

**CITY OF CHATFIELD PLANNING & ZONING COMMISSION**  
**AGENDA**  
**City Council Chambers - 21 SE Second Street, Chatfield, MN 55923**  
**January 6, 2025, 7:00 P.M.**

- I. Open Meeting
- II. Minutes
  - A. [November 4, 2024 Meeting Minutes](#)  
Motion to approve the minutes as presented.
- III. Non-Public Hearing Items
  - A. [Annual Report](#)
  - B. [CUP Review](#)
  - C. [Election of Chair and Vice Chair](#)  
Motion to appoint the Chairperson and Vice Chairperson for 2025.
  - D. [Overnight Camping Options](#)  
Consider options to allow for self-contained camping within the City.
  - E. [Cannabis Text Amendment](#)  
Consider text amendment to ordinance.
- IV. Staff Report
  - A. [Hilltop Sidewalk Memo to Council](#)  
Review Memo created for Council consideration.
  - B. [Roles and Responsibilities](#)  
Review presentation.
  - C. [Short-Term Lodging Establishment](#)  
Staff Report only.
- V. Adjourn
- VI. Next Meeting



## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** November 4, 2024 Meeting Minutes

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**Subject | Summary:** Meeting minutes review and approval.

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**Agenda Category:** Minutes

**Submitted By:** Michele Peterson

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**Recommended Motion:** Motion to approve the minutes as presented.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[2024-11-04 PZ Meeting Minutes.pdf](#)

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, November 4<sup>th</sup>, 2024

The Planning & Zoning Commission of the City of Chatfield met in regular session on Monday, November 4<sup>th</sup>, 2024. Kent Whitcomb presided as Chair and called the meeting to order at 6:55 PM.

Present	Absent	Name
	■	Commissioner Wayne Halvorson
	■	Commissioner Dan Tuohy
■		Commissioner Rich Bakken, Vice Chair
■		Commissioner Terry Bradt
■		Commissioner Josh Broadwater
■		Commissioner Jeremy Aug
■		Commissioner Kent Whitcomb, Chair
■		Logan Tjossem, Planner and Zoning Administrator

#### Change the Order of the Agenda

<b>Motion:</b>	To change the order of the agenda and switching the SRTS discussion before the Hilltop Sidewalk discussion by Commissioner Bakken
<b>Second:</b>	Commissioner Broadwater
<b>Amendments:</b>	None.
<b>Ayes:</b>	Unanimous.
<b>Nays:</b>	None.
<b>Abstention:</b>	None. Motion carried.

#### Prior Meeting Minutes

<b>Motion:</b>	To approve the July 1st, 2024, minutes by Commissioner Bakken
<b>Second:</b>	Commissioner Broadwater
<b>Amendments:</b>	None.
<b>Ayes:</b>	Unanimous.
<b>Nays:</b>	None.
<b>Abstention:</b>	None. Motion carried.

#### Public Hearing Items

None

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, November 4<sup>th</sup>, 2024

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#### Non – Public Hearing Items

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- A. City Sidewalk Policy Discussion (SRTS, Public Works Committee Notes, and Comprehensive Plan excerpts.)

Logan Tjossem, Planner and Zoning Administrator, presented and reviewed with the commission the SRTS Plan, Public Works Committee Notes and the Comprehensive Plan experts.

There was discussion amongst the Commission members regarding the current SRTS plan and if it needed to be updated. There was additional discussion on other places in the community that need sidewalks and what the differences are between trails and sidewalks.

**Motion:** Approve the current SRTS Plan “as-is” and modify the Plan as needed by Commissioner Broadwater.  
**Second:** Commissioner Bakken  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried.

- B. Hilltop Sidewalk Discussion (Hilltop Estates GDP, Revised Sidewalk/Trail Plan)

There was discussion amongst the commissioner’s regarding trails and sidewalks and what a policy change for sidewalks and trails would look like for the City of Chatfield.

Ultimately, the commission concluded that changes need to be made to the policies of the City of Chatfield prior to making any changes to an individual development and the that original decision to not modify the sidewalks in Hilltop stands.

**Motion:** Reinstate the original motion and comments from the Hilltop preliminary plat and not allow modifications without following the proper procedures. Direct staff to prepare a memo outlining the commission’s position by Commissioner Bradt.  
**Second:** Commissioner Bakken  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, November 4<sup>th</sup>, 2024

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**Abstention:** None.  
Motion carried.

C. Setting up Local Cannabis Oversight

There was discussion amongst the commissioner's regarding how Chatfield would regulate the new State cannabis laws through zoning. The commission concluded there should be discretion within specific zoning districts (Residential, etc.) and would not be allowed in the B-3 or any residential districts.

**Motion:** Direct staff to prepare a text amendment regulating cannabis within the City of Chatfield by Commissioner Broadwater.  
**Second:** Commissioner Whitcomb  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried.

#### Staff Recap

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None

#### Adjourn

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**Motion:** To adjourn by Commissioner Broadwater.  
**Second:** Commissioner Whitcomb  
**Amendments:** None  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried.

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Kent Whitcomb, Chair

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Logan Tjossem, Planner & Zoning Administrator



## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** Annual Report

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:**

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[Annual report - 2024.pdf](#)

**Planning & Zoning Commission**  
**City of Chatfield**  
*Annual Report - 2024 Zoning Activity*

Notes:

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Total Number of Building Permits Issued	79	76	24	76
Single Family Homes/Townhomes	11	3	1	8
New Apartment Building	0	0	0	0
Total New Living Units	11	3	1	8
Demolition Permits Approved	0	1	0	0
Zoning Certificates Approved	10	31	16	12
Variances Approved	0	0	0	0
Variances Denied	0	0	0	0
Conditional Use Permit Denied	0	0	0	0
Conditional Use Permit Approved	2	1	1	0
Conditional Use Permit Withdrawn	0	1	0	0
Temporary Use Approved	0	0	0	1
General Development Plans Approved	0	1	0	0
Preliminary Plats Approved	0	1	1	1
Final Plats Approved	2	1	1	0
Re-zoning Approved	3	0	0	0
Zoning Ordinance Text Amendments	0	3	2	0
Land Use Plan Amendments	1	0	0	0

Los Arcos

Amco Third



## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** CUP Review

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:**

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**Community Engagement and Outreach:**

---

**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

---

**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[complete 2024 cup review.pdf](#)





## Memo

**To:** Planning & Zoning Commission  
**From:** Logan Tjossem, Zoning Administrator and Planner  
**Date:** January 2, 2025  
**Re:** Conditional Use Permit Review – 2024 (\* is not the same use now)

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**1- 4 Main Street North** (Arndt, Post-Frame Garage)  
Parcel ID – 513134000333

**Approvals:** P & Z recommended approval 4/1/19, Council approved on 4/22/19.  
**Use:** To construct a post-frame garage that is 26' x 32' or approximately 832 square feet in size  
**Address:** 4 Main Street North  
**Conditions:** No listed conditions. In compliance

**2- 236 Mill Creek Road** (Bernard Learn & Play Daycare Center)  
Parcel ID - 513133075941

**Approvals:** P & Z recommended approval 5/2/2005, Council approved on 5/23/2005  
**Use:** To construct a daycare facility on the corner of Mill Creek Road and Highway 30.  
**Address:** 236 Millcreek Road NW  
**Conditions:**

1. A 10' easement be provided along the southerly property line between lots 9 and 10.
2. A hedge to be planted to screen the chain link fence from the neighboring property on the south from the south edge of the building to the east end of the fence.
3. Only security lighting is placed on the south side of the building.
4. 25 designated off-street parking spaces be provided for employees and event parking
5. A 5' concrete sidewalk to be installed from the SW corner of lot 9 to Hwy 30.
6. The building be constructed of similar style and color of the neighboring townhomes.
7. The building be a single-story structure.

**Summary completed on:** 11/12/19. The City is still working on determining if a connecting sidewalk along Mill Creek Road is possible from Division Street north to the Learn & Play Daycare site. Until that study is complete, Condition 5 will not be required. All other conditions are in compliance.

**3- Bernard's First Plat & CUP** (See Olmsted County Plat Records)

**Approvals:** P & Z recommended approval on 2/4/2002, Council approved on 2/11/2002  
**Use:** To construct residential units on lots 2-9 as a Planned-Unit-Development.  
**Address:** Bernards First Plat  
**Conditions:**

1. An 8" watermain must be between lot 1 and lot 2, Block 1 is located within a utility easement
  2. Access easement to Lot 3, Block 1 is 45' wide
  3. The 40' utility easement located on the north side of Division Street needs to be extended to include the 8" in-place sanitary sewer.
  4. An agreement between City and Mr. Bernard to clarify the current and future status of Lot 3 Block 1
  5. An easement needs to be added in the NW corner of lot 2
  6. Access control need to be in place from Division St. to Skippy's first entrance and access needs to be controlled for 80' on Mill Creek Rd. to allow for four to five car stacking.
- Summary:** All six conditions were completed during the final plat which was approved on 3/11/2002. In compliance.

