



Planning Commission Agenda

Monday, July 6, 2026

Board Room, Lower Level Government Center

Mower County is providing participation in public hearing meetings BOTH in-person at the Government Center and through virtual meetings (see link below).

Call to Order – 5:30 p.m.

Pledge of Allegiance

Approval of Agenda

Approval of previous meetings minutes (6/15/2026)

Public hearing(s):

Ordinance Amendment: Request to modify the Zoning Ordinance, **Article VIII, Division 4 Outdoor Cannabis Grow Facilities**. New language regarding outdoor grow facilities.

Ordinance Amendment: Request to modify the Zoning Ordinance, **Article X, Accessory Dwelling Units**. New language regarding ADU's.

Other business

- Staff Update: (ex. Board outcomes, status on permits with timelines, other status updates, upcoming items)

Motion to adjourn meeting

If you require accommodation to participate in this event, please contact Planning and Zoning at 507-437-7718 so necessary arrangements can be.

Join the Public Hearing via TEAMS:

<https://teams.microsoft.com/join/215711709716579?p=fdtpnozmfFnRjbYTF>

Meeting ID: 215 711 709 716 579

Passcode: zv9kU7GP

MOWER COUNTY PLANNING COMMISSION

Minutes of the Mower County Planning Commission, 9/2/25

Members Present: John Mueller, Nathan Toland, Steve Gleason, Pete Thome and Ann Reinartz

Members Absent: Sean Lutz

Others Present: Angie Lipelt – Mower County Environmental Services Supervisor, April Grabau – Mower County, Donald Burns, Greg & Kari Soderberg, Justin Dunaskiss, Mark Owens, Renae & Darin Simonson, Mary Kruger, Heather & Tracy Schmit, Thomas Oots, Nancy Soiney and Adam Nelson

A Quorum was established. John Mueller called the regular meeting to order at 5:30 p.m. on 6/15/2026, in the Board of Commissioners Room at the Mower County Government Center, 201 1st Street NE, Austin, Minnesota.

Motion was made by Toland and seconded by Thome to approve the agenda as printed. Motion carried unanimously.

Minutes of the 5/4/2026, meeting was approved as printed, a motion made by Toland and seconded by Reinartz. Motion carried unanimously.

Planning Commission

Chair Mueller called the Public Hearing to order. The 1st item of business

CUP #1010 To allow for commercial, state-licensed outdoor cannabis cultivation on a proposed 44.24 -acre parcel described as being in the W1/2 of the NW1/4, Section 19, Twp 103N, Range 17 West, Mower County Minnesota per survey provided by G-Cubed Engineering dated 4/21/2026, by Geoffrey G. Griffin.

Application includes 44.24+/-acres of outdoor cannabis cultivation which will operate from March - November: lot will be split into 21 - 1 ½ acre lot, each containing one – 40'x8' shipping container, containers will be utilized post-harvest for activities such as drying, curing, and packaging, plus one 16'x6' shed to be used for security equipment, irrigation components, and agricultural tools. Each lot will have parking for two vehicles and one spot for loading and unloading, each space will be 10ft 20 ft (200 sq ft). 24 -hour security with camera coverage of gates and building entrances including cultivation. Existing well will be used with the addition of a 5-6-inch pump. Existing barn - 90'x48' and house (1569 sq ft) will be used for non-cannabis storage and employee facilities. One entrance off main road, 66ft wide easement on the gravel driveway - water irrigation usage will be under 10,000 gallons per day for the first year after which a well appropriations permit will be applied. Approximately 20,000' of 8' high of deer fencing on the perimeter with privacy screen. Section 19, Red Rock Township, Owner is McIntire Feed & Grain, Applicant is Austin Property RE JV LLC

Angie Lipelt reviewed the request and stated there are 18 suggested staff conditions and that a nineteenth could be added stating: Applicant shall provide names, numbers and license

numbers of their tenants yearly. Staff have received a parking and loading plan from the applicant. We have not received anything in the office speaking for or against the request.

