

**RESOLUTION AUTHORIZING AN ORDINANCE
TO ENACT CANNABIS ZONING REGULATIONS**

WHEREAS, the County of Freeborn, State of Minnesota (“the County”) is a statutory county duly organized and existing under Article XII of the Minnesota Constitution; and

WHEREAS, pursuant to Minnesota Statute (M.S.) Chapter 394 and specifically § 394.21, the County has the power and authority to conduct and implement planning activities; and

WHEREAS, the Freeborn County Board of Commissioners, at their August 15th, 2023 meeting, directed the County staff and the Freeborn County Planning Commission to draft a Cannabis Zoning Ordinance; and

WHEREAS, the Freeborn County Planning Commission, at their November 11th, 2024 and December 2nd, 2024 meetings, held a public hearing on the Cannabis Zoning Ordinance and made a recommendation for approval of a Cannabis Zoning Ordinance to the Freeborn County Board of Commissioners; and

WHEREAS, the proposed ordinance addresses and meets the minimum requirements as proscribed by M.S. Chapter 342 for regulating cannabis cultivation, manufacturing, and retail; and

WHEREAS, the ordinance is hereby to be incorporated into the Freeborn County Zoning Ordinance (Chapter 42), ("the Zoning Ordinance"); and

WHEREAS, the County hereby finds and determines that the ordinance is necessary to promote the public health, safety, morals and general welfare of the County, including the terms and regulations herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF COMMISSIONERS:

Sec. 42-7. Definitions is hereby amended to read as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

Agriculture means the cultivation of soil, including the harvesting of crops, the production of plants and animals useful to man, including, in a variable degree, the preparation of these products for man's use; farming, horticulture and forestry.

Alley means any dedicated public way providing a secondary means of ingress or egress to land or structures thereon.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bluff.

- (1) The term "bluff" means a topographic feature, such as a hill, cliff, or embankment, having all of the following characteristics:
 - (i) Part or all of the feature is located in a shoreland area;
 - (ii) The slope rises at least 25 feet above the ordinary high water level of the water body;
 - (iii) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
 - (iv) The slope must drain toward the water body.
- (2) An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Board of adjustment means a quasi-judicial body whose responsibility it is to hear appeals from decisions of the planning and zoning administrator and to consider requests for variances permissible under the terms of this chapter.

Boardinghouse or roominghouse means any dwelling occupied in any manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

Buildable lot area means the contiguous area of a lot that is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing the required setbacks. Areas that are floodways, required setbacks, wetlands, rights-of-way, or bluffs cannot be included in calculating the buildable lot area.

Building means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel or property of any kind. When any portion thereof is completely separated from every other part thereof by dividing walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

Building, principal, means a building or structure in which is conducted the main or principal use of the lot on which the building or structure is situated.

Building height means the vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the main height level between eaves and ridge of gable, hip and gambrel roofs.

Building line means the front line of the building or the legally established line which determines the location of the building with respect to the street line.

Cannabis business. See "*Cannabis-related definitions*" herein.

Cannabis plant. See "*Cannabis-related definitions*" herein.

Cannabis product. See "*Cannabis-related definitions*" herein.

Cannabis-related definitions. The definitions in Minnesota Statute, § 342.01 are hereby incorporated by reference including, without limitation: "*Cannabis business*", "*Cannabis plant*", "*Cannabis product*", "*Cooperative*", "*Cultivation*", "*Drug*", "*Medical cannabis cultivator*", and "*Medical cannabis retailer*".

Carport means a structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

Club projects means any animal raised as a 4-H, FFA, or similar project for education in the care and handling of livestock which requires registration with a local organization.

Commercial greenhouse means a retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Commercial planned unit developments typically refers to uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel or motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.

Community building means any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.

Conditional use means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon finding that certain conditions as detailed in this chapter exist and the structure or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Conditional use permit means a permit issued by the county board in accordance with procedures specified in this chapter which would enable the board to assign dimensions to a proposed use or conditions surrounding it.

Cooperative. See "*Cannabis-related definitions*" herein.