**4- 1596 Enterprise Drive** (Broadwater, Commercial, Post-Frame Building)  
Parcel ID – 26.0630.000

**Approvals:** P & Z recommended approval 11/4/19, Council approved on 11/11/19.  
**Use:** To construct a post-frame garage that is 52' x 128' or approximately 6,656 square feet  
**Address:** 1596 Enterprise Drive  
**Conditions:** No listed conditions. In compliance

**5- Parcel ID – 26.0728.000** (Chatfield – Booster Station)

**Approvals:** P & Z recommended approval 5/5/08, Council approved on 5/12/08  
**Use:** To build a water utility pump house at the southern end of Outlot C in the Hilltop Estates Addition First Plat  
**Address:** Hillside Drive  
**Conditions:** No listed Conditions. In compliance.

**6- 11555 Hillside Drive** (Chatfield Elementary, Post-Frame Storage Facility)  
Parcel ID – 26.0724.000

**Approvals:** P & Z recommended approval 08/24/2009, Council approved on 08/24/2009.  
**Use:** To construct a post-frame storage facility that is 40' x 80' or approximately 3,200 square feet in size with an approximate roof height of 24'.  
**Address:** 11555 Hillside Drive  
**Conditions:** No listed conditions. In compliance

**7- 10208 Hillside Drive** (Chatfield – Water Tower)  
Parcel ID – 26.0726.000

**Approvals:** P & Z recommended approval 5/5/08, Council approved on 5/12/08  
**Use:** To build a water tower within Outlot B in the Hilltop Estates Addition First Plat  
**Address:** 10208 Hillside Drive  
**Conditions:** No listed Conditions. In compliance.

**8- 1260 Winona Street** (Chosen Valley Care Center)  
Parcel ID - 26.0383.000  
Parcel ID – 26.0025.000

Parcel ID – 26.0469.000

**Approvals:** P & Z recommended approval 5/2/05, Council approved on 5/9/05

**Use:** To build an assisted living care facility

**Address:** 1102 Liberty Street

**Conditions:**

1. Install a Knox Box on the property to gain access without resident or management assistance. A Knox Box was installed and the Fire Marshal has the key.

**Summary:** In compliance.

**9- 15 Second Street (Coyote Bar Apartments)**

Parcel ID – 26.1550000

**Approvals:** P & Z recommended approval 4/4/04, Council approved on 4/11/05

**Use:** To develop apartments

**Address:** 15 SE Second Street.

**Conditions:**

1. Installation of Knox box on the property to provide the Fire Department and Police Department the ability to gain access to the building without resident or management assistance in the case of an emergency.
2. Installation of 8 designated and sufficiently signed off-street parking spaces for Coyote Bar Apartment residents only. The management of these spaces is the responsibility of the property owners. – The building is scheduled to be auctioned off on October 20, 2016. Adequately marking the apartment parking stalls will be revisited with the new owners if apartments are a continued use in the building.
3. Sufficient garbage management system that provides complete screening from view, and containment to prevent any loose materials.
4. Exterior dark sky lighting for security purposes that meets the approval of the Police Chief.
5. No advertising signage on the exterior of the building or in the apartment windows.
6. When required, apartment for rent sign limited to approximately 11 x 17 in the Coyote Club entrance area.
7. Payment in full of applicable water and sewer hook up fees based on a single family residential equivalency factor for the added demand that will be created by the eight apartments, over and above the demand that was previously made by the commercial use on those two floors.
8. Require the use of a six months lease for apartment rentals.

**Summary completed on:** 11/12/19. The main and basement floor are not in use at this time. All other conditions are in compliance.

**10- 128 Main Street (PawPrint Brewery)**

Parcel ID - 26.155.000

**Approvals:** P & Z recommended approval 10/4/2004, Council approved on 10/11/2004

**Use:** To open a saloon/bar

**Address:** 15 SE 2<sup>nd</sup> Street.

**Conditions:**

1. The on-site garbage and recycling area/containers be completely enclosed/screened from view from neighboring properties.

2. Adequate dark sky lighting be added to the parking area to meet security requirements, as approved by the City.

**Summary completed on 11/12/19**– All conditions are in compliance. The building will be purchased in December of 2018. I will work with them to make sure the use and conditions are in compliance in the 2019.

**NOTE: Paw Print Brewery is no longer in business (Approx. 1/1/2023). However, there is a Temporary Use on the property for a food truck that needs to be updated every year prior to August 6<sup>th</sup>, 2024.**

**Conditions:**

1. The food truck shall conform to the standards of the State building code, state fire code, and any other applicable codes.
2. The approval is only good for one year from the date of this letter. A request exceeding 365 days shall require the approval of another Temporary Use or possibly a Conditional Use Permit approval by the Planning Advisory Commission.

**Summary completed on: 1/6/2025.** All conditions are in compliance. A new Temporary Use will need to applied for prior to August 6<sup>th</sup>, 2025, to continue use of the food truck.

**11- Hidden Valley Estates** (See Hidden Valley Subdivision)

**Approvals:** P & Z recommended approval 9/5/2000, Council approved on 9/11/2000

**Use:** To construct three twin home structures to be planned as a Planned Unit Development.

**Address:** 1018 Main Street South

**Conditions:** No listed conditions. In compliance.

**12- 7 Main Street** (McClimon Open-air display)

Parcel ID – 26.0276.000

**Approvals:** P & Z recommended approval 1/4/2010, Council approved on 1/11/2010

**Use:** To use the property as an open-air display use

**Address:** 7 Main Street North

**Conditions:**

1. No access will be allowed on (Main Street) Highway 52 and public access from Spring Street is discouraged.
2. The property should be properly maintained and remain in compliance with all of the codes within the Chatfield City Code.
3. All sale items must be displayed within the property.
4. All sale items displayed must be in good repair.
5. Only temporary signs will be allowed on the property and the property owner must follow the Sign Ordinance.
6. All sale items should be at least 5' from the southern property line to ensure that the viewers of the equipment do not go on the residential neighbor's property.
7. No sale items can obstruct the view from the residential driveway by maintaining a 15' clear vision triangle.

**Summary completed on:**11/12/19– All conditions in compliance

**13- 102 Avenue B** (Nixa – Post-frame storage shed/garage)

Parcel ID - 513143000452

**Approvals:** P & Z recommended approval 9/3/2018, Council approved on 9/24/2018

**Use:** To construct a post-frame (pole building) garage on their single-family lot

**Address:** 102 Avenue B

**No Conditions:** As the building will be constructed with standard exterior siding, roofing, windows & doors.

**Summary completed on:** No listed conditions. In compliance.

**14- 218 Winona Street** (Oakenwald Terrace Bed & Breakfast)

Parcel ID – 26.0015.000

**Approvals:** P & Z recommended approval 6/2/2003, Council approved on 6/9/2003

**Use:** To operate a Bed & Breakfast establishment

**Address:** 218 Winona Street SE

**Conditions:**

1. Six sleeping rooms
2. The availability of five off street parking spaces for guests, one of which will be handicap accessible.

**Summary completed on:** 11/12/19– All conditions are in compliance.

**15- Orchard Ridge Townhomes** (See Orchard Ridge First Addition)

Parcel ID – 523641061881

Parcel ID - 523641061868

**Approvals:** P & Z recommended approval 5/1/2000, Council approved on 5/8/2000

**Use:** To develop townhomes as a Planned Unit Development. Orchard Ridge Townhomes are located on 6.3 acres of land on the north side of Highway 30 and west of Mill Creek Road.

**Conditions:**

1. The developer will plant a minimum of 1.5 trees per living unit created
2. A temporary turnaround will be constructed at the north end of the street

**Summary completed on:**11/12/19- All conditions are in compliance.

**\*16- 205 Main Street South** (Peterson – Lower Level Apartment)

Parcel ID - 260242000

**Approvals:** P & Z recommended approval 09/03/2013, Council approved on 09/10/2013

**Use:** A residential use located below street-level

**Address:** 205 Main Street South

**Conditions:**

1. One parking stall per apartment (three total stalls) must be maintained and available for residents adjacent to the rear of the building.
2. The street level portion of the building must be maintained as a commercial use.

3. Access to the lower level apartment must utilize the rear entrance adjacent to the alley so that lower level residents do not conflict with the commercial use.
4. Upon the issuance of a CUP, the City shall require an annual inspection of the building for compliance of the CUP.

**Summary completed on:** 11/12/19- Chosen Valley Threads expanded their use into this building. All conditions are in compliance.