Mueller explained the meeting process to the crowd, then opened the floor for public comments.

Public Comment in favor of the request.

Public Comment in favor of the request.

Don Burns, owner of the property would like to speak in favor of the project because he is looking for the best use of the land. He sold off 10 acres of woods on the north end to a hunter. The real estate market is pretty soft, especially with layoffs at Hormel recently. He has upgraded the septic system on the property and has remodeled the house to add bedrooms in the basement. The purpose of this project is to produce oils from the cannabis to make cbd oil products. He is a believer in this product as his wife, a retired nurse, uses it to sleep at night and it works. Once a month he has a massage from a therapist that uses cbd oil and he feels it helps his muscles and keeps him active. He believes there are a lot of good medical benefits.

Public Comment in favor of the request.

Public Comment against the request.

Renee Simonson, 25060 560th Ave, Austin MN. She read her letter to the Commission with the key points being odor nuisance, water table protection, conservation area, traffic, noise and safety. Also many neighbors did not receive the mailing notification.

April Grabau showed the affidavit of mailing showing the addresses the mailings had been sent to on June 1, 2026. One letter was returned and she called that person.

Heather Schmidt, 25126 560th Ave, Austin MN stated they did not receive a mailing, found out from the neighbors. She said they live in the country for a reason, peace and quiet. They should not have to deal with the smell or traffic. They may want to move in 5-10 years and worry this project could affect property values negatively. They worry about pesticides and ground water contamination. The only people this is good for is the owner and the applicant. Her well is also shallow, what will this project do to the water table. What about light pollution, how are the lights going to affect the area.

Public Comment against the request.

Nancy Soiney 55860 245th St, Austin MN stated she disagrees with the request and is very worried about the conservation of the land.

Thomas Oots stated he is 91 years old and has spent 54 years on his property trying to improve the property and conserving the land and environment. Mower County has valued his property at 4.8 million dollars and he pays \$14,000 dollars a year in taxes. He feels this project would ruin the property. The document from applicants packet states his property would help mitigate odors. That's a slap in the face and he wants to know what about his quality of life. If this goes into full operation he hopes he is gone and dead and doesn't have to see it.

Public Comment against the request.

Dunaskiss stated this is an agricultural product. Everyone has the legal right to grow hemp on their property legally without a CUP or cannabis with a CUP. The smell is only during a certain amount of time, just like any other crop. They have found in Michigan that properties have sold well around cannabis grow operations because people want to live and work near the facility. Planting program would include 120 lavender plants, 85 rosemary plants, 95 lemon balm plants, 5,000 sq.ft. of clover and 8000 sq. ft. of Rye Grass. There will be absolutely no lights. The wells, they have never had that be an issue on any other operations, they do not want their well to go dry. Hydrogen peroxide would be sprayed directly on the plants, which helps reduce odor. There will be absolutely no lights, that would throw off the plants natural growing cycle. The only reason they have the amount of parking in this plan is to meet code, they do not expect that much traffic. There is very little waste produced, maybe enough for one dumpster at the end of the season. There is no runoff to the land or creek, they feel there is less contamination with a cannabis crop then there is for traditional crops.

John Mueller stated cannabis growing has been approved by the state, we as a county must determine whether it is good for the land and meets ordinance requirements. He asked the applicant about lights, traffic and wells.

Dunaskiss stated security lights are only on the entrance, are motion censored and not outward facing. Parking levels are state mandated, but in real life there are less people on site at a time. Full capacity for sites would be 20, and two people could clear a plotted site by hand in a day or two per plot. Then the product gets sent elsewhere to be processed. 15-30 people complete the harvest over two weeks. They have never had an issue with wells in any other grow area. They will work with the county on any requirements regarding the well.

Ann Reinartz had a phone call from a resident that asked how the plants are contained inside the fence, is there something over the fencing. Can wildlife remove the product and contaminate other properties.

