



# Board of County Commissioners Agenda Request

## 7A

Agenda Item #

**Requested Meeting Date:** June 25, 2024

**Title of Item:** Second Reading - Emergency Interim Zoning on New or Expanding Cannabis

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Andrew Carlstrom		<b>Department:</b> Environmental Services/Planning & Zoning
<b>Presenter (Name and Title):</b> Andrew Carlstrom, Environmental Services Director		<b>Estimated Time Needed:</b> 10 Minutes
<b>Summary of Issue:</b>  <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, cultivating, manufacturing, and distribution of cannabis products." The Aitkin County Planning Commission met on May 20, 2024 and approved the proposed ordinance. The public hearing and first reading of the proposed ordinance was held before the County Board on May 28, 2024. An amendment to the resolution to include and add the word "cultivating" was recommended at the meeting, and a public notice was again published in the Aitkin Age on June 5, 2024.</p> <p>In accordance with MN Statute 394 and Rule 11 of the Aitkin County Ordinances and Procedures of the Board of Commissioners Meeting Procedures and Rules of Business, two readings shall be conducted prior to the adoption of the amendment.</p> <p>Please attached ordinance and resolution.</p>		
<b>Alternatives, Options, Effects on Others/Comments:</b> 2nd Reading Only		
<b>Recommended Action/Motion:</b> 2nd Reading Only		
<b>Financial Impact:</b> <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

By Commissioner: xxx

20240625-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, CULTIVATING, 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, cultivating, 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, cultivating, 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, cultivating, 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.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

xxx MEMBERS PRESENT

All Members Voting xxx

**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 25<sup>th</sup> day of June 2024, and that the same is a true and correct copy of the whole thereof.

**Witness my hand and seal this 25<sup>th</sup> day of June 2024**

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Jessica Seibert  
County Administrator

ADLINE IS 11 AM FRIDAY FOR THE FOLLOWING WEDNESDAY EDITION  
EARLY DEADLINES APPLY FOR HOLIDAYS  
MAIL ALL LEGAL NOTICES TO PUBLICNOTICE@APGECM.COM OR  
CALL 763-927-3761 FOR LEGAL INFORMATION

it for a 49 unit recreational  
the campsite expansion to  
existing campground with  
indians. (4) CUP #48405C  
ted on December 18, 2023  
conditional use permit for a  
mit expansion to an existing  
ational vehicle campground  
20 conditions. NO additional  
s or improvements are  
only proposed. PROPERTY

1-084900, 36-1-084300,  
1-084400 PART OF LOT  
NU LOT 2, BLOCK 12, AND  
LOT D, ALL IN  
ALTIWOOD GOLF ESTATES,  
TION TWENTY-ONE (21),  
MNSHIP FORTY-FIVE (45),  
AGE TWENTY-  
(26). Aitkin County,  
nesota APP# 2024-001289  
XIN COUNTY ZONING  
ished in the  
in Independent Age June 5,  
24  
39617

**AITKIN COUNTY  
YNOPSIS OF BOARD  
MINUTES**

ynopsis of the Aitkin Board  
Commissioners meeting of  
ri23, 2024  
kin County Government Center  
pursuance of MN Statute  
5.12, Subd. 1.

e meeting was called to order  
9:00 a.m.,  
embers present at the meeting  
re Board Chair J. Mark  
edgel, Commissioners Laurie  
asterlund, Travis Leiviska,  
et Sample, Michael Keamey,  
runity Administrator  
essica Saibert, and  
administrative Assistant April  
ilennan.

otion carried, Sample/Keamey  
approve April 23, 2024 agenda  
; amended, removed item  
3 and added item 6C.

ublic comment: Mel Heinrich,  
ulth, provided information  
on The Convention of States  
project regarding Article 5 of the  
S Constitution,  
otion carried, Sample/  
eamey to approve the consent  
agenda:

- o Approve Aitkin County Board  
minutes from April 9, 2024
- o Approve Electronic Funds  
transfers - \$1,111,723.55
- o Approve Commissioner  
vouchers - Commissioner  
Warrants 4-12-24 - \$608,628.59
- o Approve Auditor Vouchers -  
Sales/Use and Diesel Tax, March  
2024 - \$1,558.08
- o Approve Manual Warrants -  
1-11-24 - \$53,438.80
- o Adopt Resolution - LG220  
Application for Exempt Permit -  
WMI Deer Hunters Assoc.

McGregor  
o Adopt Resolution - Application  
for Grant-in-Aid Funds for  
Snowmobile and Ski Trails to

Adopt Resolution - SAR Donation  
- Iouin Township

To Adopt Resolution - SAR  
Donation - Williams Township

To Approve Aitkin County Board  
Minutes from April 4, 2024

Committee of the Whole To  
Approve Aitkin County Board  
Minutes from April 6, 2024

Committee of the Whole To Adopt  
Resolution - Application to Make

Retail Sales of Tobacco Products  
- Blue Moose on the Lake

To Approve Auditor Vouchers  
- Auditor's Warrant 4-19-24 -

\$99,669.94 To Approve Purchase  
of new Ford pickup

To Approve Personnel Committee  
Recommendations

Motion carried, Sample/Leiviska  
to Approve Request for Public  
Hearing for Emergency Interim

Zoning on Cannabis.