**17- 615 Main Street South (Price-Troska/Krusemark Rental Home)**

Parcel ID - 260218000

**Approvals:** P & Z recommended approval 4/2/2007, Council approved on 4/9/2007

**Use:** To use the existing home as a retreat/rental space for groups or individuals to work on various hobbies or projects on weekend and potentially weekdays.

**Address:** 615 South Main Street

**Conditions:**

1. No more than eight (8) guests can rent or occupy the home at any one time.
2. Four (4) parking stalls must be provided. The parking provided shall be maintained so that it is accessibility and usable at all time during the year, when the home is occupied. Parking is not allowed in the alley. Guests must park on the concrete pad or in the garage before using on-street parking.
3. A sign relating to the rented home shall comply with the sign ordinance.
4. No alcoholic beverages may be sold to guests, and cooking within the home shall be limited to the kitchen of the home.
5. No retail or other sales shall be permitted unless they are clearly incidental.
6. Upon the issuance of a CUP, the City shall require an annual inspection and compliance for the CUP.
7. Leases shall be limited to 2 weeks.
8. The exterior of the home and yard must be maintained throughout the year by complying with all applicable snow removal and summer maintenance standards within the City Code.
9. Activity relating to the principle business use shall be contained within the house.

**Summary completed on:** 11/12/19 All conditions are in compliance. The property was sold as a single-family residence in late 2012. However, the approved CUP goes with the property and not a land owner so another owner could use the property as a retreat/rental space in the future with the same nine (9) conditions that were placed on the property in 2007.

**18- 519 River Street (Simpson Property - Post-Frame storage)**

Parcel ID - 2600063010

**Approvals:** P & Z recommended approval 09/07/09, Council approved on 09/14/09

**Use:** To construct a post-frame storage facility that is approximately 600 square feet in the rear yard of an R-1 zoned (single-family) property.

**Condition:**

1. The siding must be constructed with a material that does not exceed 12" in panel width.

**Summary:** Siding has been installed and is in compliance.

**19- 5 and 15 Main Street North (WIT BOYZ Inc. – Automotive Service and Open-Air Display)**

Parcel ID – 260279000

Parcel ID – 513134000410

Parcel ID - 513134000411

**Approvals:** P & Z recommended approval 06/07/10, Council approved on 06/14/10

**Use:** To use the property as an automotive service and open-air display land use.

**Address:** 5 & 15 Main Street North

**Adjacent Home:** Home on 23 Main Street was demolished in 2016

**Conditions:**

1. The property should be properly maintained and remain in compliance with all of the codes within the Chatfield City Code.
2. All sale items must be displayed within the property and be in good repair.
3. No additional accesses will be allowed along Main Street and public access from Spring Street is discouraged.
4. No parking or commercial property shall be located within the public rights-of-way along Spring Street and Main Street and creating a stronger visual separation of private property and right-of-way is encouraged.
5. An eight-foot landscape buffer is required along the northern property line of 15 Main Street North if the single-family home at 15 Main Street North is removed and commercial uses are expanded into the site while the existing single family home located at 23 Main Street North remains. See Section 113-265 (e) for a more detailed landscape description.

**Summary completed on:** 11/12/19 – All conditions are in compliance with an 8-foot grass strip along the north property line.

**20- 15 3<sup>rd</sup> Street SE** (Margo and Mike Tuohy Residential and Commercial Mixed-use CUP)

Parcel ID – 260279000

**Approvals:** P & Z recommended approval 03/01/21, Council approved on 03/08/2021

**Use:** To use the property as an owner occupied residential and commercial tenant mixed-use.

**Address:** 15 Third Street SE

**Conditions:**

1. All parking for the residential uses will need to be accommodated on site so that there is not any additional burden on the public street and alley.
2. All clear vision site triangles at the intersecting street and alley must be maintained.
3. Any changes to the existing parking on site will need to be reviewed and approved through the Conditional Use Permit process, including any curb cuts for a new driveway.
4. No exterior storage is allowed on site.
5. All light sources must be shielded and directed down toward the property and within the property boundary.
6. Any changes to the existing building exterior or interior will need to be reviewed and approved through the conditional use permit process.

**Summary completed on:** 05/03/2021 – Building permit was issued and all conditions are in compliance.

**21 – Generally located in the SW ¼ of the SW ¼ of Section 31, Elmira Township, Mill Creek Road NW and Division Street NW, Chatfield, MN** (Mike and Julie Sogla PUD townhome development CUP).  
Parcel ID – 513132062299

**Approvals:** P & Z recommended approval 09/07/2021, Council approved on 09/13/2021

**Use:** Town home style medium density development as a Planned Unit Development

**Address:** Mill Creek Road NW and Division Street NW.

**Conditions:**

- 1) A letter of credit or performance bond payment for an amount to be determined by the City is required for the improvements to Division Street NW.
- 2) Upon completion of the improvements to Division Street NW and acceptance by the City, the developer shall dedicate all improvement to the city free and clear of all liens and encumbrances.
- 3) In Townhome Association/HOA documents, there needs to be language and clear understanding that no parking of vehicles is allowed along Mill Creek Road.
- 4) When improvements are made to Division Street, trails will need to be part of the connection.
- 5) Grading Plan approval is required prior to the application of the Final Plat, unless other arrangements are made with the City Engineer and Public Works.
- 6) Parkland Dedication Fees will need to be determined and paid prior to, or at the time of, application of the Final Plat.
- 7) A Development Agreement is not required for this phase of development with the City but will be required for future phases of development.
- 8) HOA documents need to be submitted as part of the Final Plat application identifying ownership and maintenance of sanitary sewer services and water mains within Mill Creek Road as well as the private road and common area spaces of the townhome development.
- 9) Coordination and approval are required by the City Public Works Department to best determine where the water and sewer connection locations should be for the hotel and residential uses.
- 10) Fire hydrant(s) may be required per the direction and coordination of the City Public Works Department.
- 11) All zoning ordinance and building code requirements must be reviewed and approved through the building permit process.

NOTE: Approved with modifications to the front yard (25 ft.) and rear yard (20 ft.) setback.

**Summary completed on:** 02/02/2023 – SAC/WAC Fees have been paid and mylars picked up for recording.



**Meeting Date:** January 6, 2025

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**Agenda Item:** Overnight Camping Options

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**Subject | Summary:** Consider options for overnight camping with self-contained units in the City.

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**Agenda Category:** Non-Public Hearing Items      **Submitted By:** Michele Peterson

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**Recommended Motion:** Consider options to allow for self-contained camping within the City.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:** Chatfield Center for the Arts suggested looking into the Harvest Host Program, which provides a business the opportunity to host a self contained camper on private property overnight. Should the City look into opportunities to allow camping in various areas of the community.

[Harvest Host Program](#)

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**Attachments:**



## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** Cannabis Text Amendment

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:** Consider text amendment to ordinance.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[Cities and townships edu session. 10-3-24.pdf](#)

[DRAFT Chapter 2150 - Setting Up Local Cannabis Oversight - 10.1.24.pdf](#)

# Considerations for cities and townships regarding local regulation of adult use cannabis

Sagar Chowdhury, MPH, RS Public Health Associate Director

Pa Houa Moua, MPH Community Health Specialist

October 3, 2024



*Building a sustainable foundation for a safe, healthy, and welcoming community through public service excellence.*

# Agenda

- Purpose and intent of local regulation (ordinance)
- Registration of cannabis retailers
- Limits on number of cannabis retailers
- Temporary cannabis events
- Enforcement and penalty
- Communication strategies



# Local regulation

Based on OCM's *A Guide for Local Governments on Adult-Use Cannabis*



# Purpose and intent

- "...**protecting public health and safety** by regulating and prohibiting the use of cannabis and cannabis derived products in public places and places of public accommodation within the County and by regulating cannabis businesses within the legal boundaries of Olmsted County." – Section 2151
- "The County intends to be **proactive** in protecting public health and safety **by enacting an ordinance that will mitigate threats presented to the public and public health** by the public use of cannabis, including unintended access and exposure of cannabis to the general public and youth of Olmsted County." – Section 2151



# Local controls and preemption

Locals are allowed to:

- County Zoning Ordinance
  - Prohibit cannabis businesses within 1,000 feet of a school, or 500 feet of a daycare, residential treatment facility, or an attraction in public park used by minors. ✓
- County Ordinance
  - Implement reasonable restrictions on the time, place, and manner of the operation of a cannabis business **but cannot prohibit the establishment of operation.**
  - Adopt an interim ordinance to protect health/safety/welfare, including regulate/restrict or prohibit cannabis business until Jan. 1, 2025. ✗
  - Adopt an ordinance to limit retailers to 1 per 12,500 residents. ✓
  - Approve/reject cannabis event.
  - Adopt ordinance to limit public use of cannabis. ✓



# Registration of cannabis businesses

- To be considered for registration, retailers must have a license (microbusiness, mezzobusiness, or retailer) through Office of Cannabis Management (OCM). –Section 2155
- Retailers required to register with the county (local jurisdiction) or face a \$2,000 penalty.
- Olmsted County fees →

Type of fee	Amount
Application Fee	\$0
Initial Registration Fee	\$500
Renewal Registration Fee	\$1,000

- Hours of operation: 10:00 AM – 9:00 PM, seven days a week





# Limits on cannabis businesses in the county

- One retail establishment per 12,500 residents.
  - July 2024 population: 168,000
    - $168,000/12,500 = 13.44$  rounded up to 14
  - 14 maximum retailers
  - Section 2156
- What does delegating authority to the county mean for a city/township?
  - The county will:
    - Register cannabis retailers.
    - Conduct age compliance checks.
    - Register temporary cannabis events outside of city limits.
  - The city/township will:
    - NOT be able to set their own cannabis retailer limit.
    - Need to update their zoning ordinance (except for Marion, Quincy and Eyota townships).
    - Register temporary cannabis events held in city limits.