Cultivation. See "*Cannabis-related definitions*" herein.

Deck means a horizontal, unenclosed platform, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Development means any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

Drainage system means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets, established and constructed by a drainage authority, including the improvement of a natural waterway used in the construction of a drainage system and any part of a flood control plan proposed by the United States or its agencies in the drainage system.

Drug. See "*Cannabis-related definitions*" herein.

Duplex, triplex , and *quadriplex* means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling means two or more rooms within a structure that are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities permanently installed shall be included for each dwelling. A manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A manufactured home, camper trailer, camper bus, recreational vehicle or tent are not considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.

Dwelling, farm, means a dwelling located on a farm which the residents of the dwelling own, operate or are employed thereon.

Dwelling, multiple , means a building used or intended to be used as a dwelling by three or more families.

Dwelling, non-farm, means a dwelling located on a parcel of land contiguous to or surrounded by farmland that is under separate ownership and which the resident of the dwelling neither operates nor is employed thereon.

Dwelling, single-family , means a dwelling occupied by only one family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family only, together with the domestic help as may be necessary to service and maintain the premises and their occupants.

Dwelling, townhouse, means a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single-family dwelling unit shall be considered to be a separate building.

Dwelling, two-family , means a dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two families.

Dwelling site means a designated location for residential use.

EAW means environmental assessment worksheet.

EIS means environmental impact statement.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erected includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building; excavation, fill, drainage and the like shall be considered a part of erection.

Essential service means any surface, overhead or underground electric, gas transportation, hydro-carbon, steam, water, communication, refuse transmission, distribution, or collection system operated by any utility company or governmental agency.

Major essential service facilities. Any essential service line or structure providing transmission services, i.e., utility service, such as high voltage (greater than 35 KV) electrical power, communication, or bulk gas or fuel being transferred from station to station and not intended only for en route consumption, shall require a conditional use permit as regulated in article VIII of this chapter in addition to being governed by the procedures described herein.

Minor essential service facilities. Any essential service line or structure located within any county easement or county right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than 35 KV) or other single service distribution lines (communication or gas), shall not require a conditional use permit; however, such service facilities shall be governed by the procedures described herein. Single service distribution lines are the individual lines serving a single residence or building site. For the purposes of a conditional use permit, multiple single service line replacements or installation projects are considered to be minor essential services if contained within four or less contiguous land sections.

Essential service line means any primary or subsidiary conductor designed or utilized for the provision or maintenance of essential services, including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, fire alarm box, police call box or right-of-way, but not including any structure.

Essential service structure means any appurtenant structure required to be on line to accommodate the proper provision or maintenance of essential services, including any electric substation, water tower, sewage lift station, or other similar facility.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51.

Family means any number of persons living together in rooms comprising of a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family, including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall be considered to constitute one family for each five persons, exclusive of domestic employees, contained in each such group.

Farm means a parcel of land used exclusively for agricultural purposes.

Farmyard means the area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.

Feedlot means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots as regulated in this chapter are found in state pollution control agency's rules for the control of pollution from animal feedlots. These rules are adopted by reference in this chapter.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "flood-fringe," used in the flood insurance study for the county.

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing means the combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily from the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain that are reasonably required to carry or store the regional flood discharge.

Floor area, ground , means the area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches, and not including attached utility or accessory rooms having three or more exterior sides.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Garage, private , means an accessory building designed or used for the storage of not more than three motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline service station means a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of the commodities on or in the vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.

Greenbelt means a planting strip composed of large fast-growing deciduous shrubs with a minimum mature height of ten feet spaced not more than four feet apart, the minimum height at the time of planting shall be 24 inches and of a hedging grade; or a row of American dark green white cedar spaced not more than eight feet apart, the minimum height at the time of planting shall be 36 inches and shall be potted or balled and burlaped; or one row of tall deciduous trees spaced not more than 15 feet apart, the minimum height at the time of planting shall be four to five feet. The term "multi-row greenbelt" means a combination of the planting strips forming a greenbelt as determined by the planning commission.

