



# Board of County Commissioners Agenda Request



**Requested Meeting Date:** May 28, 2024

**Title of Item:** Public Hearing: Emergency Interim Zoning on New or Expanding Cannabis Use

<input checked="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) <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input checked="checked" type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>
<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> A public hearing is scheduled for 10:30AM on Tuesday, May 28, 2024 for public comment on the 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.  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 Board of Commissioners, two readings shall be conducted prior to the adoption of the ordinance. The proposed interim ordinance was approved by the Aitkin County Planning Commission on May 20, 2024.  Please see attached ordinance.	
<b>Alternatives, Options, Effects on Others/Comments:</b>	
<b>Recommended Action/Motion:</b> Hold public hearing	
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <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:

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 11th day of June 2024 and that the same is a true and correct copy of the whole thereof.

**Witness my hand and seal this 11th day of June 2024**

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**Jessica Seibert  
County Administrator**

**Aitkin County Environmental Services Planning and Zoning**  
**307 Second Street NW**  
**Room 219**  
**Aitkin, MN 56431**  
Phone: 218-927-7342  
Fax: 218-927-4372



**MEMORANDUM TO AITKIN COUNTY BOARD OF COMMISSIONERS**

DATE: May 28, 2024

FROM: Andrew Carlstrom, Environmental Services Director – Planning & Zoning Administrator

**RE: Aitkin County Interim Ordinance No. 2024-01: Emergency interim zoning ordinance prohibiting the establishment of new uses or the expansion of existing uses related to the sales, testing, manufacturing, and distribution of cannabis products.**

During Minnesota Session Law 2023, Chapter 63 (Adult Cannabis Use) was passed by state legislators. On August 1, 2023, adult use, possession, and personal growing of cannabis was officially legal. On September 26, 2023 Aitkin County passed their first ordinance, “Regulating the use of cannabis and cannabis derived products in public places”. On January 1, 2025, the MN Office of Cannabis Management will begin licensing retail, agricultural, and manufacturing businesses. Currently, the State of Minnesota has offered no State Model Ordinance, nor offered much guidance to Minnesota counties on how to proceed regulating this new industry through land use official controls. Several counties across Minnesota have enacted emergency interim zoning ordinances (or moratoriums) on any expansion of cannabis uses, in order to allow more planning, discussion, and drafting of official controls.

On April 9, 2024, the Ordinance Review Committee met to review the above said emergency interim ordinance and recommended it be forwarded to the Planning Commission. On May 20, 2024, the Aitkin County Planning Commission unanimously approved the proposed emergency interim ordinance. The public hearing or first reading is today, May 28, 2024, and a second and final reading on June 11, 2024.

If you have any questions, please feel free to contact me at 218-927-7342 or by email at [andrew.carlstrom@co.aitkin.mn.us](mailto:andrew.carlstrom@co.aitkin.mn.us).

## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA ) ss  
COUNTY OF Aitkin

Rhonda Herberg being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Aitkin Independent Age

with the known office of issue being located in the county of:

Aitkin

with additional circulation in the counties of:  
Aitkin

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 04/24/2024 and the last insertion being on 04/24/2024.

### MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By  Designated Agent

Subscribed and sworn to or affirmed before me on 04/24/2024 by Rhonda Herberg.

  
Notary Public



#### Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$999.99 per column inch

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## AITKIN COUNTY NOTICE OF HEARING

The Aitkin County Planning Commission will hold a public hearing 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. The hearing will be conducted on May 20, 2024 at 4:00pm in the Aitkin County Board Room at the Government Center, 307 2<sup>nd</sup> Street NW, Aitkin, MN 56431. The Planning Commission will make a recommendation on the proposed interim ordinance to the County Board, with the proposed first reading to be held at the regularly scheduled meetings of May 28, 2024 and on June 11, 2024.

The proposed Interim ordinance 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) before 4:00pm on May 20, 2024. Please include a full name and complete mailing address with all correspondences.

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