# Limits on cannabis businesses in the county

- What if a city/township **decides not to delegate authority** to the county?
  - The city/township will:
    - Register cannabis retailers.
    - Conduct age compliance checks.
    - Write and pass a cannabis ordinance.
    - Identify a system to select the registrant (lottery system, first-come-first-served, etc.).
    - Register and conduct age compliance checks for low-potency hemp edibles (future responsibility).
    - Update their zoning ordinance (except for Marion, Quincy and Eyota townships).
    - Register temporary cannabis event in city.
  - The county will:
    - Register temporary cannabis events outside of city limits.



# Temporary cannabis events

- Replicating the process used for temporary liquor licensing.
- Steps for event organizers:

Apply for temporary  
cannabis event  
license through  
OCM

\$750  
Application fee

\$750  
Initial license



Apply for temporary  
cannabis permit  
through Olmsted  
County

Special event  
permit \$50

Temporary  
cannabis  
permit \$ ?

- There are standards temporary permit holders must meet. See section 2157 subd. C



# Enforcement and penalty

- Violations
  - Violation of use in public places: \$300 fine, petty misdemeanor.
  - Violation of any other provision of ordinance is a misdemeanor.
  - Section 2159
- Compliance Checks (Section 2155 Subd. G)
  - Age Verification: Public Health
  - Product Compliance: OCM
- 30-day suspension (Section 2155 Subd. K)
  - Retail registration suspended if ordinance is violated or poses immediate threat to public.
- Responsible Entities: Sheriff's Office and Public Health
  - Section 2158



# Communication with the community

- General Public
  - Cannabis page on county website
    - Health impacts of cannabis
    - Cannabis FAQ
    - Links to Office of Cannabis Management for details of Statute 342
    - Future location for cannabis business registration information and links
  - News releases, social posts, web articles and GovDelivery
    - Passing of new ordinance
    - Future updates
  - Questions?
    - Contact: [cannabisinquiries@olmstedcounty.gov](mailto:cannabisinquiries@olmstedcounty.gov)



# References

- A Guide for Local Governments on Adult-Use Cannabis. (2024, July 11).  
[https://mn.gov/ocm/assets/Minnesota%20OCM%20LG%20Guide\\_tcm1202-627967.pdf](https://mn.gov/ocm/assets/Minnesota%20OCM%20LG%20Guide_tcm1202-627967.pdf)
- Office of Cannabis Management. <https://mn.gov/ocm/>



# Questions?

Sagar Chowdhury, MPH, RS Public Health Associate Director

Pa Houa Moua, MPH Community Health Specialist



# FAQs





**ORDINANCE 24 - \_\_\_\_**

**AN ORDINANCE AMENDING AND REENACTING SECTIONS 2151, 2152, 2153, 2155, 2156, 2157, 2158, 2159, 2160, AND 2161 OF CHAPTER 2150 OF THE OLMSTED COUNTY CODE OF ORDINANCES – REGULATING THE USE AND DISPLAY AND SALE OF CANNABIS AND CANNABIS DERIVED PRODUCTS IN THE COUNTY**

THE COUNTY BOARD OF THE COUNTY OF OLMSTED ORDAINS:

1. Section 2151 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

**Section 2151. PURPOSE AND INTENT.**

- A. This Ordinance is adopted by Olmsted County for the purpose of protecting public health and safety by regulating and prohibiting the use of cannabis and cannabis derived products in public places and places of public accommodation within the County and by regulating cannabis businesses within the legal boundaries of Olmsted County.
- B. Minnesota Statutes Section 342.09 which became effective in relevant part on August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal, subject to the requirements and restrictions of Minnesota Statutes.
- C. Minnesota Statutes Section 152.0263, Subd. 5, authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis.
- D. State legislation authorizes adoption of ordinances to regulate actual or potential threats to public health. See Minn. Stat. 145A.05, subd. 1.
- E. The County finds that overall, many Olmsted County residents use cannabis. According to the Community Health Needs Assessment, 9% of Olmsted County adults used cannabis in 2021. This makes it the second-most used drug in Olmsted County, behind prescription pain relievers.
- F. For a youth perspective, in 2022, 5% of 8<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> graders in Olmsted County used cannabis, according to the Minnesota Student Survey. Looking specifically at 11<sup>th</sup> graders, 10% used cannabis at least one day a month compared to 2% statewide. Continued surveillance and policy development along with public health efforts will help youth and all Olmsted County residents stay informed and safe.
- G. The County finds that cannabis is one of the most used drugs in the United States. Cannabis use in young adults has been shown to cause adverse cognitive effects because brain development continues into young adulthood. Cannabis use has been associated with cannabis use disorder (CUD), significant driving impairment, and lower birth weights with use during pregnancy. Individuals who develop CUD

are at an increased risk of developing substance use disorder (SUD). Adolescents and young adults are at highest risk of developing cannabis use disorder (CUD). Regulation of cannabis sales, products, packaging, labeling, marketing and access aims to prevent potential public health problems related to cannabis use. This includes discouraging violations of cannabis-related laws, and prohibiting the marketing, sale or distribution of cannabis and cannabis products to youth under 21 years of age.

- H. State legislation authorizes enforcement of local government ordinances which are more stringent than state law in protecting individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices, including in areas outside of restaurants and bars. See Minn. Stat. 144.417, subd. 4.
- I. The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis, including unintended access and exposure of cannabis to the general public and youth of Olmsted County.
- J. The County recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.
- K. More information on cannabis use in Olmsted County can be found below:
  - Community Health Needs Assessment
    - <https://storymaps.arcgis.com/collections/7651105f080c418891d71862b91ed210>
  - Minnesota Student Survey
    - <https://education.mn.gov/mde/dse/health/mss/>

- 2. Section 2152 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

## **Section 2152. DEFINITIONS.**

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

### **Section 2152.01     Adult-use cannabis flower.**

“Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management (hereinafter the “Office”) or is substantially

similar to a product approved by the Office. Adult-use cannabis flower does not include medical cannabis flower as defined in Minn. Stat. Sec. 342.01, Subd. 54, hemp plant parts as defined in Minn. Stat. Sec. 342.01, Subd. 42, or hemp-derived consumer products.

#### **Section 2152.02     Adult-use cannabis products.**

“Adult-use cannabis products” means a cannabis product that is approved for sale by the Office or is substantially similar to a product approved by the Office. Adult-use cannabis product includes edible cannabis products, but does not include medical cannabinoid products as defined in Minn. Stat. Sec. 342.01, Subd. 52 or lower-potency hemp edibles.

#### **Section 2152.03     Cannabis cultivation.**

“Cannabis Cultivation” means a cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plants to mature plants. These activities include, but are not limited to, harvesting cannabis flower from mature plants, packaging and labeling immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transporting cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the “Office”.

#### **Section 2152.04     Cannabis flower.**

“Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed as defined in Minn. Stat. Sec. 342.01, Subd. 22, hemp plant parts, or hemp-derived consumer products.

#### **Section 2152.05     Cannabis product.**

- A. “Cannabis product” means any of the following
  1. cannabis concentrate as defined in Minn. Stat. Sec. 342.01, Subd. 15;
  2. a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants as defined in Minn. Stat. Sec. 342.01, Subd. 19, or cannabis flower as defined in Minn. Stat. Sec. 342.01, Subd. 16; or
- B. any other product that contains cannabis concentrate.

#### **Section 2152.06     Cannabis Retail Business.**

“Cannabis Retail Business” means a retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, a microbusiness with a retail operations endorsement, or a medical combination business operating a retail

location. This excludes lower-potency hemp edible retailers.

**Section 2152.07 Cannabis Retailer.**

“Cannabis Retailer” means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

**Section 2152.08 Daycare.**

“Daycare” means 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.

