



A687237

Office of the County Recorder
Mower County, Minnesota

**I HEREBY CERTIFY THE WITHIN INSTRUMENT WAS
FILED, AND/OR RECORDED ON 4/23/2025 9:21 AM**

PACKAGE: 107963

REC FEE: \$0.00

Sara Madison, Mower County Recorder

Date: April 8, 2025

Ord. #02-25

**ORDINANCE
Zoning Ordinance Amendment**

On motion of Commissioner Reinartz, seconded by Commissioner Sparks, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held April 8, 2025 at the Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to hold a public hearing to consider amending Sections of the Mower County Zoning Ordinance was published in Mower County’s official newspaper, the *Austin Daily Herald*, on March 19, 2025 and in the Mower County Independent on March 20, 2025; and

WHEREAS, the Planning Commission held a public hearing on said amendment on April 1, 2025 at 5:30 p.m. in the Mower County Government Center, Board Room, before the Mower County Planning Commission at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, the Mower County Planning Commission recommended by a majority vote to revise sections of the Mower County Zoning Ordinance; and

WHEREAS, Notice having been duly given, a public hearing was held on April 8, 2025, before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, No one spoke in favor or opposed to the proposed change;

BE IT ORDAINED those revisions incorporating all previously approved amendments, and including minor corrections, of the Mower County Zoning Ordinance effective 1/1/2003 and amended henceforth, shall be incorporated and adopted in their entirety; and

BE IT FURTHER ORDAINED that the following revision to Mower County Zoning Ordinance for establishment of Article VIII an ordinance which incorporates portions of the Cannabis Ordinance into Land Use regulation shall be incorporated and adopted in its entirety; and

Article VIII Zoning Cannabis Ordinance

Notation: Mower County Cannabis Ordinance was approved by the Mower County Board of Commissioners as Resolution No. 06-24, Date: 12/17/2024. This Section reflects the land use portion ordinance.

DIVISION 1 Background, Intent and Purpose

SECTION 14-182 Findings and Purpose

1. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Mower County to protect the public health, safety, welfare of Mower County residents by regulating cannabis businesses within the legal boundaries of Mower County.
 - a. Mower County is not the regulatory authority for low potency hemp edibles or hemp growers and processors as licensed and regulated by the MN Department of Agriculture. Mower County does regulate where these land uses can be located, please refer to the applicable zoning district for land uses allowed, either permitted or conditionally. If not listed within the district, use is prohibited.
2. Mower County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Mower County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

SECTION 14-183 Authority and Jurisdiction

Mower County has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- e) Ordinance shall be applicable to the legal boundaries of Mower County, MN.

Further, many of the cities and townships of Mower County have delegated full authority to Mower County for the registration and regulation of cannabis businesses. A full listing of participating cities and townships is provided in the office of Environmental Services. Please note, these same cities and townships may adopt ordinances under Sections 2.6, 3 and 4 if Mower County has not adopted conflicting provisions.

DIVISION 2 Definitions

SECTION 14-184 - Definitions

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

1. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

2. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and including lower-potency hemp edible retailers.
3. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
4. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
5. Lower-Potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
6. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
7. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
8. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
9. Protected Use: the property which contains any public school, daycare facility, residential treatment facility, or an attraction within a public property that is regularly used by minors, including a playground or athletic field.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the Mower County to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

DIVISION 3 Registration of Cannabis Businesses & Licensure by the Office of Cannabis Management

SECTION 14-185 – Registration of a Cannabis Business

Any land use operation of a cannabis business must:

1. Be registered with Mower County in accordance with the Mower County Cannabis Ordinance; and
2. Have a current, valid license from the State of Minnesota's Office of Cannabis Management; and
3. Comply with Mower County's adopted Cannabis Ordinance.

SECTION 14-186– Location Changes

Locational changes for land use operation of cannabis businesses must:

1. Be registered with Mower County in accordance with the Mower County Cannabis Ordinance; and
2. Have a current, valid license from the State of Minnesota's Office of Cannabis Management; and
3. Comply with Mower County's adopted Cannabis Ordinance.
4. Locate within an appropriate land use district as allowed by Mower County's Zoning Ordinance as a permitted or conditional use.

SECTION 14-187 – Requirements For Cannabis Businesses

Mower County shall implement a 500 ft buffer between the property line of any protected use (see Definitions, Section 1.5) and the building that houses any licensed Cannabis business, including grow houses, retail locations, trucking/transportation storage, etc.

The buffer distance shall be measured from the property line of the protected use to the building that houses the cannabis use.

SECTION 14-188 – Minimum Buffer Requirements

Mower County shall prohibit the operation of a cannabis business within 500 feet of a school.

Mower County shall prohibit the operation of a cannabis business within 500 feet of a daycare.

Mower County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

Mower County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public property that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

Mower County will not allow protected uses to establish new locations within the buffer zone of an established, active cannabis business.

SECTION 14-189 - Zoning and Land Use

Any use that is not listed as allowed or permitted in a zoning district is considered prohibited in that zoning district. In zoning districts where the use is allowed, Cannabis businesses are still required to register the use with Mower County, and Zoning Permits may be required for the construction or modification of any associated facilities.

