

Resolution 24-125

WHEREAS, the Minnesota Legislature approved landmark legislation in May of 2023 which legalized the growing, manufacturing, possession and use of cannabis products in Minnesota; and

WHEREAS, on June 18, 2024 the County Board initiated a text amendment to Chapter 1400 to include new regulations within the County's Zoning Ordinance spelling out where cannabis businesses may be located in the unincorporated areas of the County where the County Zoning Ordinance applies and establishing limits on their operations consistent with state licensing/local registration requirements; and

WHEREAS, a public hearing was duly held on August 1, 2024, in the Commissioners Board Room, Olmsted County Government Center, 151 Fourth Street Southeast, Rochester, Minnesota, and the Olmsted County Planning Advisory Commission having heard and duly recorded and received all evidence, and being duly advised in the premises; and

WHEREAS, the Planning Advisory Commission made findings supporting the Zoning Ordinance Text Amendment #O2024-001TA based on Section 4.00 of the Zoning Ordinance as follows;

FINDINGS OF FACT:

1. The proposal is consistent with the policies of the Olmsted County General Land Use Plan. **Cannabis was not legalized when the Olmsted County General Land Use Plan was written, and there were no goals or objectives identified within the plan specifically addressing cannabis. However, the recommended changes allow for cannabis businesses within zoning districts that allow similar uses. One of Olmsted County's strategic goals is promoting Growth and Development. This text amendment balances the County's need to abide by state cannabis requirements, while still adding reasonable restrictions on development to ensure that Cannabis Business growth occurs in agricultural and commercial zoning districts.**
2. The amendment is in the public interest. **The Planning Department has taken a conservative approach to regulating cannabis, including the determination that cannabis is a commercial agricultural product and appropriate in agricultural protection areas where more intense agricultural uses are common (such as feedlots and large growing operations), the creation of an Interim Use Permit process which will allow Cannabis Business to sunset at the end of a specified term, and reasonable restrictions on where cannabis can be grown and sold.**

3. The proposed development is timely based on surrounding land uses. **This finding does not pertain to the specific text amendment.**
4. Proximity to development, and the availability and adequacy of infrastructure. **This finding does not pertain to this text amendment.**
5. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood. **This finding does not pertain to this type of text amendment.**
6. The proposal does not result in a spot zoning. **This finding does not pertain to this type of text amendment.**
7. The proposal is consistent with a General Development Plan for the area, if one exists. **This finding does not pertain to this type of text amendment;** and

WHEREAS, a public hearing was duly held on September 17, 2024, in the Commissioners Board Room, Olmsted County Government Center, 151 Fourth Street Southeast, Rochester, Minnesota, and the Olmsted County Board of Commissioners having heard and duly recorded and received all evidence, and being duly advised in the premises; and

WHEREAS, the County Board made findings supporting the County Zoning Ordinance Text Amendment #O2024-001TA based on Section 4.00 of the Zoning Ordinance as stated above; and

NOW, THEREFORE, BE IT RESOLVED, that the Olmsted County Board of Commissioners does hereby amend and re-enact the proposed changes to Sections 2.02, 4.02, 5.00, 7.00, 8.02, 8.04, 8.06, 8.08, 10.02 and creates and enacts Section 10.54 of the County Zoning Ordinance - Chapter 1400 of the Olmsted County Code of Ordinances. These changes to the ordinance shall take effect September 21, 2024 following publication of a summary of the ordinance.

Dated at Rochester, Minnesota this 17th day of September, 2024.

OLMSTED COUNTY BOARD OF COMMISSIONERS

DocuSigned by:

 9/18/2024 | 12:10 PM CDT
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 Sheila Kiscaden, Chairperson

ATTEST:

DocuSigned by:

 9/18/2024 | 1:06 PM CDT
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 Lisa Morris-Helmstetler, Deputy Clerk to the County Board