**Section 2152.09 Hemp derived consumer products.**

- A. “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
  - 1. contains or consists of hemp plant parts; or
  - 2. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- B. Hemp-derived consumer products does not include artificially derived cannabinoids as defined in Minn. Stat. Sec. 342.01, Subd. 6, lower-potency hemp edibles, hemp-derived topical products as defined in Minn. Stat. Sec. 342.01, Subd. 38, hemp fiber products as defined in Minn. Stat. Sec. 342.01, Subd. 39, or hemp grain as defined in Minn. Stat. Sec. 342.01, Subd. 40.

**Section 2152.10 Lower-potency hemp edible.**

- A. A “lower-potency hemp edible” as defined in Minnesota Statutes Section 342.01, Subd. 50 means any product that:
  - 1. is intended to be eaten or consumed as a beverage by humans;
  - 2. contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
  - 3. is not a drug;
  - 4. consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabiniol, or any combination of those cannabinoids that does not exceed the identified amounts;

5. does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
6. does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
7. does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
8. is a type of product approved for sale by the Office or is substantially similar to a product approved by the Office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

**Section 2152.11 Office of Cannabis Management.**

“Office of Cannabis Management” means the Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

**Section 2152.12 Place of public accommodation.**

“Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

- A. “A public place” or “a place of public accommodation” does not include the following:
  1. a private residence, including the individual’s curtilage or yard.
  2. a private property, not generally accessible by the public, (unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products) on the property by the owner of the property.
  3. on the premises of an establishment or event licensed to permit on-site consumption.

**Section 2152.13 Preliminary License Approval.**

“Preliminary License Approval” means OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. Section 342.17.

**Section 2152.14 Public place.**

A “public place” means any indoor area used by the general public or serving as a place of work including, but not limited to:

- A. arenas, auditoriums, bowling alleys, bingo halls, commercial establishments including licensed retail tobacco establishments, pool halls, public conveyances, restaurants and establishments licensed to sell alcoholic beverages under Chapter 340A of the Minnesota Statutes and their patios and decks.
- B. publicly owned property and outdoor areas of a public recreation center or public park or trail, including, but not limited to, a public playground, swimming pool or other recreational area, and gymnasiums. This specifically includes but is not limited to the County's Graham Park and County Parks properties. See Section 3963 of the County Code of Ordinances -- Graham Parks Rules and Regulations, and Section 3917 of the County Code of Ordinances – County Parks Rules and Regulations, for additional details concerning cannabis use restrictions on those properties.
- C. hospitals, nursing homes, offices and other commercial establishments, retail stores, and common areas of rental apartment buildings.
- D. public transit, taxis, limousines, and other for-hire vehicles used to transport the public during hours of operation.
- E. educational institutions including all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls:
  - 1. Public School. As defined by Minnesota Statutes Section 120A.20, any schools supported in whole or in part by state funds are public schools.
  - 2. Charter School. Any school licensed by the Minnesota Department of Education as a charter school.
  - 3. Nonpublic Schools. Any nonpublic school, person, or other institution that is accredited by an accrediting agency, required to meet the reporting requirements under Minnesota Statutes Section 120A.24, or recognized by the Commissioner of the Minnesota Department of Education.
  - 4. Post Secondary Educational Facilities. Any colleges, universities and technical schools.
- F. This also applies to the following outdoor spaces: Public streets or sidewalks.

**Section 2152.15 Residential Treatment Facility.**

“Residential Treatment Facility” means the definition set forth in Minnesota. Statutes

Section 245.462, Subd. 23.

**Section 2152.16     Retail Registration.**

“Retail Registration” means an approved registration issued by the County to a state licensed cannabis retail business.

**Section 2152.17     Smoking.**

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

**Section 2152.18     State License.**

“State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

**Section 2152.19     Temporary cannabis event.**

“Cannabis event” means a gathering where cannabis products are displayed and sold on a temporary basis. It requires a permit from the County, includes security plans, has controlled access, includes a cannabis waste management plan, and a cannabis products transportation plan, restricts vendors who can sell cannabis and when and where cannabis product sales may occur, and places limits on onsite consumption of cannabis products as required by Minnesota Statutes Section 342.40

3. Section 2153 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

**Section 2153.     JURISDICTION.**

This Ordinance shall be applicable within the legal boundaries of Olmsted County with the exception of cities of the first class and those cities or townships that have adopted their own ordinance establishing cannabis related standards within their jurisdiction. It is the intention of this Ordinance that said city or township ordinances shall supersede and preempt this ordinance within those jurisdictions.

4. Section 2154 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

**Section 2154.     PROHIBITED ACTS.**

- A. No person shall use cannabis flower, cannabis products, or hemp-

derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See Minn. Stat. Sec. 342.09, Subd. 1(a)(2) and Sec. 342.09, Subd. 1 (a)(7)(i),(ii),(iii), and Minn. Stat. Sec. 152.0263, Subd. 5.

B. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See Minn. Stat. Sec. 342.09, Subd. 1(b)(9).

5. Section 2155 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

**Section 2155. REGISTRATION OF CANNABIS BUSINESSES.**

A. Consent to Registering of Cannabis Businesses

1. No individual or entity may operate a state-licensed cannabis retail business within Olmsted County without first registering with the County.
2. Any state-licensed cannabis retail business that sells to a customer or patient without a valid retail registration shall incur a civil penalty of \$2,000 for each violation.
3. Notwithstanding the foregoing provisions, the State shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government that owns land within Olmsted County without the consent of the Tribal government.

B. Compliance Checks Prior to Retail Registration

1. Prior to issuance of a cannabis retail business registration, the County shall conduct a preliminary compliance check to ensure compliance with local ordinances.
2. Pursuant to Minn. Stat. Section 342.13, within 30 days of receiving a copy of a state license application from OCM, the County shall certify on a form provided by OCM whether a proposed cannabis retail business complies with the zoning ordinances of the zoning authority where the business will be located and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration & Application Procedure



1. Fees. The County shall not charge an application fee. A registration fee, as established in the County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for. All fees listed in this section shall be specified on the County's Fee Schedule.
2. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
3. Any renewal retail registration fee imposed by the County shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.
4. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

D. Application Submittal.

1. The County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.
  - (a) An applicant for a retail registration shall fill out an application form, as provided by the County. 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) The address and parcel ID(s) for the property which the retail registration is sought;
    - (iv) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
    - (v) Other information requested by the County on the registration application form.
  - (b) The applicant shall include with the form:

- (i) the registration fee as required in Section 2155, C1;
  - (ii) a copy of a valid state license or written notice of OCM license pre-approval;
- (c) Once an application is considered complete, the County Public Health Director or their designee shall inform the applicant as such, process the registration fees, and forward the application to the County Board of Commissioners for approval or denial.
- (d) The registration fee shall be non-refundable once processed.

#### E. Application Approval

1. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2156.
2. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
3. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

#### F. Hours of Operation.

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, and cannabis products, between the hours of 10:00 a.m. and 9:00 p.m. seven days a week.

#### G. Annual Compliance Checks.

1. The County shall complete at minimum one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this Chapter.
2. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the County. Any failures under this section must be reported to the Office of Cannabis Management.

#### H. Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2155 if it seeks to move to a new location still within the legal boundaries of Olmsted County.

#### I. Renewal of Registration

The County shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the County. The application for renewal of a retail registration shall include, but is not limited to the items required under Section 2155 for an initial registration application. A cannabis retail registration issued under this ordinance shall not be transferred.

#### J. Renewal Fees.

The County may charge a renewal fee for the registration starting at the second renewal, as established in the County's fee schedule.

#### K. Suspension of Registration

##### 1. When Suspension is Warranted.

The County may suspend a cannabis retail business's registration if it violates the County Cannabis Ordinance – Chapter 2150 of the County's Code of Ordinances or poses an immediate threat to the health or safety of the public. An immediate threat to health or safety of the public may include, but is not limited to, making sales to persons under 21 years of age. The County shall immediately notify the cannabis retail business in writing of the grounds for the suspension.

##### 2. Notification to OCM.

The County shall immediately notify the OCM in writing of the grounds for the suspension. OCM will provide the County and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

##### 3. Length of Suspension.

The suspension of a cannabis retail business 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. The County may reinstate a registration if

it determines that the violations have been corrected. The County shall reinstate a registration if OCM determines that the violation(s) have been corrected.

4. Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) Olmsted County may impose a civil penalty, as specified in Olmsted County's Fee Schedule, for registration violations, not to exceed \$2,000.