Dunaskiss, said no, there is not a net on top of the fencing. He referred to a picture of fencing that would be used. Chain link with a mesh.

Steve Gleason asked what are the setbacks and site plan.

Dunaskiss said they will meet the front setbacks and the sides will be pretty close to the property line but meet setbacks.

Nathan Toland asked about the location of fencing. Will individual lots be fenced and will the property look like an encampment. Will the house and barn be part of the project, will they be fenced in.

Dunaskiss said 8' fences around perimeter and 6' fences around each site. He said if you look at the property from an aerial view it may look like that, but you will not be able to see over the fences. The house and barn will be used for non cannabis growing storage, the farm manager will live in the house. The fence goes around the perimeter of the house and barn also. There will be a main gate to enter the operation.

Pete Thome stated regarding the property values, is there any research or support on that. He also asked about odor. What does an outdoor grow operation look like seasonally.

Dunaskiss said across the board there has not been a negative impact on property values in other areas and operations. He has a report from his Michigan operation that has been running for 3 years that property values have not been affected negatively, he will send that to staff. Between the 8' fence, the 6' fence, the plantings and the hydrogen peroxide use the smell is mitigated. The cannabis grown is not the high odor plant as it is grown for cbd oil use, not smoking.

Seasonally this operation will be dormant in the winter and spring. They like the plants knee high by the 4th of July, so plant in May and harvest August or September. Only one harvest per year, the product is clipped and hung in the shipping container for about a week, then packed and shipped out to be processed. Only security and a farm manager on site during the off season.

Reinartz stated this is only for oil products, if you wanted to change that you would have to amend your CUP.

Dunaskiss said yes.

Thome asked who regulates that the applicant only grows versus what they apply for.

Dunaskiss said the OCM sees every product that is planted and produced. They cannot process without OCM's endorsement.

Burns spoke about some of the concerns the neighbors have. All around the farm that will be used for the grow operation Mr. Burns plans on planting red clover to limit water run off and increase animal habitat. He has done this in Rochester on another property and it has worked well.

Mueller asked how many people will be living in the house.

Dunaskiss said the farm manager will live in the house, it is not bunk house for all employees.

Gleason asked if there would only be one entrance that all traffic will be using.

Dunaskiss said there will be one main entrance for the cannabis operation and a second entrance to the house and barn area.

Mueller talked about meeting process and what happens next.

Findings of Fact

- 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. Yes, it will**

Per the applicant's findings of fact there are three properties that are within the 300'-1000' foot odor boundary.

- 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area.**

Not a concern due to the agricultural use and the water use is minimal.

3. ***That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.***

Yes, all are provided.

4. ***That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.***

Yes

5. ***That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.***

Cover crops, meshed fence to mitigate odor. No fumes, dust, noise, vibration, lighted signs. Other lights are only security lights at entrance.

A motion was made by Toland and seconded by Gleason to recommend denial due to the findings of fact applicant does not meet the findings in item number one. Roll Call; Ann Reinartz, aye, Nathan Toland, aye, Steve Gleason, aye, Pete Thome, nay. Motion passed 3 ayes to 1 nay.

Other business: ordinance updates. ADU ordinance and cannabis ordinance, including setbacks. A lot of septic system permits, and zoning permits have been coming through the office. Data center information to be coming, we would like to be proactive on this. Many of these ordinance changes are due to the comprehensive plan.

A motion was made by Thome and seconded by Reinartz to adjourn the meeting. Motion carried unanimously. Chair Mueller adjourned meeting at 7:11 p.m.

DRAFT CANNABIS ORDINANCE AMENDMENTS:

Relating to: Commercial Outdoor Cannabis Grow Facilities

- Applies to all zoning districts where commercial cannabis grow facilities are allowed.
 - *This ordinance amendment does not apply to personal use of cannabis under MN Statute 342.09, Subd 2,*

*NOTE: Any information contained within a "box" and in blue font, is **information only** and is **not to be** incorporated in the official document. Adopted language will be incorporated into the existing ordinance and numbered accordingly with the ordinance index.*

Setbacks:

Setbacks are to be measured from the outermost parcel boundary of a cannabis facility to any existing dwelling, church, school, or incorporated city limits³ and the boundaries of the Villages of Lansing and Johnsborg as determined and adopted by Mower County².

