facility;
- 4) 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field; and
- 5) 1000 feet from another cannabis business.

As measured in a straight line from the closest part of the building or actual leased space of the Cannabis Business use-principal to the property line of the school, the closet part of the principal day care building, residential treatment facility and/or attraction within a public park.

B. A Cannabis Event is exempt from 30.1.A restrictions.

### 2. Noise

There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.

### 3. Odor

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.

#### 4. Hours of Operation

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 a.m. and 9 p.m., seven days a week.

Lower-Potency Hemp Edible Retailers are prohibited from conducting the retail sale of lower-potency hemp edibles, or hemp-derived consumer products for off-site consumption between the hours of:

- A. on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
- B. before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
- C. on Thanksgiving Day;
- D. on Christmas Day, December 25; or
- E. after 8:00 p.m. on Christmas Eve, December 24.

Lower-Potency Hemp Edible Retailers are prohibited from conducting the retail sale of lower-potency hemp edibles, or hemp-derived consumer products for on-site consumption between the hours of:

- A. between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- B. after 2:00 a.m. on Sundays, except for a restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays.

#### 5. Signs

Cannabis Business and Hemp Businesses are subject to Section 54-7 – 54-10 regulation of Freestanding Signs and are permitted one wall sign subject to the maximum size and heights of applicable sections; all other signs are prohibited. Signs shall only contain words and shall not contain depict a cannabis flower, cannabis product, hemp edibles, hemp derived edible consumer product or any other logo, picture, image, or symbol intended to denote or suggest cannabis, hemp, or related paraphernalia. Additionally, a business logo containing the above depictions shall not be displayed as part of any exterior signage. No products, interior signage, advertisements, or like attention getting items shall be placed or displayed that may be visible from the exterior of the Cannabis Business or Hemp Business. This section shall apply to any and all signs including temporary, sandwich boards, etc.

#### 6. Lighting

All lighting shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the parcel(s) or premises or directly focusing on any surrounding uses.

7. Security

Any security bars, gates or grills shall be retractable, shall remain open and retracted when the Cannabis or Hemp business is open to the public or otherwise in operation and shall not be installed on the exterior of the building.

8. Outdoor use.

All uses and activity shall be conducted indoors, with no storage or activity allowed.

**Section 4.** Appendix A Section 41. Agricultural District (A) 4. Conditional uses is hereby amended to add the following:

I. Cannabis Cultivator

**Section 5.** Appendix A Section 42. Rural Residential (RR) 4. Conditional uses is hereby amended to add the following:

H. Cannabis Cultivator

**Section 6.** Appendix A Section 45. Limited Business District (B-1) 2. Permitted uses is hereby amended to add the following:

J. Cannabis Event

**Section 7.** Appendix A Section 45. Limited Business District (B-1) 3. Accessory use is hereby amended to add the following:

E. Lower-Potency Hemp Edible Retailer for a business with a valid liquor license issued under City Code Chapter 6.

**Section 8.** Appendix A Section 45. Limited Business District (B-1) 4. Conditional uses is hereby amended to add the following:

E. Cannabis Retailer

F. Lower-Potency Hemp Edible Retailer

**Section 9.** Appendix A Section 46. Central Business District (B-2) 2. Permitted uses is hereby amended to add the following:

S. Cannabis Event

**Section 10.** Appendix A Section 46. Central Business District (B-2) 3. Accessory use is hereby amended to add the following:

E. Lower-Potency Hemp Edible Retailer for a business with a valid liquor license issued under City

Code Chapter 6.

**Section 11.** Appendix A Section 46. Central Business District (B-2) 4. Conditional uses is hereby amended to add the following:

- Q. Cannabis Microbusiness
- R. Cannabis Retailer
- S. Lower-Potency Hemp Edible Retailer

**Section 12.** Appendix A Section 47. Highway Commercial District (B-3) 2. Permitted uses is hereby amended to add the following:

- Y. Cannabis Event

**Section 13.** Appendix A Section 47. Highway Commercial District (B-3) 3. Accessory use is hereby amended to add the following:

- D. Lower-Potency Hemp Edible Retailer for a business with a valid liquor license issued under City Code Chapter 6.

**Section 14.** Appendix A Section 47. Highway Commercial District (B-3) 4. Conditional uses is hereby amended to add the following:

- P. Cannabis Cultivator
- Q. Cannabis Mezzobusiness
- R. Cannabis Microbusiness
- S. Cannabis Retailer
- T. Cannabis Testing Facility
- U. Lower Potency Hemp Edible Retailer

**Section 15.** Appendix A Section 48. Light Industrial District (I) 2. Permitted uses is hereby amended to add the following:

- O. Cannabis Event

**Section 16.** Appendix A Section 48. Light Industrial District (I) 3. Accessory use is hereby amended to add the following:

- D. Lower-Potency Hemp Edible Retailer for a business with a valid liquor license issued under City Code Chapter 6.