**Section 2156. LIMITS ON CANNABIS BUSINESSES IN THE COUNTY.**

The County intends to register cannabis businesses in the County pursuant to Minnesota Statutes Section 342.22. The number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement shall be limited to one registration for every 12,500 residents in the County pursuant to Minnesota Statutes Section 342.13. As of July, 2024 the population of the County is estimated at approximately 168,000 residents based on information provided by the Minnesota State Demographer's Office which means there will initially be a total of fourteen (14) cannabis business registrations available countywide. The cities and townships in the County shall notify the County by October 1, 2024 whether they intend to claim any or all of those registrations for their jurisdictions. Priority to claim these fourteen (14) registrations shall be given in the order the requests are received by the County. If any of the fourteen (14) registrations are not claimed by cities or townships in the County by October 1, 2024, those remaining registrations will be allocated to the County. If the County has at least one active registration for every 12,500 residents, a city or township in the County is not obligated to register a new cannabis business. Nothing in this Ordinance prohibits a city or township from allowing licensed cannabis retailers in excess of the fourteen (14) cannabis business registrations initially established in this Ordinance.

6. Section 2157 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

**Section 2157. TEMPORARY CANNABIS EVENTS.**

A. License or Permit Required for Temporary Cannabis Events.

A license or permit is required to be issued and approved by the County prior to holding a Temporary Cannabis Event. A license or permit will only be issued for a temporary cannabis event if the applicant currently holds a valid cannabis event organizer license issued by the State of Minnesota pursuant to Minnesota Statutes Section 342.29. A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

B. Registration & Application Procedure

A registration fee, as established in the County's Fee Schedule, shall be charged to applicants for Temporary Cannabis Events.

#### C. Application Submittal & Review.

The County shall require an application for Temporary Cannabis Events.

- (a) An applicant for a retail registration shall fill out an application form, as provided by the County. 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 requested by the County on the Temporary Cannabis Event application form.
- (b) The applicant shall include with the form:
  - (i) The application fee as required by the County's Fee Schedule.
  - (ii) A copy of the OCM temporary cannabis event license application, submitted pursuant to Minnesota Statutes Section 342.39 subd. 2.
- (c) The application shall be submitted to Director of Olmsted County Public Health, or their designee for review. If the County determines that a submitted application is incomplete, it shall return the application to the applicant with the notice of deficiencies.
- (d) Once an application is considered complete, the County shall inform the applicant as such, process the application fees, and forward the application to the Olmsted County Board of Commissioners for approval or denial.
- (e) The application fee shall be non-refundable once processed.
- (f) The licensees for a Temporary Cannabis Event shall meet the following standards during the event:
  - (i) **Checking Identification**—For every cannabis product sale, licensees shall check identification of all customers to confirm they are age 21 or older.
  - (ii) **Enclosed Area** - Licensees shall restrict cannabis product sales to a designated location where persons under the age of 21 are not allowed.
  - (iii) **Use Wristbands** - Licensees shall use wristbands to identify people who are 21 and older.

- (iv) **Limit Servings** – Licensees shall limit the number of cannabis product servings to one per person per purchase (one ID, one serving of cannabis beverage or edible). Licensee shall also not sell more cannabis products to customer than the customer is legally permitted to possess under state law.
- (v) **No Smoking** - Licensees shall not permit smoking or vaping of cannabis products or tobacco products at any location within a temporary cannabis event where smoking is not permitted under the County's Smoke Free Workplaces Ordinance, Chapter 2100 of the County's Code of Ordinances.
- (vi) **No Sales to Obviously Impaired Customers** - Licensees shall not sell cannabis products to anyone appearing obviously impaired.
- (vii) **Offer Food and Non-alcoholic Beverages** – Licensees shall offer food and non-alcoholic beverages to event attendees. Licensees shall not permit consumption of alcoholic beverages at temporary cannabis events.
- (vii) **Cannabis Service Hours** - Licensees shall stop cannabis product sales intended for consumption at the event at least one hour before closing.
- (viii) **No Price Discounting on Cannabis** – Licensees shall not offer cannabis product promotions.
- (ix) **Cannabis Awareness Training** - Licensees shall require training for all cannabis event servers and manager training for event coordinators.
- (x) **Restrict Age of Servers** – Licensees shall restrict servers and security to individuals 21 years of age and older.
- (xi) **Hire Security** – Licensees shall hire Minnesota licensed peace officers to monitor cannabis consumption and provide event security. The Olmsted County Sheriff's Office shall review event applications and establish security staffing requirements consistent with other large public events in the County.
- (xii) **Manager/Booth leader On Duty at All Times** – Licensees shall require a manager or booth leader to be stationed at each cannabis booth at all times.
- (xiii) **No Using Cannabis Products on the Job** – Licensees shall forbid their servers/staff from having cannabis products in their systems while working.
- (xiv) **Provide Copies of Event Policies to all**

**Staff/Volunteers/Security** – Licensee shall provide event staff with a copy of the County’s temporary cannabis event policies before serving cannabis. Licensee shall establish enforcement procedures for all policies.

(xv) **Incident Report Form** – Licensee shall require event staff to record all reports of personal injury, property damage, or other incidents where law enforcement is asked to respond and investigate at the event in an incident report form.

(xvi) **Regular Pre-shift Staff Meetings** – Licensee shall hold regular pre-shift staff meetings to discuss rules and ways to prevent and handle problem situations.

(g) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(h) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The County may deny an application for a temporary event license if it finds that the proposed event may place public health or safety at risk. The County shall notify the applicant of the standards not met and the basis for denial.

(i) Temporary cannabis events shall only be held between the hours of 10:00 a.m. to 9:00 p.m. on the days authorized by the temporary cannabis event license or permit. The Sheriff, in consultation with Olmsted County Public Health staff, shall have authority to terminate an event prior to closing hours in the event a serious and imminent threat to public health or safety exists.

7. Section 2158 of the Olmsted County Code of Ordinances is hereby amended and reenacted to read as follows:

#### **Section 2158. ENFORCEMENT**

The Director of Olmsted County Public Health Services (Director) and the Olmsted County Sheriff (Sheriff) shall be jointly responsible for the administration and enforcement of this ordinance.

8. Section 2159 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

#### **Section 2159. PENALTY.**

##### **Section 2159.01 Criminal Penalty.**

A. A violation of the Prohibited Use of Cannabis in Public Places section of this ordinance shall be a petty misdemeanor punishable by a fine of up

to Three Hundred Dollars (\$300) and/or community work service.

- B. Any violation of any of the other provisions of this ordinance or failure to comply with any of those requirements constitutes a misdemeanor criminal offense and is punishable as defined by law.
- C. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

**Section 2159.02 Violation.**

An alleged violation or violation of this ordinance may be investigated by Olmsted County Public Health staff, OCM staff or by a peace officer as defined in Minn. Stat. Sec. 626.84, Subd. 1. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance. Any alleged violation or violation of this ordinance may be prosecuted by the County Attorney.

- 9. Section 2160 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

**Section 2160. SEVERABILITY.**

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

- 10. Section 2161 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

**Section 2161. EFFECTIVE DATE.**

This ordinance shall be in full force and effect on October 19, 2024 after its passage and publication as required by law.

Adopted by the Olmsted County Board of Commissioners this \_\_\_\_ day of October, 2024

**COUNTY OF OLMSTED**

\_\_\_\_\_  
Sheila Kiscaden, Chair of the County Board of Commissioners

Attest:

\_\_\_\_\_



Lisa Morris-Helmstetler  
Deputy Clerk of the County Board



## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** Hilltop Sidewalk Memo to Council

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:** Review Memo created for Council consideration.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

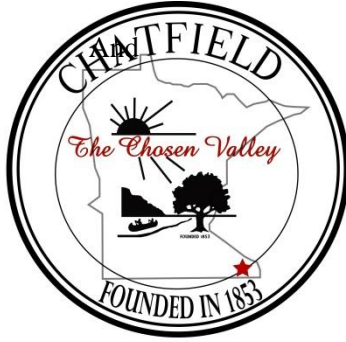
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**Background:**

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**Attachments:**

[Hilltop Sidewalk and Trail Memo - Council.pdf](#)



# City of Chatfield

Thurber Community Center • Chatfield Municipal Building  
21 Second Street Southeast • Chatfield, Minnesota 55923 • 507-867-3810  
[www.ci.chatfield.mn.us](http://www.ci.chatfield.mn.us)

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## MEMORANDUM

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**TO:** CHATFIELD CITY COUNCIL  
**FROM:** CHATFIELD PLANNING AND ZONING COMMISSION  
**SUBJECT:** HILLTOP ESTATES SIDEWALK DISCUSSION  
**DATE:** 11/19/2024  
**CC:**

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**Purpose:** The City of Chatfield's Planning and Zoning Commission understands that Geoff Griffen would like to modify the approved sidewalks and has proposed new trails within Hilltop Estates in lieu of the approved sidewalks. The Planning Commission held a public hearing on Monday, December 4<sup>th</sup>, 2023, regarding Hilltop Estates Fourth where the topics of sidewalks, parking, and street widths came up in the discussion.