Guest cottage means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on a lot.

Hardship means the same as that term is defined in M.S. Chapter 394.

Historical dwelling site means a building site on which a residential dwelling was or is in existence on April 20, 1982, or after.

Home occupation means any gainful occupation or profession engaged in by an occupant that is clearly secondary to the principal use of the premises and which does not change the character thereof or have any exterior evidence of the secondary use.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetative clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim use means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it as allowed by M.S. § 394.303.

Junkyard means a place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or secondhand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it such that there is no substantial potential further use consistent with its usual, original function or reasonable reuse. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. Provided further that the storage of three or more inoperative and/or unlicensed motor vehicles or trailers for period in excess of two months shall also be considered a junkyard.

Kennel means any lot or premises on which three or more dogs are kept, either permanently or temporarily boarded.

Livestock means any beef or dairy cattle, swine, sheep, horses and ponies.

Lot means a parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures, together with the yards, open spaces, lot width and lot area as are required by this chapter, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.

Lot area means the area of a lot on a horizontal plane bounded by the lot lines.

Lot area, buildable , means that portion of the lot remaining after the deletion of any floodplain, road rights-of-way, wetlands or slopes of 12 percent or greater; conversely, a lot capable of meeting the requirements of this chapter, including the provision of adequate area for the installation and maintenance of on-site sewer and water facilities.

Lot, corner , means a lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection do not exceed 135 degrees.

Lot coverage means the part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot frontage means that portion of the lot boundary having the least width abutting on the street right-of-way.

Lot lines means the lines bounding a lot.

Lot of record means a lot that is part of a subdivision, the map of which has been recorded in the office of the county recorder, or a lot described by metes and bounds, the deed to which has been recorded in the office of the county recorder.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot lines. The shortest distance between lot lines measured at the midpoint of the building line.

Manufactured home means a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification and complies with M.S. §§ 327.31 to 327.35.

Manufactured home park means any lot or tract of land upon which two or more occupied trailer coaches or manufactured homes are harbored either with or without charge, and including any building or enclosure intended for use as a part of the equipment of the park.

Medical cannabis cultivator. See "*Cannabis-related definitions*" herein.

Medical cannabis retailer. See "*Cannabis-related definitions*" herein.

Migratory labor camp means temporary facilities provided by the employer on his own land for the housing of workers who, for seasonal purposes, are employed in the planting, harvesting or processing of crops.

Motorized vehicle means any self-propelled vehicle for the transportation of persons, including, but not limited to, automobiles, motorcycles, trail bikes, go-carts, snowmobiles, and all-terrain vehicles.

Nonconforming use means a use lawfully in existence on the effective date of the ordinance from which this chapter is derived and not conforming to the regulations for the district in which it is situated.

Nonconformity means the same as that term is defined in M.S. Chapter 394, and any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain that may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of

time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Owner means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Parking space means an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.

Permitted use means a public or private use which of itself conforms to the purposes, objectives, requirements, regulations and performance standards of a particular district.

Planned unit development means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownerships, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planning and zoning administrator means the persons employed by the board of county commissioners to enforce the provisions of this chapter.

Planning commission means the duly appointed planning and zoning advisory commission of the county board.

Principal use or structure means all uses or structures that are not accessory uses or structures.

Public water means any waters as defined in Minn. Admin. Rules §§ 103g.005(15) and (15a); provided, however, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of Minn. Admin. Rules §§ 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the county, be exempted from application of Minn. Admin. Rules §§ 6120.2500 to 6120.3900.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regional flood means a flood that is representative of large floods known to have occurred generally in state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is synonymous with the term "base flood" used in the flood insurance study.

Regulatory flood protection level means an elevation not less than one foot above the elevation of the regional flood plus any increase in flood elevation contributable to encroachment on the floodplain that results from designation of a floodway. It is the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, timeshare condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.

Riparian means land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints, such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, drainage system, property line or other facility.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Admin. Rules ch. 7080 and of this chapter.