Motion carried, Keamey/  
Sample to Deny Consider Public

Survey.

Motion carried, Westerlund/  
Keamey to Approve Affidavit for

Duplicate of Lost Warrant. Motion  
carried, Westerlund/Leiviska, to

adjourn meeting at 11:28 a.m.

Published in the  
Aitkin Independent Age June 5,  
2024

SB1011

**LIBBY TOWNSHIP  
PUBLIC NOTICE**

The Libby Township Board will  
meet online at 5:00 pm on  
Tuesday, June 18, 2024 to discuss  
matters that may come before  
the board. The June 18 meeting  
will be conducted via Zoom.  
Contact Jane Jewett, cler1.c, at  
willowsedge.jane@farm@gmail.  
com to request the Zoom link.  
Dated this 30th day of May, 2024

Jane Grimsbo Jewett Cleric,  
Libby Township

Published in the  
Aitkin Independent Age June 5,  
12, 2024 SB1012

**AITKIN COUNTY  
PUBLIC NOTICE  
INTERIM CANNABIS  
ORDINANCE**

At the May 28, 2024 regularly  
scheduled Board meeting,  
the Aitkin County Board of  
Commissioners held a public  
hearing and first reading on the  
adoption of 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. An amendment was  
proposed to add the word  
"cultivating" relating to uses,  
within the interim ordinance. A  
second reading will be held on  
June 25, 2024 at the regularly  
scheduled Board meeting.

The proposed interim ordinance  
is "An emergency interim  
zoning ordinance prohibiting  
the establishment of new uses

or the expansion of existing  
uses related to sales, testing,  
cultivating, manufacturing,  
and distribution of cannabis  
products\*, and includes:

1. A temporary emergency  
zoning ordinance instituting a  
moratorium prohibiting new  
or pending cannabis industry  
locations until January 1, 2025  
and 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.

A full text version is available for  
public review at the Aitkin County  
Planning and Zoning

Office and the Aitkin County  
Auditor's Office in the Aitkin  
County Government Center

during regular business hours.  
Comments can be submitted

in writing to the Aitkin County  
Planning and Zoning Office: 307

2nd St NW, Rm 219, Aitkin, MN

56431, by facsimile (218) 927-  
4372, or by

e-mail to [aitkinpz@co.aitkin.mn.us](mailto:aitkinpz@co.aitkin.mn.us).

Please include a full name  
and complete mailing address  
with all correspondences.

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June 5, 2024

SB1013

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EAST CENTRAL MINNESOTA

# -Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at [publicnotice@apgecm.com](mailto:publicnotice@apgecm.com)

## Ad Proof

Not Actual Size

### AITKIN COUNTY PUBLIC NOTICE

At the May 28, 2024 regularly scheduled Board meeting, the Aitkin County Board of Commissioners held a public hearing and first reading on the adoption of 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. An amendment was proposed to add the word "cultivating" relating to uses, within the interim ordinance. A second reading will be held on June 25, 2024 at the regularly scheduled Board meeting.

The proposed interim ordinance is "An emergency interim zoning ordinance prohibiting the establishment of new uses or the expansion of existing uses related to sales, testing, cultivating, manufacturing, and distribution of cannabis products", and includes: 1. A temporary emergency zoning ordinance instituting a moratorium prohibiting new or pending cannabis industry locations until January 1, 2025 and 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.

A full text version is available for public review at the Aitkin County Planning and Zoning Office and the Aitkin County Auditor's Office in the Aitkin County Government Center during regular business hours. Comments can be submitted in writing to the Aitkin County Planning and Zoning Office: 307 2<sup>nd</sup> St NW, Rm 219, Aitkin, MN 56431, by facsimile (218) 927-4372, or by e-mail to [aitkinpz@co.aitkin.mn.us](mailto:aitkinpz@co.aitkin.mn.us). Please include a full name and complete mailing address with all correspondences.

Published in the  
Aitkin Independent Age  
June 5, 2024  
1403903

Date: 06/19/24

Account #: 485996  
Customer: AITKIN COUNTY PLANNING & ZONING

Address: 307 2ND ST NW, ROOM 219  
AITKIN

Telephone: (218) 927-3761  
Fax: (218) 927-4372

Publications:  
Aitkin Independent Age

Ad ID: 1403903  
Copy Line: May 28 Board Meeting Interim C

PO Number:  
Start: 06/05/24  
Stop: 06/05/2024  
Total Cost: \$72.25  
# of Lines: 75  
Total Depth: 8.361  
# of Inserts: 1  
Ad Class: 120  
Phone #: (763) 691-6000  
Email: [publicnotice@apgecm.com](mailto:publicnotice@apgecm.com)  
Rep No: MA700

Contract-Gross