



Board of County Commissioners Agenda Request

3C
Agenda Item #

Requested Meeting Date: September 24, 2024

Title of Item: Resolution Limiting Retail Cannabis Businesses to Two

<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 checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Andrew Carlstrom		Department: Environmental Services-Planning/Zoning
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director		Estimated Time Needed: 10 Minutes
Summary of Issue: The Aitkin County Planning Commission met for a Public Hearing on September 16, 2024 to discuss an "Ordinance Limiting the Number of Retail Businesses Selling Recreational and Medical Cannabis in Aitkin County to Two". The Planning Commission voted unanimously to approve and forward to the Aitkin County Board of Commissioners for approval or denial. After further discussion, it is understood that an ordinance is not necessary, and that a proposed resolution can be denied or adopted by the County Board. We are respectfully requesting a motion to approve or deny the "Resolution Limiting the Number of Retail Businesses Selling Recreational and Medical Cannabis in Aitkin County to Two". Please see the attached proposed resolution.		
Alternatives, Options, Effects on Others/Comments: N/A		
Recommended Action/Motion: Consider the adoption of the Resolution Limiting the Number of Retail Businesses Selling Recreational and Medical Cannabis in Aitkin County to Two		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input 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

20240924-xxx

A RESOLUTION LIMITING THE NUMBER OF RETAIL BUSINESSES SELLING RECREATIONAL AND MEDICAL CANNABIS IN AITKIN COUNTY TO TWO

WHEREAS, the 2023 Session Laws, Chapter 63, (House File 100), Chapter 342.13(3) (i) of Minnesota State Statute states, "A local government that issues cannabis retailer registration under section 342.22 may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents; and

WHEREAS, Aitkin County's most recent estimated population from 2022 was 16,614, and Chapter 342.13 (3) U) states, "If a county has one active registration for every 12,500 residents, a city or town within the county is not obligated to register a cannabis business"; and

WHEREAS, the Aitkin County Board of Commissioners finds the consideration of an Ordinance on limiting the number of retail businesses selling recreational and medical Cannabis in Aitkin County for the preservation of the public peace, health, morals, safety, and welfare and 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, pursuant to Minnesota Statute 394.34, the Aitkin County Board of Commissioners deems it necessary to adopt an Ordinance placing a limit on the number of retail businesses selling recreational and medical Cannabis before January 1, 2025, and at which time official controls shall be in place; and

WHEREAS, the Aitkin County Board of Commissioners finds:

1. The institution of a zoning ordinance in order to limit the number of retail businesses selling recreational and medical cannabis shall be adopted and implemented, to protect the public health, safety, and general welfare of the residents of Aitkin County.
2. Aitkin County has received the State Model Cannabis Ordinance from the Office of Cannabis Management, but currently does not have official controls in place to regulate the sales, testing, cultivating, manufacturing, and distribution of Cannabis products. The State of Minnesota began receiving business license applications on July 1, 2024 for an early lottery entry from Social Equity Applicants, which are defined in MN Statutes 342.17.
3. It is in the interests of public health, safety, and general welfare to impose an ordinance limiting the number of retail businesses selling recreational and medical cannabis and be published pursuant to Minnesota Statute 375.51.

NOW, THEREFORE BE IT RESOLVED, that the Aitkin County Board of Commissioners approves and adopts a "Resolution Limiting the Number of Retail Businesses Selling Recreational and Medical Cannabis in Aitkin County to Two".

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 24th day of September 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 24th day of September 2024

Jessica Seibert
County Administrator