In the case of undeveloped residential lots of record or platted and recorded residential subdivisions, camping areas, public trails and public parks; the measurement will be from the cannabis grow facility to the nearest property line of the closest parcel¹.

Feature	Setback
Dwelling ¹	1,000 feet
Church	1,000 feet
School	1,000 feet
Permitted campgrounds/camping areas ¹ : Adventure Bound Campground Brookside Campground Green Acres RV Park Lake Louise State Park Deer Creek Speedway	1,000 feet
Public trail ¹ Shooting Star State Trail	1/2-mile
Public Park ¹ Grand Meadow Pine Lawn Park	1/2-mile
Incorporated city limits	1-mile
Villages of Lansing & Johnsborg	1-mile

³ **Incorporated City Limits** includes incorporated cities within or outside of Mower County.

⁴ **New dwellings, churches or schools:** Shall not be located within 1,000 feet of the outside parcel boundary of a legally permitted cannabis grow a facility.

⁵ **Legally existing or permitted dwellings** located within 1,000 feet of a permitted cannabis grow facility are allowed to continue without interruption and may expand, even when expanding closer to the cannabis grow facility, without variance.

^{5a} **Replacement dwelling(s).** Any replacement dwelling shall be located equal to or at a greater distance than the existing dwelling from a permitted cannabis grow facility.

⁶ **Legally existing cannabis grow facilities.** Legally existing cannabis grow facilities located within 1,000 feet of legally existing or permitted dwelling are allowed to expand, in accordance with the zoning ordinance, at a distance equal to or further away from a legally existing or permitted dwelling.

DRAFT CANNABIS ORDINANCE AMENDMENTS:

⁷There is no setback established from a legally permitted cannabis grow facility to a dwelling on the same parcel of land, under the same ownership of the parcel as recorded in the Office of the Mower County Recorder.

- This setback exemption shall not apply to parties or entities who are subleasing acreages from the cannabis facility who live outside of the permitted cannabis grow facility who may reside in the area.

Note: At time of consideration of this ordinance amendment: there are zero legally permitted commercial (outdoor) cannabis grow facilities located within 1,000 feet of a church or school; nor any within 1-mile of an incorporated city or Villages of Lansing or Johnsburg. The D. Till outdoor facility is 1.26 miles from the City of Leroy.

Security Fencing Plan: Security fencing measures for cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The applicant for a permit to allow outdoor cannabis cultivation shall prepare and submit to the Department for review and approval a security fencing plan demonstrating ample security and screening of the cannabis activity. The plan shall be implemented prior to cultivation of products.

The security fencing plan shall include the following:

- a. The security fencing plan shall depict typical fencing details, including location, fence type, and height. Picture examples of fencing required.
- b. All fencing and/or walls shall be made out of material that blend into the surrounding terrain and shall minimize any visual impacts.
- c. Fencing shall use material or devices that are not injurious to wildlife, pets or livestock.
- d. Prohibit security fencing materials including razor wire, traps, or woven or non-woven polyethylene plastic.
- e. Fencing shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
- f. No visible markers indicating that cannabis is cultivated onsite.
- g. Evidence that the proposed security fencing has been sited and designated to avoid adverse impacts to public access and minimize adverse impacts to visual resources.
- h. All perimeter fencing of the cannabis grow facility shall be constructed in accordance with this section and the Office of Cannabis Management (OCM) design requirements.
 - i.) Mower County requires outside perimeter fencing to be a minimum of 8 feet in height.
 - ii.) Mower County requires interior fencing placed within the 8ft outside perimeter fencing to be a minimum of 6 feet in height.