The topic of sidewalks and trails in lieu of sidewalks were again discussed at the November 4<sup>th</sup>, 2024, Planning and Zoning Commission regularly scheduled meeting.

**Recommendation:** At the November 4<sup>th</sup>, 2024, Planning and Zoning Commission Meeting, the Planning Commission held a regularly scheduled meeting and determined that their original position on the sidewalks within Hilltop Estates still stands and the proposed modification is not consistent with the originally approved General Development Plan, Preliminary Plat, and adopted Safe Routes To School Plan. Members of the Commission noted they realize the need for additional discussion and perhaps modifications to the City's guiding principles and policies, however, when looking at the short-term gain of the developer replacing the sidewalks with trails within the Hilltop Estates Development, the long-term goals and policies of the Comprehensive Plan are not met. If the City were to decide that it is in the best interest of the City to revisit trails and sidewalk policies, the Planning Commission recommends a Comprehensive Plan Amendment or a new request for a General Development Plan and Preliminary Plat through the public process.

Logan Tjossem, AICP  
Planner and Zoning Administrator

**Enc:** Planning Commission Meeting Minutes 12/4/2023

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, December 4<sup>th</sup>, 2023

The Planning & Zoning Commission of the City of Chatfield met in regular session on Monday, December 4<sup>th</sup>, 2023. Wayne Halvorson presided as Chair and called the meeting to order at 7:00 PM.

Present	Absent	Name
■		Commissioner Wayne Halvorson, Chair
■		Commissioner Dan Tuohy
■		Commissioner Rich Bakken
■		Commissioner Terry Bradt
■		Commissioner Josh Broadwater
■		Commissioner Jeremy Aug
	■	Commissioner Kent Whitcomb
■		Logan Tjossem, Planner and Zoning Administrator

#### Prior Meeting Minutes

<b>Motion:</b>	To approve the October 2 <sup>nd</sup> , 2023, minutes by Commissioner Tuohy
<b>Second:</b>	Commissioner Bradt
<b>Amendments:</b>	None.
<b>Ayes:</b>	Unanimous.
<b>Nays:</b>	None.
<b>Abstention:</b>	None.
	Motion carried.

#### Public Hearing Items

- A. Hilltop Estates Fourth Addition proposed by G-Cubed Development. The plat proposes three blocks and six lots on approximately three acres and is located adjacent to Hilltop Estates Third Addition. Logan Tjossem, Planner and Zoning Administrator, presented the request to the Commissioners.

Commissioner Halvorson opened the public hearing.

Geoff Griffen with G-Cubed spoke about his development and asked questions regarding sidewalk locations and required turnaround.

There was additional discussion about the sidewalks, parking, and street width requirements and if there could be a change.

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, December 4<sup>th</sup>, 2023

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**Motion:** To close the public hearing by Commissioner Tuohy  
**Second:** Commissioner Aug  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried and the Public Hearing closed.

The Planning Commission recommended approval to the request with the following three conditions, with a slight modification to condition number one:

- 1) A turn-around must be **coordinated and approved by the City Engineer and Public Works Staff** ~~on-site and shown on an updated set of plans~~ for the end of Whitetail Lane SE like that of Wisdom Court SE.
- 2) Sidewalk must be put in as shown on the preliminary plat that is consistent with the sidewalk plan as development occurs. This will be enforced during the building permit process and sidewalks must be constructed prior to the Certificate of Occupancy.
- 3) Adhere to and follow the approved Development Agreement for Hilltop Estates Fourth.

**Motion:** To approve with the modification and three conditions by Commissioner Bradt.  
**Second:** Commissioner Bakken  
**Amendments:** None.  
**Ayes:** Four  
**Nays:** Two.  
**Abstention:** None.  
Motion carried.

- B. Amendment to Sec. 113-291, Residential Districts; (g), by ordinance to further clarify the regulations affecting residential roofing and siding. Logan Tjossem, Planner and Zoning Administrator, presented the request to the Commissioners.

Commissioner Halvorson opened the public hearing.

**Motion:** To close the public hearing by Commissioner Tuohy  
**Second:** Commissioner Aug  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, December 4<sup>th</sup>, 2023

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**Abstention:** None.  
Motion carried and the Public Hearing closed.

The Planning Commission recommended approval to amend the zoning ordinance and change the residential metal roofing and siding regulations as follows:

Sec. 113-291. Residential districts.

(g) Cloth, canvas, plastic sheeting, tarps, or similar material, ~~as well as corrugated roofing or siding~~, are not allowed as primary building material on an accessory structure. This limitation shall not apply to a greenhouse and accessory structures located in the RR-Rural Residential zoning district or building used for agricultural purposes.

~~(1) The use of any sheet steel siding is in board and batten style, as opposed to continuous corrugated style;~~

~~(2) (1)~~ Doors will be of a standard walk-in style, roll-up style, or overhead style;

~~(3) (2)~~ Treated skirting will be the only exposed portion of the building that is left unfinished, and it shall not have more than eight inches of exposure from finish grade to the bottom of the siding, and the finish grade will lap up on the skirting no less than three inches.

**Motion:** To approve Amendment to Sec. 113-291, Residential Districts; (g), by ordinance to further clarify the regulations affecting residential roofing and siding by Commissioner Tuohy.  
**Second:** Commissioner Broadwater  
**Amendments:** None.  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried.

#### Non – Public Hearing Items

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- A. Hilltop Estates Fourth Final Plat: The plat proposes three blocks and six lots on approximately three acres and is located adjacent to Hilltop Estates Third Addition.

There was additional discussion about the sidewalks, parking, and street width requirements and if there could be a change.

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, December 4<sup>th</sup>, 2023

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The Planning Commission recommended approval to the request with the following three conditions, with a slight modification to condition number one:

- 1) A turn-around must be coordinated and approved by the City Engineer and Public Works Staff on site and shown on an updated set of plans for the end of Whitetail Lane SE like that of Wisdom Court SE.
- 2) Sidewalk must be put in as shown on the preliminary plat that is consistent with the sidewalk plan as development occurs. This will be enforced during the building permit process and sidewalks must be constructed prior to the Certificate of Occupancy.
- 3) Adhere to and follow the approved Development Agreement for Hilltop Estates Fourth.

**Motion:** To approve with the modification and three conditions by Commissioner Bradt.  
**Second:** Commissioner Bakken  
**Amendments:** None.  
**Ayes:** Four  
**Nays:** Two.  
**Abstention:** None.  
Motion carried.

B. Building Code Enforcement, Inspection and Fees Discussion and Recommendation (MnSpec/Safebuilt, Olmsted County, CMS).

**Motion:** To recommend approval entering into a contract with Olmsted County by Commissioner Tuohy.  
**Second:** Commissioner Aug  
**Amendments:** None.  
**Ayes:** Unanimous  
**Nays:** None  
**Abstention:** None.  
Motion carried.

C. Nomination of a new Chair and Vice Chair for 2024

**Motion:** To recommend Kent Whitcomb as Chair by Commissioner Halvorson.  
**Second:** Commissioner Bakken  
**Amendments:** None.  
**Ayes:** Unanimous  
**Nays:** None  
**Abstention:** None.  
Motion carried.

# CITY OF CHATFIELD

## PLANNING & ZONING COMMISSION MEETING MINUTES

### Monday, December 4<sup>th</sup>, 2023

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**Motion:** To recommend Rich Bakken as Vice Chair by Commissioner Halvorson.  
**Second:** Commissioner Tuohy  
**Amendments:** None.  
**Ayes:** Unanimous  
**Nays:** None  
**Abstention:** None.  
Motion carried.

#### Staff Recap

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A. None

#### Adjourn

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**Motion:** To adjourn by Commissioner Tuohy.  
**Second:** Commissioner Bradt  
**Amendments:** None  
**Ayes:** Unanimous.  
**Nays:** None.  
**Abstention:** None.  
Motion carried.

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Wayne Halvorson, Chair

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Logan Tjossem, Planner & Zoning Administrator





## PLANNING & ZONING COMMISSION MEETING STAFF REPORT

**Meeting Date:** January 6, 2025

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**Agenda Item:** Roles and Responsibilities

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:** Review presentation.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[Roles and Responsibilites.pdf](#)

# AGENDA:

Planning Commission  
Roles and  
Responsibilities:

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How'd we get here?