This ordinance applies to Mower County. Cities and Townships within Mower County that have adopted Cannabis Ordinance may have additional regulation, which could be more stringent than Mower County's requirements.

Cultivation.

Cannabis businesses licensed or endorsed for cultivation are allowed upon granting of a Conditional Use Permit in the following zoning districts:

- Agricultural Zoning District (14-51)
- Rural Management Zoning District (refer to 14-51)

- Industrial Zoning District (14-83)

Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are allowed upon granting of a Conditional Use Permit in the following zoning districts:

- Agricultural Zoning District (14-51)
- Rural Management Zoning District (refer to 14-51)
- Industrial Zoning District (14-83)

Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers are allowed upon granting of a Conditional Use Permit in the following zoning districts:

- Agricultural Zoning District (14-51)
- Rural Management Zoning District (refer to 14-51)
- Industrial Zoning District (14-83)

Wholesale.

Cannabis businesses licensed or endorsed for wholesale are allowed upon granting of a Conditional Use Permit in the following zoning districts:

- Agricultural Zoning District (14-51)
- Rural Management Zoning District (14-51)
- Business District (14-71)
- Industrial District (14-83)

Cannabis Retail.

1. Cannabis businesses licensed or endorsed for cannabis retail are permitted as an allowed use in the following zoning districts:
 - Business District (14-70)
 - Industrial District (14-70)
2. Cannabis businesses licensed or endorsed for cannabis retail are allowed upon granting of a Conditional Use Permit in the following zoning districts:
 - Rural Service Center (14-103.3)
3. Cannabis businesses licensed or endorsed for cannabis on site consumption are allowed upon granting of a Conditional Use Permit in the following districts:
 - Business District (14-71)
 - Rural Service Center (14-103.3)

Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are allowed as a permitted land use in all zoning districts.

Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are allowed as a permitted land use in all zoning districts.

Austin Daily Herald Affidavit

STATE OF MINNESOTA COUNTY OF MOWER

Crystal Miller, being duly sworn, on oath states as follows:

1. I am the publisher of the Austin Daily Herald, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

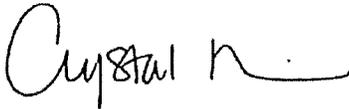
3. The dates of the month and the year and day of week upon which the public notice attached/copied below was published in the newspaper are as follows:

04/16/25

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$17.48.

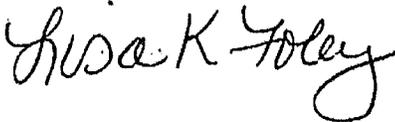
5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of is located in Mower County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgage 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.

FURTHER YOUR AFFIANT SAITH NOT.

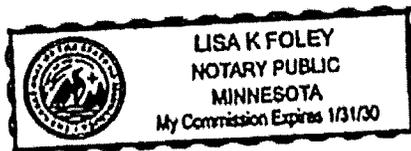


Crystal Miller, publisher

Subscribed and sworn to before me this
16th Day of April, 2025



Lisa Foley, Notary Public
Freeborn County, MN



Account # 229595
Ad # 1976277

Notice of Mower County Ordinance Adopted (Summarized)
Ordinance #01-25 and #02-25 adopted April 8, 2025 - Zoning Ordinance Amendments
The Mower County Board of Commissioners adopted Ordinance #01-25 to amend Section 14-18.7 Special Requirements for Solar Farms and Gardens for underground electrical lines. The Mower County Board obtained:

- To incorporate all previously approved amendments and minor corrections shall be incorporated and adopted in their entirety;
- To add, delete and/or modify Section 14-18.7 Special Requirements for Solar Farms and Gardens for underground electrical lines depth parameters
- Effective upon publication (April 16, 2025)

Mower County Board of Commissioners adopted Ordinance #02-25 amending the Zoning Ordinance to add Article VIII an ordinance which incorporates portions of the Cannabis Ordinance into Land Use regulation. The Mower County Board obtained:

- To incorporate all previously approved amendments and minor corrections shall be incorporated and adopted in their entirety;
- To add Article VIII summarized as follows:

ARTICLE VIII ZONING CANNABIS ORDINANCE
Notation: Mower County Cannabis Ordinance was approved by the Mower County Board of Commissioners as Resolution No. 06-24, Date 12/17/2024. This Section reflects the land use portion ordinance.

DIVISION 1 Background, Intent and Purpose
Section 14-182 - Findings and Purpose
Section 14-183 - Authority and Jurisdiction

DIVISION 2 Definitions
Section 14-184 - Definitions

DIVISION 3 Registration of Cannabis Businesses & Licensure by the Office of Cannabis Management
Section 14-185 - Registration of a Cannabis Business
Section 14-186 - Location Changes
Section 14-187 - Requirements For Cannabis Businesses
Section 14-188 - Minimum Buffer Requirements
Section 14-189 - Zoning and Land Use
Section 14-190 - Hours of Operation
Section 14-191 - Advertising

- Effective upon publication (April 16, 2025)

A complete copy of Ordinance #01-25 and #02-25 are available for public view at the Office of County Administration, 201 1st Street NE, Austin MN, or a copy can be emailed upon request by calling Environmental Services @ 507-437-7718 or via email to zoning@co.mower.mn.us