

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER SEVENTEEN**

### **CANNABIS LAND USE REGULATIONS**

#### **SECTION 1. ADMINISTRATION**

1. Findings and Purpose. Renville County makes the following legislative findings:
  - A. The purpose of this Ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, or successor statutes, which authorizes the County to protect the public health, safety, and welfare of Renville County residents by regulating cannabis businesses within the legal boundaries of Renville County.
  - B. Renville County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Renville County, that the proposed provisions will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.
  
2. Authority and Jurisdiction. Renville County has the authority to adopt this Ordinance pursuant to:
  - A. Minnesota Statutes, Chapter 342.13(c), or successor statutes, regarding the authority of a local unit of government to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
  - B. Minnesota Statutes, Chapter 342.22, or successor statutes, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
  - C. Minnesota Statutes, Chapter 152.0263, Subd. 5, or successor statutes, regarding the use of cannabis in public places.
  - D. Minnesota Statutes, Chapter 394 and Chapter 462.357, or successor statutes, regarding the authority of a local unit of government to adopt zoning ordinances.
  - E. This Ordinance shall be applicable to the legal boundaries of Renville County.
  
3. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4. Enforcement. Renville County Environmental Services is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this Ordinance.

## **SECTION 2. DEFINITIONS**

Unless otherwise noted in this section, words and phrases contained in Minnesota Statutes, Chapter 342.01, or successor statutes, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this Ordinance.

**Cannabis Cultivation** – A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by Renville County.

**Cannabis Retail Businesses** – A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

**Cannabis Retailer** – 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.

**Lower-Potency Hemp Edible** – As defined under Minnesota Statutes, Chapter 342.01, Subd. 50, or successor statutes.

**Office of Cannabis Management (“OCM”)** – Minnesota Office of Cannabis Management, or successor entity, referred to as “OCM” in this Ordinance.

**Place of Public Accommodation** – A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Preliminary License Approval** – OCM pre-approval for a cannabis business license for applicants who qualify under Minnesota Statutes, Chapter 342.17, or successor statutes.

**Public Place** – A public park or trail; public street or sidewalk; any enclosed, indoor area used by the general public including, but not limited to, restaurants; bars; any other food or

liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings; and other places of public accommodation.

**Residential Treatment Facility** – Any residential facility licensed by the Minnesota Department of Human Services for the purpose of providing treatment for mental health, substance use, and other medical conditions.

**Retail Registration** – An approved registration issued by Renville County to a state-licensed cannabis retail business.

**State License** – An approved license issued by the OCM to a cannabis retail business.

**Youth-Oriented Facility** – Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. A youth-oriented facility includes, but not limited to, schools (as defined under Minnesota Statutes, Section 120A.05, or successor statutes), daycares (a location licensed with the Minnesota Department of Human Services to provide care of a child outside the child’s home for gain or otherwise, on a regular basis for any part of a 24-hour day), and a public park that is regularly used by minors including, but not limited to, a playground, swimming pool, or athletic field.

### **SECTION 3. REQUIREMENTS FOR CANNABIS BUSINESS**

1. Setback Requirements.
  - A. Renville County prohibits the operation of a cannabis business within 500 feet of any youth-oriented facility or residential treatment facility (as measured from the proposed licensee’s building to the property line of the youth-oriented facility or residential treatment facility).
  - B. Nothing in Section 3.1.A. of this Ordinance shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a youth-oriented facility or a residential treatment facility moves within the minimum buffer zone.
2. Zoning and Land Use.
  - A. Cultivation. Cannabis businesses licensed or endorsed for cultivation are permitted as an interim use in the following zoning districts:
    - Agricultural District

- B. Cannabis Manufacturer. Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as an interim use in the following zoning districts:
  - Commercial/Industrial District
- C. Hemp Manufacturer. Business licensed or endorsed for lower-potency hemp edible manufacturers are permitted as an interim use in the following zoning districts:
  - Commercial/Industrial District
- D. Wholesale. Cannabis businesses licensed or endorsed for wholesale are permitted as an interim use in the following zoning districts:
  - Commercial/Industrial District
- E. Cannabis Retail. Cannabis businesses licensed or endorsed for retail are permitted as an interim use in the following zoning districts:
  - Commercial/Industrial District
- F. Cannabis Transportation. Cannabis businesses licensed or endorsed for transportation are a permitted use in the following zoning districts:
  - Agricultural District
  - Commercial/Industrial District
- G. Cannabis Delivery. Cannabis businesses licensed or endorsed for delivery are a permitted use in the following zoning districts:
  - Agricultural District
  - Commercial/Industrial District

**SECTION 4. TEMPORARY CANNABIS EVENTS**

1. License Required. A license and/or permit is required to be issued and approved by Renville County Public Health prior to holding a temporary cannabis event.
2. Permit Required. If the temporary cannabis event will involve a gathering of more than 1,000 people, the Renville County Special Event/Mass Gathering Ordinance must be followed.

