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**To:** Chair Hansen and Members of the Planning Commission

**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

**Date:** October 18, 2023

**Subject:** Cannabis Legalization

## 1. Introduction

The Minnesota Legislature has legalized recreational marijuana. While Tribal Reservations have already initiated sales, the broader sale of recreational marijuana in the state will commence on January 1, 2025, following the establishment of the State's regulatory structure.

## 2. City Council's Interim Ordinance

- The City Council has implemented an interim ordinance that prohibits various cannabis-related activities, including sale, testing, manufacturing, cultivation, transportation, and distribution within the City.
- This ordinance aims to allow the City time to study the impact of cannabis businesses and products concerning land use and zoning to ensure public health, safety, and welfare.
- This interim ordinance will be effective until January 1, 2025, unless repealed earlier.

## 3. Local Control and Restrictions

- *General Restrictions:* The state law limits local control over cannabis.
- *Public Consumption:* The City Council has prohibited the use of cannabis products in public places, with specific exceptions such as private residences, private properties not accessible by the public, and licensed establishments/events.
- *Business Licenses:* The City can limit the number of cannabis retailer licenses. For Spring Lake Park, this translates to a minimum of one license.
- *Operational Restrictions:* The City can impose reasonable restrictions on the operation of cannabis businesses, including proximity to schools, daycares, and certain public park attractions. The law sets a maximum setback of 1,000 feet from a school or 500 feet from a day care, residential treatment facility or an attraction within a public park that is regularly used by minors, including a playground or athletic field. Staff has prepared a map showing the impact of these buffers, which is included in the packet. The Office of Cannabis Management will provide model ordinances to guide cities in this area.

#### **4. Home Cultivation**

- *State Provisions:* The law permits residents to cultivate up to eight cannabis plants at their primary residence, with specific conditions.
- *City Concerns:* The City has concerns about home cultivation from a code enforcement perspective, including potential fire hazards, mold infestations, strong odors, and theft risks. These concerns are based on the experiences of other states that have legalized adult use cannabis.
- *Enforcement:* The City's Code Enforcement and Police Departments will address these concerns, primarily using the International Property Maintenance Code and the City's nuisance ordinance. However, these tools will be activated only upon receiving a complaint.

#### **5. Next Steps**

Once the model ordinances are drafted by the Office of Cannabis Management, the staff will review them and present recommendations to the Planning Commission and City Council for potential action.

#### **6. Additional Resources**

An attached document from the LMC provides answers to frequently asked questions to further inform discussions on this topic.

Please do not hesitate to contact me at 763-784-6491 if you have any additional questions.