DRAFT CANNABIS ORDINANCE AMENDMENTS:

Security:

- Security shall comply with requirements of the Office of Cannabis Management.
- Use of the property for its intended purpose shall not create a nuisance to adjoining landowners or the traveling public.
 - Applicants shall provide details of the security plan which shows placement and operation of security system equipment and shall provide a written plan as to how audible and lighting features, as required by MN Rules 9810.1500 shall not create a nuisance to adjoining landowners and/or the traveling public. What measures are being implemented to reduce or screen these potential impacts? This information shall be submitted along with the application for consideration by the Planning Commission.

Parking and Loading:

- The owner/applicant is responsible for submitting a parking and/or loading plan, drawn to scale, which complies with the Mower County Ordinance Division 3, Section 14-14 (off street parking requirements) and Section 14-15 (off street loading requirements) for submittal along with the conditional use permit for consideration by the Planning Commission.

Lighting Plan: Exterior lighting for cannabis activities shall be sited and designed to avoid impacts to biological resources. The applicant for any commercial cannabis activity involving artificial lighting shall submit a lighting plan to the Department for review and approval. Where there is conflict between the standards in this section and any other applicable standards of the county's zoning ordinance or State Statute, the most restrictive shall apply. The lighting plan shall include the following:

- a. All exterior lighting fixtures must be shielded, hooded, or louvered to ensure that light is directed vertically downward and not out onto adjacent properties or streets.
- b. Any outdoor lighting used for the illumination of parking areas and/or loading areas or for security shall be fully shielded and directed downward.
- c. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surround the lot on which cannabis is actively located.
- d. Lighting is prohibited in a hoop structures.
- e. Lighting is sited and designed to avoid light spillage or impacts to environmentally sensitive areas.
- f. If, due to site-specific conditions, an applicant believes that a lighting plan is not necessary, the applicant shall submit written documentation, with the application of the cannabis CUP (Conditional Use Permit), which sets forth reasons. The Department shall review the written documentation and make recommendations to the Planning Commission whether a lighting plan is unnecessary.

DRAFT CANNABIS ORDINANCE AMENDMENTS:

OPTIONAL – FOR CONSIDERATION

Landscape and Screening Plan: Cannabis activities shall be sited and designed to minimize adverse visual impacts. The applicant for a permit to allow outdoor cannabis cultivation development shall submit a landscape screening plan to the Department for review and approval.

The landscape screening plan shall comply with the following requirements:

- a. Said plan(s) shall include landscaping which, within 5 years, will reasonably screen the view of any new structure, including greenhouses and any agricultural accessory structures, and on-site parking and loading areas from adjoining public roads or other public viewing areas.
 - b. All landscaping shall be installed prior to initiating cultivation activities that are subject to this permit
 - c. Prior to the initiating cultivation, performance security, in an amount determined by a landscape architect and approved by the County Board, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved plan, has been installed consistent with the project plans and adequately maintained for two years.
 - d. If due to site-specific conditions an applicant believes that screening cannot be fully achieved, the applicant shall submit a landscape screening plan showing what portion can be screened and written documentation, which sets forth reasons other portions cannot be screened.
3. All landscape screenings shall minimize adverse effects.

Odor Control Plan:

The owner/ applicant shall be responsible for submitting an odor control plan designed by a professional engineer which provides scientific data regarding the odor levels leaving the property boundaries and the calculated odor level of decrease at adjoining receptor points.