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Planning Legislative Authority

---

Responsibilities by Ordinance

---

Intent and Purpose

---

Conditional Use Permit Discussion

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Variance Discussion

# HOW'D WE GET HERE

The City Charter and MN Law

Administrative Code

Planning Legislative Authority

Zoning and Subdivision Ordinance

# THE CITY CHARTER

**SECTION 1. NAME AND BOUNDARIES.** The City of Chatfield, in the Counties of Fillmore and Olmsted in the State of Minnesota, shall, upon the taking effect of this charter, continue to be a city under the name of the City of Chatfield and shall continue to be a municipal corporation and shall include the land and territory situated in the Counties of Fillmore and Olmsted that is now or hereafter annexed to the City. This annexed land and territory is hereby set apart and incorporated as the City of Chatfield, under the provisions of Chapter Three Hundred and Seventy Five (375), of the General Laws of the State of Minnesota for the years one thousand nine hundred and seven (1907), and section seven hundred forty-nine (749) to seven hundred fifty-eight (758), inclusive, of Revised Laws 1905 and amendments thereto, and all lands and properties now or hereafter within the boundaries of said City of Chatfield shall constitute an election and assessment district separate and distance from any town, and all such lands and properties are hereby specifically separated from the Town of Elmira in Olmsted County and the Town of Chatfield in Fillmore County.

**SECTION 2. GENERAL POWERS.** The City shall have all powers of local self-government and home rule and all powers possible for a municipal corporation to have under the Constitution of the State of Minnesota. The City shall have all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the State of Minnesota. All such powers shall be exercised in the manner prescribed in this Charter or by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance or resolution of the Council.

**SECTION 6. ADMINISTRATIVE CODE.** The existing departments, divisions, boards and funds of the City government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of an Administrative Code as hereinafter provided. Within one year after the adoption of this Charter, the City Council shall by ordinance adopt an Administrative Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this Charter, the City Council may by ordinance adopted by a four-fifths vote of all the councilors amend the Administrative Code but no such change in the Administrative Code shall be made in such manner as to affect any rights of the city or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code.

# ADMINISTRATIVE CODE

## 2.0 ADMINISTRATIVE CODE

### 2.1 Purpose

In conformity with Section 6 of the city charter, the council by this ordinance adopts an administrative code providing a complete plan of administrative organization and management of the city government and deems it advisable in conformity with the city charter to create the departments, divisions, boards, committees, and funds in this ordinance hereinafter set forth, together with certain provisions pertinent to the administration of the city government.

#### 2.2.9 Planning and Zoning Commission

A planning and zoning commission shall consist of: six members appointed by the mayor and confirmed by the council for three-year staggered terms, and one councilor appointed annually for a one-year term by the mayor and confirmed by the council at its annual meeting. The commission will elect its own officers at its annual meeting. The commission will be advisory to the council and shall handle the administration of the zoning ordinances and all related planning and zoning matters referred to it by the city council.

# ADMINISTRATIVE CODE

## 1.0 ABOUT THIS CODE

The council of the City of Chatfield, Minnesota does ordain:

### 1.1 Adoption And Other General Provisions

#### 1.1.1 Adopting This Code

The substantive ordinances of the city of a general and permanent nature, are hereby codified in accordance with Minn. Stat. §§ 415.02 and 415.021. All ordinances repealed by Subsection 1.1.4 are superseded by this code: The Chatfield Code of Ordinances.

#### 1.1.2 Effective Date

The Chatfield Code of Ordinances as enacted by ordinance number 341 became effective as of November 3, 1999, and shall remain in full force and effect until otherwise repealed; that is, subject to amendments and additions described in Subsection 1.1.6.

# PLANNING LEGISLATIVE AUTHORITY

- **Minn. Statute 462.351:** Cities are granted the authority to regulate land use by the Municipal Planning Act.
- **Cities Regulate Land Use by:**
  - The Comprehensive Plan
  - The Zoning Ordinance
  - The Subdivision Ordinance
- **Relationship of the above plans:**

**Comprehensive Plan:** Vision of how the community would like to grow. The Comprehensive Plan, after adoption, becomes the policy foundation from which zoning and other land use regulations, programs, education efforts, and public expenditures transform the community vision into reality.

  - The Comprehensive Plan should be relatively consistent in content to the Zoning Ordinance.
  - The Comprehensive Plan is the legal document to ensure zoning regulations are in compliance.

**Zoning and Subdivision Ordinances:** Through specific regulations, these are the tools in which the Comprehensive Plan is implemented by city officials to accomplish the goals of the community (permitted uses, conditional uses, variances, plats, setbacks, lot sizes, etc.).



# RESPONSIBILITIES BY ZONING ORDINANCE

The (planning )commission will be advisory to the council and shall handle the administration of the zoning ordinances and all related planning and zoning matters referred to it by the city council.

## Types of Applications:

### Conditional Use Permits (Advisory to Council):

The planning commission shall hold the public hearing and shall study the application to determine possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

### Amendments (Advisory to Council):

- Zoning Map Amendment (Re-Zone)
- Zoning District Regulations
- A change in any other provision of this chapter (Text Amendment)

The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

### Variances: Quasi-judicial (Planning Commission acts as the Board of Adjustment)

The board of adjustment shall hold a public hearing on the proposed variance and shall make a decision within 30 days after the public hearing. It shall take one of three actions: Approval, denial or approval with special conditions.

Note: Appeals to Variances go to the City Council.



# RESPONSIBILITIES BY SUBDIVISION ORDINANCE

The commission will also be advisory to the council and shall handle the administration of the subdivision ordinance:

## Types of Applications:

### General Development Plans:

The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

### Preliminary Plats:

After considering the comments and suggestions received at the public hearing, the planning commission shall recommend in writing to the city council stating its reasons therefore either that the preliminary plat be approved subject to certain conditions or disapproved. A copy of the recommendation shall be sent to the city council and the applicant with notice to the applicant of the date when it will be considered by the city council.

### Final Plats: Public Hearing at the Council

# INTENT AND PURPOSE

## The intent and purpose of Zoning: Per Section 113-2:

- (1) Guiding the implementation of the goals and policies of the city comprehensive plan by regulating land uses;
- (2) Protecting the public health, safety, comfort, convenience and general welfare;
- (3) Promoting orderly development of the residential, commercial, industrial, recreational and public areas;
- (4) Conserving and protecting the natural resources in the city;
- (5) Providing for the compatibility of different land uses and the most appropriate use of land throughout the city;
- (6) Minimizing environmental pollution; and
- (7) Conserving energy such as through the encouragement of environmentally friendly development in commercial, industrial and residential areas.

# CUP CONDITIONS OF APPROVAL

## Sec. 113-78 - Criteria

In granting a conditional use permit, the city council shall consider the advice and recommendations of the planning commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the city council shall make the following findings, where applicable:

(1)The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.

(2)The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(3)The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

(4)The use is reasonably related to the overall city needs and to the existing land use.

(5)The use is consistent with the purposes of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.

(6)The use is not in conflict with the city's comprehensive plan.

(7)The use will not cause any traffic hazard or congestion.

(8)Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.

# CUP ADDITIONAL CONDITIONS OF APPROVAL

Sec. 113-79. - Additional conditions.

(a) In permitting a new or existing conditional use, the city council may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which the city council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

(1) Increasing the required lot size or yard dimension.

(2) Limiting the height, size or location of buildings.

(3) Controlling the location and number of vehicle access points.

(4) Increasing the street width.

(5) Increasing the number of required off-street parking spaces.

(6) Limiting the number, size, location or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(8) Designating sites for open space.

(9) Establishing a time limit on operations.

# VARIANCES

Sec. 113-110. - Criteria.

(a)The board of adjustment, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of this chapter in an instance where strict enforcement would cause practical difficulties to the individual property owner and when it can be demonstrated that such action will be in keeping with the spirit and intent of this chapter.

(b)The term "practical difficulties" means that the:

(1)Property owner purposes to use the property in a reasonable manner that is not otherwise permitted; and

(2)The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and

(3)The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

(c)Notwithstanding a finding that practical difficulties exist, the board of adjustment may not permit as a variance any use that is not permitted under the provisions of this chapter for property in the zone where the land for which the variance is sought is located.

# VARIANCES

Sec. 113-110. - Criteria.

(d) In its consideration of a variance request the board of adjustment shall consider the following questions:

- (1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land which results in practical difficulties for the owner?
- (2) Whether or not the variance requested will alter the essential character of the locality?
- (3) Whether or not granting the variance requested will:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Substantially increase congestion in adjacent public streets;
  - c. Endanger the public safety;
  - d. Substantially diminish or impair property values within the vicinity?
- (4) Whether the variance requested is the minimum variance which would alleviate the practical difficulties?
- (5) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?
- (6) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

(e) The board of adjustment, in granting a variance, may impose additional conditions to ensure compliance with its decision and protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance. 70

# QUESTIONS ?



**PLANNING & ZONING COMMISSION MEETING STAFF REPORT**

**Meeting Date:** January 6, 2025

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**Agenda Item:** Short-Term Lodging Establishment

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:** Staff Report only.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**