Sewer system means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone means land located between the ordinary high water level of a public water line and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland means land located 1,000 feet from the normal high water mark of a public lake, pond, or flowage; or 300 feet from a river or stream or the landward extension of a floodplain on the river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides that may extend landward from the waters for lesser distances and when approved by the commissioner of the state department of natural resources and the county commissioners.

Shoreland setback means the minimum horizontal distance between a structure and the normal high water mark.

Sign means the use of any words, numerals, pictures, figures, devices, or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business and are visible to the general public. The term "sign" includes the following sign types:

Advertising (off-premises sign) means a billboard, poster panel, painted bulletin board, or other communicative device that is used to advertise products, goods, or services that are not exclusively related to the premises on which the sign is located.

Business sign means any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used as the identification or

promotion of any principal commodity of service, including entertainment, offered or sold upon the premises where the sign is located.

Construction sign means a sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

Directional sign means a sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity, plus directional arrows or information on location.

Directory sign means a wall sign which identifies the business, owner, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising.

Freestanding sign means any stationary or portable, self-supported sign not affixed to any other structure.

Government sign means a sign that is erected by a governmental unit.

Illuminated sign means any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

Institutional sign means a sign or bulletin board which identifies a name or other characteristics of a public or private institution on the site where the sign is located.

Integral sign means a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like, carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

Nameplate sign means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Real estate sign means a business sign placed upon a property advertising that particular property for sale, or for rent or lease.

Sign area means the entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. The term "sign area" does not include any structural elements outside the limits of the sign and not forming an integral part of the display. Only one side of a double face sign structure shall be used in computing the total surface area.

Significant historic site means any archaeological site, standing structure, or other property which meets the criteria for eligibility to the national register of historic places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery which falls under the provisions of M.S. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historic sites.

Solid waste operation means any solid waste operation, such as a demolition landfill, mixed municipal solid waste landfill, transfer station, yard waste compost, mixed municipal solid waste compost, incinerator, or transportation or collection of any mixed municipal solid waste and the support facilities used to accept, store, sort, transfer or process any mixed municipal solid waste.

SSTS means subsurface sewage treatment systems.

Stable or barn, private, means a building or structure for the housing of livestock owned or whose care is the primary responsibility of the immediate occupants of the lot.

Stable or barn, public, means a building, other than a private barn or stable, in which livestock is housed or raised commercially, or a barn or stable that is not in conjunction with a dwelling or whose care is not the primary responsibility of the immediate occupants of the lot.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Street means any thoroughfare or way other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least 30 feet in width.

Structural alteration means any changes in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers or vehicles not meeting the exemption criteria specified in this chapter and other similar items, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision means land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Surface water - oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of the use.

TDR means transfer of development rights.

Toe of the bluff means the point of a bluff where there is, as visually observed, a clearly identifiable break in the slope, from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with the average slope exceeding 18 percent.

Top of the bluff means the point on a bluff where there is, visually observed, a clearly identifiable break in the slope, from a steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, with an average slope exceeding 18 percent.

Tourist camp site means a planned development to accommodate vehicular portable structures designed as temporary, short-term dwellings for travel, recreational and vacation use.

Tourist home means any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit, are rented without cooking facilities, to the public for compensation and catering primarily to the traveling public.

Use means the purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.

Variance means a modification of a specific permitted development standard required in an official control, including this chapter, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation. The term "variance" shall also have the same meaning as provided in M.S. Chapter 394.

Water-oriented accessory structure or facility means a small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland means a surface water feature classified as a wetland by U.S. Fish and Wildlife.

Wind turbine means a turbine operated by the winds rotation of a large rotor used to generate electricity.

Yard means an open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.

Yard, front , means a yard extending across the full width of the lot between the front line and the nearest line of the principal building. Front line shall be the line bordering the nearest public or private road. In the event the lot is on an intersection, the property shall have two front yards.

Yard, rear , means a yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.

Yard , side , means a yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.

Zoning district means the sections of the county for which the regulations governing the height, area, use of buildings, and premises are the same as delineated by this chapter.