**Section 17.** Appendix A Section 48. Light Industrial District (I) 4. Conditional uses is hereby amended to add the following:

- J. Cannabis Cultivator
- K. Cannabis Manufacturer

- L. Cannabis Mezzobusiness
- M. Cannabis Microbusiness
- N. Cannabis Retailer
- O. Cannabis Testing Facility
- P. Cannabis Wholesaler
- Q. Lower-Potency Hemp Edible Manufacturer
- R. Lower-Potency Hemp Edible Retailer

**Section 18.** Appendix A Section 49. Mixed Use District (MXU) 2. Permitted uses is hereby amended to add the following:

- G. Cannabis Event

**Section 19.** Appendix A Section 49. Mixed Use District (MXU) 8. Accessory use is hereby added to read as follows:

- 8. Accessory use.
  - A. Lower-Potency Hemp Edible Retailer for a business with a valid liquor license issued under City Code Chapter 6.

**Section 20.** Appendix A Section 49. Mixed Use District (MXU) 5. Conditional uses is hereby amended to add the following:

- B. Cannabis Microbusiness
- C. Cannabis Retailer
- D. Lower-Potency Hemp Edible Retailer

**Section 21.** Chapter 18 is hereby amended to add Article IX Registration of Cannabis and Hemp Businesses as follows:

18-403. Registration of Cannabis Businesses and Hemp Businesses

No individual or entity may operate a cannabis retailer business or lower-potency hemp edible retailer business without first registering with the City.

Any cannabis retailer 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.

18-404. Compliance Checks Prior to Retail Registration

Prior to issuance of a registration, the City shall conduct a preliminary compliance check to ensure compliance with local ordinances.

18-405. Registration & Application Procedure

- A. Fees.

- 1) A registration fee, as established in the city's fee schedule shall be charged to applicants depending on the type of business license applied for.
- 2) The renewal registration fee shall be charged at the time of the second renewal and each subsequent renewal thereafter.

B. Application Submittal.

- 1) A registration shall be issued to a cannabis retailer business or lower-potency hemp edible retailer business that adheres to the requirements of Minn. Stat. 342.22.
- 2) An applicant for a registration shall fill out an application form. The application for a license under this subsection shall be made on a form supplied by the city clerk, said form shall include, but is not limited to:
  - a. Full name of the property owner and applicant;
  - b. Address, email address, and telephone number of the applicant;
  - c. The address and parcel ID for the property which the retail registration is sought;
  - d. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
  - e. Such other information as the city shall require.
- 3) The applicant shall include with the form:
  - a. the application fee as required in Section 1413.06.A;
  - b. a copy of a valid state license or written notice of OCM license preapproval;
  - c. Such other information as the city shall require.
- 4) Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- 5) The registration fee shall be non-refundable once processed.

C. Application Approval

- 1) An application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- 2) An application that meets the requirements of this ordinance shall be approved.

D. Annual Compliance Checks.

- 1) The police department shall complete compliance checks pursuant to Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24.

E. Location Change. A cannabis retailer business or lower-potency hemp edible retailer business shall be required to submit a new application for registration under Section 1413.06.B if it seeks to move to a new location still within the legal boundaries of the city.

F. Renewal of Registration

- 1) An annual registration of a cannabis retailer business or lower-potency hemp edible retailer business shall be renewed at the same time OCM renews the cannabis retailer business or lower-potency hemp edible retailer business' license.
- 2) A cannabis retailer business or lower-potency hemp edible retailer business shall apply to renew registration on a form supplied by the city clerk.

3) A registration issued under this ordinance shall not be transferred.

G. Renewal Fees.

1) A renewal fee, as established in the city's fee schedule shall be charged to applicants depending on the type of business license applied for starting at the second at the second renewal.

H. Renewal Application.

1) The application for renewal of a registration shall include, but is not limited to:  
a. Items required under 1413.06.B of this Ordinance.  
b. Such other information the city requires.

I. Suspension of Registration

1) When Suspension is Warranted. A registration may be suspended if it violates the City Code or poses an immediate threat to the health or safety of the public. The city will notify the cannabis retailer business or lower-potency hemp edible retailer business in writing the grounds for the suspension.

J. Length of Suspension. 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. A registration may be reinstated if it determines that the violations have been resolved.

18-406. Civil Penalties.

A civil penalty, as established in the city's fee schedule shall be charged for registration violations, up to \$2,000 for each violation.

18-407. Limiting of Registrations

A. The city shall limit the number of cannabis retailer businesses to a total of one registration available for every 12,500 residents. There is not a limit on the number of registrations available for medical cannabis combination businesses and lower-potency hemp edible retailers.

18-408. Temporary Cannabis Event Permit.

A. A permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.

B. Registration & Application Procedure

1) A registration fee, as established in the city's fee schedule shall be charged to applicants for Temporary Cannabis Events.  
2) Application Submittal & Review.  
a. An applicant for a License or Permit shall fill out an application form. The application for a License or Permit under this subsection shall be made on a form supplied by the city clerk, 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. Such other information the city shall require.

- b. The applicant shall include with the form:
    - i. the application fee as required in 1413.08.B.a;
    - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.
  - c. The application shall be submitted to the City Clerk, 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.
  - d. 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.
  - e. The application fee shall be non-refundable once processed.
- 3) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City Clerk shall notify the applicant of the standards not met and basis for denial.

C. On-site consumption. On-site consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items is prohibited.

D. Hours of operation. Temporary cannabis events shall only be held between the hours of 10 a.m. and 9 p.m.

E. Location. Temporary cannabis events shall only be held indoors.

**Section 21.** This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the East Bethel City Council this 23<sup>rd</sup> day of December, 2024.

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Kevin Lewis, Mayor

ATTEST:

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Matt Look, City Administrator