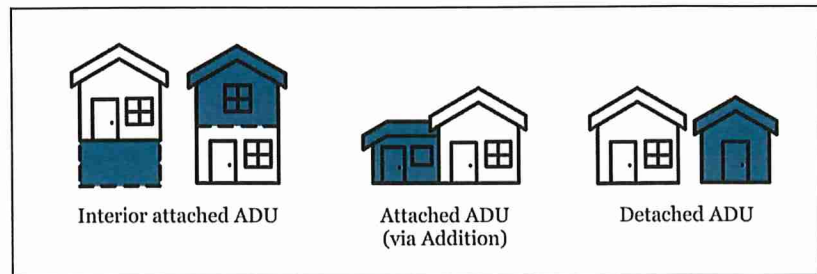
If the applicant's odor control plan shows adequate abatement measures assure no nuisance characteristics to adjoining properties, required setbacks in this ordinance may be decreased based on the scientific data submitted.

Accessory Dwelling Unit (ADU)

An Accessory Dwelling Unit (ADU) is a smaller, independent residential dwelling on the same lot/parcel as a primary single-family home designed to increase housing density and flexibility.

The primary purpose is to provide affordable, long-term housing options, create rental income for landowners, and offer flexible space for multigenerational living or transitioning family farms to the next generation.

ADUs can be detached (separate cottage/garage conversion) or attached (basement/attic conversion or addition).



Purpose of an Accessory Dwelling Unit:

Key purposes of an ADU include:

- **Multigenerational Living & Aging in Place:** ADUs, often called "granny flats", allow families to keep loved ones close while maintaining independence or enable seniors to age in place in familiar neighborhoods.
- **Transitioning of Generational Farms:** ADUs on family farms provide flexible, secondary living spaces for aging relatives to remain on the family farm to assist adult children, grandchildren, or relatives to transition into the family farming operation or to oversee onsite farm workers.
- **Rental Income & Property Value:** Landowners can generate extra income by renting out the ADU, or to increase their property value.
- **Affordable Housing & Density:** ADUs provide smaller, lower-cost housing in existing, residential areas, helping to address housing shortages without significantly altering the neighborhood character.
- **Flexibility & Efficient Use of Space:** They may utilize existing infrastructure (shared well, driveway access) efficiently and can be used for guest houses, home offices, or caregivers.

Definitions:

HABITABLE AREA: Examples of habitable (living area) include: bathrooms, bedrooms, kitchen, dining area, office/den, closets/pantry/storage areas, other undefined areas within the dwelling or directly accessible from the dwelling.

LEGALLY COMBINED:

NON-HABITABLE AREA: Areas of a dwelling or attached to a dwelling which do not include living areas. Examples include garage, mechanical rooms, decks, and patios.

NON-PRODUCTIVE:

STUDIO ADU: A studio ADU is a small, self-contained residential unit, 200–600 sq ft., located on the same lot as a primary dwelling, featuring an open-concept layout that combines living, sleeping, and kitchen areas with a separate bathroom.

SHOUSE ADU: A shouse is a type of ADU which generally features a metal pole-barn structure blending expansive or agricultural storage with a residential living space—is a popular housing option in rural areas.

Shouses demand a larger footprint for wall height, door openings, and heavy-duty storage than a residential garage.

ADU Requirements:

1. ADUs are allowed on parcels which contain a single-family primary dwelling. ADUs are prohibited on lots or parcels which already contain multiple family dwelling unit structures.
2. An ADU requires a separate, independent exterior entrance. An ADU must be accessible from the outside-such as through a shared exterior breezeway or separate side door without requiring occupants to walk through the primary residence's main living quarters.
3. Zoning & Septic permits are required for ADUs and accessory structures/buildings.
4. Principal Dwelling Unit Required. The lot or parcel proposed for an ADU must already contain an existing principle dwelling unit or is being permitted concurrently with application for the principle dwelling unit.
5. A maximum of one ADU is allowed per parcel. An ADU shall not be allowed where residential dwellings are not allowed within the zoning district or where it may violate a subdivision's private covenants or restrictions.
6. ADUs and ADU means of ingress/egress are prohibited from affecting or impacting Type 1-8 wetlands. A wetland review must be completed by the Mower County SWCD to determine if Type 1-8 wetland exists and if there will be any impact for the construction or location of an ADU or an ADUs means for ingress/egress. Applicants shall provide one of the following from the SWCD:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. Wetlands exist on site but will not be impacted by any development or access route. (no impact).
 - c. A "Wetland Exemption" (the act does not apply).
7. ADUs are prohibited in the following FEMA classified floodplain areas: 10-year (10% chance), 50-year (2% chance), 100-year (1% chance) or 500-year (0.2% chance).
8. ADUs located on parcels with Shoreland Overlay districts must meet the minimum setback from the Ordinary High-Water Level or floodplain area, whichever is greater. Variances shall not be granted to be within these setbacks.
 - a. ADUs within Shoreland Overlay Areas must meet all requirements of the zoning ordinance.
9. Landownership and Tenancy Required: Landowners of the ADU property shall reside in either the accessory or the principal dwelling unit.
10. Setback variances (well, septic, property line, shoreland and feedlot) are not allowed for ADUs.
11. An ADU must be placed within the boundaries of the existing building site.
 - a. Two contiguous, non-productive parcels under the same ownership can be legally combined to allow for accommodation of an ADU.
 - b. Two contiguous lots under the same ownership, when part of a platted residential subdivision, may be legally combined to accommodate an ADU.
 - c. Expansion/Enlargement of a building site into tilled or productive land which is or could be used for agricultural purposes for accommodation of an ADU is prohibited.

- d. Land that has been temporarily set aside in Federal or State Conservation program shall be considered “farmland at rest” and is prohibited from being used for accommodation of an ADU.
- e. When boundaries of the existing building site are not clearly defined; the zoning administrator shall use the most recent past 10-years’ worth of aerial photos to determine the outside perimeter of the building site area. Concave and meandering parcels shall be squared off taking as little tillable land as possible to “square the parcel”. *[examples provided]*.

An ADU must be, in its entirety, located within 250 feet of the primary dwelling.

- a. Variance from the 250-foot locational standard shall only be considered by the Board of Adjustment if there is absolutely no other option available on the property for the ADU to be located within 250 feet of the primary dwelling.
 - b. Any variance application submitted to the zoning authority must be presented to be as physically close as possible to the 250 feet locational limitation to meet the intent of ADU ordinance.
 - c. Administrative variances shall be allowed if the only available location within 250 feet slightly encroaches outside of the 250 ft locational limitation. Administrative variance is limited to ADUs projecting less than 50% beyond the 250 ft locational limitation.
 - d.
12. Preconstructed, non-residential buildings or structures may be allowed as an ADU provided the structure and all modifications are approved and signed off by a structural engineer and there is documentation from the engineer stating that the conversion will adhere to the state’s energy and structural building codes and that any structural modifications, such as cutting out walls for doors or windows, meet structural integrity requirements for use as a dwelling.
- a. Examples of preconstructed non-residential type buildings and structures include, but are not limited to, tree houses, she-sheds, man-caves, storage sheds, machine sheds, shipping containers, agricultural structures, grain bins, barns, and silos.
 - b. A zoning permit shall be required which reflects a “change in use” from a non-residential structure to an ADU residential structure/dwelling.
 - c. Use of a non-residential structure for an ADU will require stamped approval by a structural engineer and shall be submitted along with the zoning permit application. An as-built statement from the same engineer is required after construction verifying in writing to Mower County the structure was modified as they had previously approved in the construction plan and the structure is safe for human occupancy.
13. **Facilities.** An ADU shall contain no less than one bedroom, one bathroom, one kitchen (with or without eating area), one living room or combination living/dining room. Exception is granted for a studio ADU which demonstrates one multi-purpose room which has accommodations for sleeping.
14. **Screening and Orientation.** The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents of adjoining dwellings, as determined by the presence or design of landscape screening, fencing, and window and door placement.
15. **Location on Lot.** A detached ADU must be located in the side or rear yard of the principal dwelling and separated by no less than 20 feet from all structures on the subject property.
16. **Setbacks.** The ADU shall meet or exceed the front, side and rear yard setbacks of the applicable zoning district for residential structures.

