

**Barnesville Planning Commission Meeting
Monday, February 6, 2023
City Hall Council Chambers**

Meeting was called to order at 6:30 p.m. by Brent Berg

Present: Brent Berg, Dawn Stuvland, Michael Harbin, Ben Schumann, Joshua Schroeder and Dan Swenson.

Absent: Dustin Korynta.

Others Present: Planning staff member Karen Lauer, Michael Stein from the Record-Review and City Zoning Administrator Jeremy Cossette.

Approval of Agenda:

02-07-2023-01 Motion by **Stuvland**, **second** by **Harbin** to accept the agenda with additions of Resignation of Dustin Korynta and vacancy on Development Control Board. Motion approved.

02-07-2023-02 Approval of Minutes: Motion by **Schroeder**, **second** by **Swenson** to accept minutes as written from the January 3, 2023 meeting. Motion approved.

OLD BUSINESS

a. Review: First City Council reading of amendments to Zoning Ordinance regulating for the sale and/or manufacturing of tetrahydrocannabinol products

Discussion was held about the email that was received by City staff in reference to wholesale sales versus retail sales of the Ordinance Amending Title VII of the Barnesville City Code. The City Attorney recommended that restrictions on wholesale were included with the 1st reading so that the wholesale would be addressed along with retail and manufacturing.

It was the consensus within talks in the commission to have wholesale to be same terms as the retail. Berg started to go through the line by line with comments about the changes that the commission wanted to change in terms of adding "included" language for wholesale within the ordinance # 3, 5, 12. Berg also brought up that he believed it was in the best interests to use the wordage within #11 to include the THC distillate language within ordinance # 4, 6, 9, 13, and 15.

While going through the document, Stuvland also mentioned about her previous vote against the ordinance in that she believed that a CUP in the Commercial Park for manufacturing or now wholesale should be the same as any other business and that a CUP should not be needed permitted in the C-3 and I-1 zones since retail sales would be permitted.

Before all discussion was final, Harbin asked about CBD products and if CBD products were included with this zoning ordinance. It was stated that this does not cover CBD products per the Minnesota State Statute referenced in the definition section included in the revised ordinance.

02-07-2023-03 Motion by **Swenson**, **second** by **Schumann** to recommend to the City Council the changes for the 2nd Reading reflect the following changes shown in **BOLD** below to the Ordinance:

- 3) Chapter 7-02, Section 7-0206 Subd. 3. F. of the Barnesville City Code regarding Conditional Uses in the C-1 Central Business District is hereby amended to read as follows:

F. Wholesale Business, including wholesale of Cannabinoid Products or THC Products.

- 4) Chapter 7-02, Section 7-0206 Subd. 3. I. of the Barnesville City Code regarding Conditional Uses in the C-1 Central Business District is hereby amended to read as follows:

I. Light Manufacturing, except manufacturing of Cannabinoid Products, THC Products, or THC distillate.

- 5) Chapter 7-02, Section 7-0207 Subd. 3. C. of the Barnesville City Code regarding Conditional Uses in the C-2 Commercial District is hereby amended to read as follows:

C. Wholesale Business, including wholesale of Cannabinoid Products or THC Products.

- 6) Chapter 7-02, Section 7-0207 Subd. 3. G. of the Barnesville City Code regarding Conditional Uses in the C-2 Commercial District is hereby amended to read as follows:

G. Light Manufacturing, except manufacturing of Cannabinoid Products, THC Products, or THC distillate.

- 8) Chapter 7-02, Section 7-0208 Subd. 3. A. of the Barnesville City Code regarding Conditional Uses in the C-3 Commercial Park Business District is hereby amended to read as follows:

A. Light Manufacturing and assembly, including the manufacture of edible cannabinoid products and edibles cannabinoid and THC gummies but not the manufacture of cannabinoid and THC distillate

- 12) Chapter 7-02, Section 7-0209 Subd. 2. P. of the Barnesville City Code regarding Permitted Uses in the I-1 Light Industrial District is hereby amended to read as follows

P. Wholesale Business, including wholesale of Cannabinoid Products or THC Products.

- 13) Chapter 7-02, Section 7-0209 Subd. 3. A. of the Barnesville City Code regarding Conditional Uses in the I-1 Light Industrial District is hereby amended to read as follows:

A. Manufacturing, except manufacturing of Cannabinoid Products, THC Products, or THC distillate.

- 15) Chapter 7-04, Section 7-0401 Subd. 1. I. of the Barnesville City Code regarding Home Occupations is hereby amended to read as follows:

I. The home occupation shall not involve any of the following: small engine repair, automobile repair or reconditioning, manufacturing, Cannabinoid Product or THC Product sales, Cannabinoid Product or THC Product production or Cannabinoid Product or THC Product manufacture, or THC distillate.

b. Discuss: Is regulation needed regarding storage on undeveloped residential lots?

This item was included on the agenda at the request of the EDA Housing Committee. In the new housing development, concerns have been raised about trailers being parked on undeveloped lots. Berg indicated that the current ordinance which places restrictions on the surfaces on which trailers may be placed stemmed from concerns about trailers being left there for long periods of time which would cause sinking within the ground, grass to be not mowed, and ultimately leading to blight issue within the area.

After discussion, the topic was tabled. Staff were directed to draft some language for review by the Planning Commission at their next meeting.

c. Discuss: Setbacks for fences on residential lots

The group had a lengthy discussion about what wording would allow residents to construct fences without creating gaps at the rear and sides of the property. Lauer reported that many of the MN communities that have fencing ordinances use the language – “up to but not on the property line”. Several members liked the language in the Fergus Falls ordinance which made allowances for “sharing” a fence that was constructed on the property line, but all agreed that could create some legal concerns should there be a sale of the property. Ultimately it was felt that changing the format so that the words, “shall be placed within the property being placed” would be helpful to residents. Lauer suggested that a fencing brochure could be prepared summarizing the requirements. Berg pointed out that in the Commercial and Industrial Fencing section, language should be added requiring fences to be entirely on the property, just like the residential fences.

d. Possible changes to Geothermal Heating System section

Tabled

NEW BUSINESS

a. Resignation of Dustin Korynta

02-07-2023 Accept Resignation: Motion by Stuvland, second by Harbin. Motion approved.

b. Development Control Board

Lauer reported that the Covenants for the Barnesville Commercial Park designate a Development Control Board which oversees compliance with the Covenants. Dustin Korynta served as the Planning Commission representation to that board. Discussion was held regarding Joshua Schroeder’s willing to represent the Planning and Zoning Commission on the Barnesville Development Control Board. The consensus was to add to the consent agenda for the City Council to approve.

c. Discuss: Are zoning changes needed in the Barnesville Commercial Park for other licensed business such as massage therapy business

At the January meeting. Police Chief Joel Voxland suggested that the Planning Commission discuss the idea of regulating other licensed product and service sales, other than just THC. Lauer reported that the City of Barnesville currently licenses alcohol and tobacco sales, as well as massage parlors and massage therapists. Hair stylists are licensed through the State of Minnesota, not the city. Berg had requested that city staff see what other cities are doing on these specialized business issues and bring it to the next meeting. Topic was tabled until next meetings with more information on this issue.

d. Building Permits: permits were reviewed. No discussion

e. Other Zoning Concerns: nothing presented.

Next meeting is scheduled for Monday, March 6, 2023.

02-07-23-06 Motion by Harbin, second by Swenson to adjourn the meeting at 8:32 pm.

Minutes prepared by Karen Lauer and Jeremy Cossette, 02-07-23