**SECTION 5. LOWER-POTENCY HEMP EDIBLES**

1. Sale of Lower-Potency Hemp Edibles. The sale of lower-potency edibles is permitted, subject to the conditions within this section.
2. Zoning Districts.
  - A. Lower-potency edibles businesses are a permitted use in the following zoning districts:
    - Agricultural District
    - Commercial/Industrial District
  - B. Additional Standards.
    - i. Sales Within a Municipal Liquor Store. The sale of lower-potency edibles is permitted in a municipal liquor store.
    - ii. Age Requirements. The sale of lower-potency edibles is permitted only in places that admit persons 21 years of age or older.
    - iii. Beverages. The sale of lower-potency hemp beverages is permitted in places that meet requirements of this section.
    - iv. Storage of Product. Lower-potency edibles shall be sold behind a counter and stored in a locked case.

**SECTION 6. PERMIT REQUIREMENTS**

1. An Interim Use Permit application shall include all required information as outlined in Chapter One (Administration), Section 8, of the Renville County Land Use Ordinance, any required permits or registration from other County departments, and any information required by the OCM.
2. Any new construction will require a Land Use Permit as outlined in Chapter One (Administration), Section 9.

**SECTION 7. PERFORMANCE STANDARDS**

All cannabis/hemp-related businesses/events shall comply with the following performance standards:

1. Cannabis businesses are not considered an accessory use incidental to the primary use of the property and are prohibited as a home occupation.

2. Cultivation. A cultivation operation is subject to the following performance standards:
  - A. Cultivation and Operations Plan. A business licensed or authorized to cultivate cannabis must prepare, maintain, and execute a Cultivation and Operations Plan, which must include the following:
    - i. Site Plan. Detailing size and layout of the facility, including size and layout of the cultivation facility.
    - ii. Security. Provisions for fencing, lighting, personnel, and video monitoring.
    - iii. Plans for wastewater, waste disposal, utilities (including water and electricity), water usage, and recycling.
    - iv. Solid Waste. A plan to destroy all cannabis plant material and cannabis byproduct to render it unusable. Waste material must be stored in a secure location.
    - v. A pest management protocol that incorporates integrated pest management principles to control or prevent the introduction of pests to the cultivation site.
    - vi. A plan for proper ventilation and filtration for odor control must be submitted in accordance with Minnesota Statutes Chapter 342.24, Subd. 4, or successor statutes.
    - vii. A cannabis business shall not sell any approved product to any person under the age of 21.
    - viii. Any additional information required by the Zoning Administrator.
3. Manufacturer and Wholesaler. Manufacturers and wholesalers are subject to the following performance standards:
  - A. Facility and Operations Plan. A business licensed or authorized to manufacture and/or wholesale cannabis and cannabis-related products must prepare, maintain, and execute a Facility and Operations Plan, which must include:
    - i. Site Plan. Detailing size and layout of the facility, including size and layout of the manufacturing facility.
    - ii. Security. Provisions for fencing, lighting, personnel, and video monitoring.

- iii. Plans for wastewater, waste disposal, utilities (including water and electricity), water usage, and recycling.
  - iv. Solid Waste. A plan to destroy all cannabis plant material and cannabis byproduct to render it unusable. Waste material must be stored in a secure location.
  - v. Ventilation and Filtration System. In accordance with Minnesota Statutes Chapter 342.24, Subd. 4, or successor statutes.
  - vi. A cannabis business shall not sell any approved product to any person under the age of 21.
  - vii. Any additional information required by the Zoning Administrator.
4. Retail. The retail sale of cannabis and cannabis-related products is subject to the following performance standards:
- A. Business and Operations Plan. A retail business licensed or authorized to sell cannabis and cannabis-related products must prepare, maintain, and execute a Business Plan, which must include, but is not limited to:
    - i. Hours of Operation. A retail business may not be operated outside of the hours of 8:00 a.m. to 10:00 p.m. Monday through Saturday and 11:00 a.m. through 6:00 p.m. on Sunday.
    - ii. Site Plan. Detailing size and layout of the facility, including size and layout of the retail facility.
    - iii. Security Plan. In accordance with Minnesota Statutes, Chapter 342.27, Subd. 9, or successor statutes.
    - iv. Ventilation and Filtration System. In accordance with Minnesota Statutes, Chapter 342.24, Subd. 4, or successor statutes.
    - v. Building Conditions. In accordance with Minnesota Statutes, Chapter 342.27, Subd. 8, or successor statutes.
    - vi. Proof of compliance with Minnesota Accessibility Code.
    - vii. Emergency Response Plan.
    - viii. Lighting. In accordance with Minnesota Statutes, Chapter 342.27, Subd. 10, or successor statutes.

- ix. Deliveries. In accordance with Minnesota Statutes, Chapter 342.27, Subd. 11, or successor statutes.
- x. A cannabis business shall not sell any approved product to any person under the age of 21.

**SECTION 8. LOCAL GOVERNMENT AS A CANNABIS RETAILER**

1. Renville County may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.
2. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses.
3. Renville County shall be subject to all the same retail license requirements and procedures applicable to all other applicants.

**SECTION 9. EFFECTIVE DATE**

The regulations contained in this Ordinance shall become effective from and after its publication according to law.