Zoning map means the areas comprising these zoning districts and boundaries of the districts as shown upon the map attached to the ordinance from which this chapter is derived and made a part of this chapter, being designated as the county official zoning map, with all proper notations, references and other information shown thereon.

Sec. 42-73. Standards for the Cultivation, Manufacture, Wholesale, and Retail of Cannabis is hereby added as follows:

(a) Cannabis businesses will be permitted, conditionally permitted, or not permitted based on the land use district as established in the tables below (P = Permitted, C= Conditionally Permitted, BASE = Refer to Base Zone, NP = Not Permitted):

Cannabis Business Type	A	R-1	R-2	RH	B-1	B-2	I-1	I-2	UR	PD
Micro (5,000-SF)	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Mezzo (15,000-SF)	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Cultivator	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Manufacturer	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Retail	NP	NP	NP	NP	C	C	NP	NP	BASE	NP
Wholesaler	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Testing facility	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Medical cultivator	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Medical processor	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Medical retail	NP	NP	NP	NP	C	C	NP	NP	BASE	NP
Transportation	NP	NP	NP	NP	NP	NP	C	C	BASE	NP
Delivery	NP	NP	NP	NP	NP	NP	C	C	BASE	NP

(b) General Standards applying to cannabis businesses.

(1) The number of cannabis retail establishments in the County is limited to 1 per 12,500 population. A retail establishment must be registered with the County prior to operation.

(2) Licensing. State licensing, if applicable, is required prior to establishment of the use.

(3) Nuisance. The use must not establish a nuisance in the form of noise, vibration, glare, fumes, odor, lighting, or electrical interference detectable off premise.

(4) Home Occupation. Cannabis businesses are prohibited as a home occupation.

(c) Performance Standards.

(1) Setbacks. Cannabis businesses are subject to the following setbacks:

(i) 1,000 feet from a school.

- (ii) 500 feet from a church, daycare, library or a residence on an adjacent property, or residentially zoned property. Setbacks shall be uniformly enforced between and across jurisdictional boundaries.
- (iii) 500 feet from a residential treatment facility.
- (iv) 500 feet from a park, playground, or athletic field.

(2) Cannabis Cultivation.

(i) Cultivation is subject to the following performance standards:

(ii) *Cultivation and Operation Plan*. A business licensed or authorized to cultivate cannabis must prepare, maintain, and execute an operating plan and a cultivation plan, which must include but is not limited to:

- A. Site Plan. Detailing size and layout of facility, including size and layout of the cultivation facility.
- B. Security. Provisions for fencing, lighting, personnel and video monitoring.
- C. Plans for wastewater, waste disposal; utilities including water and electricity, water usage and recycling.
- D. Solid Waste. A plan to destroy all cannabis plant material and cannabis byproduct to render it unusable. Waste material must be stored in a secure location.
- E. A pest management protocol that incorporates integrated pest management principles to control or prevent the introduction of pests to the cultivation site.

(3) Manufacture and Wholesale.

(i) Manufacture and Wholesale are subject to the following performance standards:

(ii) *Facility and Operations Plan*. A business licensed or authorized to manufacture and wholesale cannabis and cannabis related products must prepare, maintain, and execute a facility and operations plan, which must include but is not limited to:

- A. Site Plan. Detailing size and layout of facility, including size and layout of the manufacturing facility.

- B. *Security*. Provisions for fencing, lighting, personnel and video monitoring.
- C. *Plans for wastewater, waste disposal*: utilities including water and electricity, water usage and recycling.
- D. *Ventilation and Filtration*. In accordance with M.S. § 342.24, subd. 4.
- E. *Solid Waste*. A plan to destroy all cannabis plant material and cannabis byproduct to render it unusable. Waste material must be stored in a secure location.

(4) Retail.

