



Board of County Commissioners Agenda Request

5A
Agenda Item #

Requested Meeting Date: April 23, 2024

Title of Item: Request Public Hearing Date for Emergency Interim Zoning on Cannabis

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
Submitted by: Andrew Carlstrom		Department: Environmental Services-Planning/Zoning
Presenter (Name and Title): Kevin Turnock, Assistant Zoning Administrator		Estimated Time Needed: 5 Minutes
Summary of Issue: <p>The Ordinance Review Committee met on April 9, 2024 to review and discuss a proposed "Emergency Interim Zoning Ordinance prohibiting the establishment of new uses or the expansion of existing uses related to sales, testing, manufacturing, and distribution of cannabis products. The Aitkin County Planning Commission will hold a public hearing on May 20, 2024 in order to make a recommendation to the County Board.</p> <p>At this time, we are respectfully requesting a public hearing with the Aitkin County Board of Commissioners at the regularly scheduled meeting of May 28, 2024. We are proposing a second reading on June 11, 2024.</p>		
Alternatives, Options, Effects on Others/Comments: N/A		
Recommended Action/Motion: Request a Public Hearing for May 28, 2024 on a proposed Emergency Interim Zoning Ordinance for Cannabis in Aitkin County.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No Please Explain:		

By Commissioner:

20240611-xxx

AITKIN COUNTY INTERIM ORDINANCE NO. 2024-01

AN EMERGENCY INTERIM ZONING ORDINANCE PROHIBITING THE ESTABLISHMENT OF NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING, MANUFACTURING AND DISTRIBUTION OF CANNABIS PRODUCTS

WHEREAS, the Aitkin County Board of Commissioners finds the consideration of an Interim Ordinance on Cannabis-related land use necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the enactment of 2023 Session Laws, Chapter 63, (House File 100), allowing for the use and possession of Cannabis and other products containing THC (“Cannabis Products”); and

WHEREAS, the Aitkin County Zoning Ordinance does not contain standards for the regulation of the Cannabis industry and the Aitkin County Board of Commissioners has reviewed the recent Minnesota Statutes with respect to Cannabis industry regulations for the necessary protection of public health, safety, and general welfare; and

WHEREAS, pursuant to Minnesota Statute 394.34, the Aitkin County Board of Commissioners deems it necessary to adopt an Interim Ordinance placing a moratorium on the location, establishment, and finalization of new and pending Cannabis industry locations and uses until January 1, 2025 to permit the planning process to take place and allow County staff, the Planning Commission and the County Board sufficient time to proceed in an orderly fashion to make any necessary changes, modifications and updates to the County’s Official Controls; and

WHEREAS, due to the effective date of the new legislation, the lack of adequate time to evaluate the situation, enact appropriate controls, and the potential negative impacts on the health, safety, and welfare of its residents, an emergency situation that justifies a temporary Interim Ordinance exists; and

WHEREAS, the Aitkin County Board of Commissioners finds:

1. A temporary emergency zoning ordinance instituting a moratorium prohibiting new or pending Cannabis industry locations and uses is necessary in order to hold discussions and hearings to determine whether a longer-term zoning ordinance shall be adopted and implemented, to protect the public health, safety, and general welfare of the residents of Aitkin County.
2. An emergency exists because based on the recent Minnesota Statutory law changes, as well as from the comments received from the community, the townships, and the cities, the Aitkin County Zoning Ordinance does not afford the protection needed in order to ensure that the residents of Aitkin County are not adversely affected.
3. It is in the interests of public health, safety, and general welfare to impose a temporary moratorium until a public hearing can be noticed and a permanent ordinance can be published pursuant to Minnesota Statute 375.51.

NOW, THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners hereby ordain:

Section 1. Study.

The County Board hereby authorizes and directs County staff to conduct a study of the issues relating to the sales, testing, manufacturing, and distribution of Cannabis products.

Staff shall make a recommendation to the County Board about whether the County should amend its zoning, business-licensing, or other Ordinance provisions related to these types of uses to better protect County residents.

Section 2. Moratorium.

A. No business, person or entity may establish a new use or expand an existing use that includes or involves the sale, testing, manufacturing, or distribution of Cannabis products during the term of this Ordinance.

B. During the term of this Ordinance, County staff shall not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of Cannabis products.

Section 3. Enforcement.

In addition to any criminal penalties allowed by the law, the County may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the Aitkin County Zoning Ordinance and shall be subject to the County enforcement pursuant to provisions set forth in Section 13 of the Aitkin County Zoning Ordinance.

Section 4. Severability

Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part of this Interim Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgement shall not invalidate any other section, subsection, provision, or part.

Section 5. Effective Date; Duration.

A. Pursuant to Minnesota Statutes Section 375.51, this emergency ordinance shall become effective immediately upon its approval by the Board; however, no prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor, unless the person charged with the violation had actual notice of the passage of the Ordinance prior to the act or omission complained of.

B. Unless earlier repealed by the County Board, this Ordinance shall be effective until the later of the following dates as allowed pursuant to the powers granted by 2023 Session Laws, Chapter 63, Article 1, Section 13, or Minnesota Statutes Section 324.13, this Ordinance shall be effective through January 1, 2025.

FIVE MEMBERS PRESENT

All Members Voting

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 23rd day of April 2024 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 23rd day of April 2024

Jessica Seibert
County Administrator