- (i) The retail sale of cannabis and related cannabis products is subject to the following performance standards:
- (ii) *Business and Operations Plan*. A retail business licensed or authorized to sell cannabis and cannabis related products must prepare, maintain, and execute a business plan, which must include but is not limited to:
 - A. *Hours of Operation*. 8:00 AM to 9:00 PM Monday through Saturday and 10:00AM to 9:00PM Sunday.
 - B. *Site Plan*. Detailing size and layout of facility, including size and layout of the retail facility.
 - C. *Ventilation and Filtration*. In accordance with M.S. § 342.24, subd. 4.
 - D. *Building Conditions*. In accordance with M.S. § 342.27, subd. 8.
 - E. *Security*. In accordance with M.S. § 342.27, subd. 9.
 - F. *Lighting*. In accordance with M.S. § 342.27, subd. 10.
 - G. *Deliveries*. In accordance with M.S. § 342.27, subd. 11.
 - H. *Wastewater*. Cannabis mezzobusinesses must comply with M.S. § 342.28, subd. 3;
 - I. *Solid Waste*. A plan to destroy all cannabis plant material and cannabis byproduct to render it unusable. Waste material must be stored in a secure location.

Sec. 42-295. Conditional uses is hereby amended to read as follows:

In the "B-1" General Business District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of article VIII of this chapter:

- (1) Any commercial radio and television towers, transmitters, or receivers.
- (2) Any cannabis retail business.
- (3) Any medical cannabis retail business.

Sec. 42-321. Conditional uses is hereby amended to read as follows:

In the "B-2" Highway Business District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of article VIII of this chapter:

- (1) Any commercial radio and television towers, transmitters or receivers.
- (2) Any exterior storage of any raw or finished products.
- (3) Any cannabis retail business.
- (4) Any medical cannabis retail business.

Sec. 42-358. - "I-1" Industry District; conditional uses.

In the "I-1" Industry District, the following uses may be allowed, subject to obtaining a conditional use permit in accordance with the provisions of article VIII of this chapter:

- (1) Yard waste compost or mixed municipal solid waste compost.
- (2) Recycling activities, including sorting and reprocessing.
- (3) Any manufacturing process or treatment of products using light machinery, such as tool and die shops, woodworking or metal fabricating plants.
- (4) Any cannabis microbusiness, mezzobusiness, cultivator, manufacturer, wholesaler, testing facility, transportation, or delivery services.
- (5) Any medical cannabis cultivator or medical cannabis processor.

Sec. 42-360. - "I-2" Industrial District; conditional uses.

In the "I-2" Industrial District, the following uses may be allowed, subject to obtaining a conditional use permit in accordance with the provisions of article VIII of this chapter:

- (1) Any manufacturing of cement, lime, gypsum or plaster.
- (2) Any distillation of bone, coal, tar, petroleum, refuse, grain or wood.
- (3) Any explosives manufacture or storage.
- (4) Fertilizer manufacture, compost or storage.
- (5) Commercial laundries or dry cleaning plants.
- (6) Any garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
- (7) Any junkyard.

- (8) Slaughtering of animals or stock yards.
- (9) Any petroleum or asphalt refining or manufacturing.
- (10) Any smelting or refining of metals from ores.
- (11) Any steam board hammers or forging presses.
- (12) Any storing, curing or tanning of raw, green or salted hides or skins.
- (13) Any site utilized in the storage, blending, processing, packaging, or disposing of one or more of the chemicals listed on the EPA's list of where to store extremely hazardous substances, if those chemicals are in excess of the EPA's threshold planning quantities (excluding sealed containers stored by a retail business or containers stored by an owner or operator to be used on his farm).
- (14) Any lawful use of land or building not elsewhere provided for and which by its nature does not, through noise, dirt, soot, offensive odors or unsanitary conditions, constitute either a public or private nuisance.
- (15) Any cannabis microbusiness, mezzobusiness, cultivator, manufacturer, wholesaler, testing facility, transportation, or delivery services.
- (16) Any medical cannabis cultivator or medical cannabis processor.

ARTICLE XIV. – EFFECTIVE DATE shall be added as follows:

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

BY THE BOARD



Commissioner Brad Edwin, Chairman

Attest: 

Darrell Pettis, Interim Administrator

Adopted this 18th day of February, 2025