17. **Driveway.** A detached ADU shall be served by the same driveway that serves the principal dwelling.
 - a. Exceptions shall be considered by the zoning administrator when the ADU is accessed more conveniently from a different road, street or alley (i.e. if located on a double frontage lot/parcel or close to a side road or alley when located in a residential subdivision that has been platted).
 - b. Any alternative access considered must solely located on the same lot/parcel in which the primary dwelling and ADU are located. Land which is separate, but under the same or different ownership shall be prohibited as alternative driveway access.
18. **911 Address:** An ADU is required to obtain a separate 911-address from the primary dwelling. The 911-access shall be obtained prior to issuance of a zoning permit.
19. **Parking Area.** A minimum of two parking spaces shall be required for each ADU.
20. **ADU Septic System:** An ADU shall only be allowed to be constructed on a parcel which supports primary and secondary TYPE I septic systems.
 - a. Exception will be allowed if the primary dwelling's only option for a septic system is a TYPE III and the two dwellings share a common TYPE III septic system and a septic professional has determined there is an available secondary site with soils to accommodate a replacement system in an area to support both dwelling units
21. **Primary and Secondary SSTS locations:** Before applying for a zoning or septic permit, the lot/parcel shall be reviewed by a qualified septic contractor to determine if the right-type of soil is available and enough of the right-type of soil is available via soil boring logs to support primary and secondary TYPE I septic systems. Mapped locations identifying both primary and secondary drainfield locations and soil boring locations shall be clearly identified on the map for both the primary dwelling and the ADU and shall be included on the same map and be accordingly supported by soil logs as required in the Mower County SSTS Ordinance.
 - a. Septic systems for the primary dwelling and ADU may be shared/combined but will require expansion of a septic system, determined to be compliant via a compliance inspection by a qualified septic inspector, to accommodate the additional flows being added to the system by the ADU.
 - b. If using a shared septic system - A qualified septic system contractor must determine that primary and secondary septic locations contain adequate soils, in soil type and area, to support the additional septic system expansion and the additional investment being made by the landowner to sustain both dwelling units.
22. **Further Subdivision Prohibited.** A detached ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit. The ADU is prohibited from being sold to another individual, unless being removed from this lot/parcel, but may be used as rental income.
23. **Deed Restriction.** Before securing approval for zoning permit of an ADU, the landowner of the property shall record against the deed, a Deed Restriction, (document to be provided by Mower County Environmental Services), ~~running in favor of the local unit of government~~ limiting ownership of both the principal dwelling unit and ADU to the legally recorded landowner of the property.
24. **Maximum Number of Residents.** The number of occupants of the ADU shall not exceed three people.
25. **Elimination/Expiration.** Mower County will provide a document that may be used for elimination of an ADU. Elimination of an ADU may be accomplished by the landowner recording an Expiration of ADU Deed Restriction with the Mower County Recorder stating that the

accessory dwelling no longer exists on the property. The Expiration of the ADU document must be signed by a representative of Mower County Environmental Services attesting that the ADU is no longer present on the property; the landowner has re-permitted a changed use of the ADU to a structure that no longer allows for human habitation, and that the plumbing has been permanently severed and/or removed from the structure [in accordance with MN Rule 4714.0713] and the septic system has been properly abandoned, if applicable.

26. ADU landowner is responsible for functionality (usability) and maintenance of structures, real property and certain other components, including, but not limited to lawn, driveway, well, septic, HVAC systems and major appliances including but not limited to, stove, oven, refrigerator/freezer, built-in microwaves, washer & dryer (if they exist), and carbon monoxide/smoke detectors and fire extinguishers and pest control.
 - a. If a landowner fails to maintain the ADU as functional and it is determined that the structure and/or other components to not support human habitation, the County Board has the authority to execute Expiration of ADU Deed Restriction and discontinue its use as an ADU. The landowner shall be responsible for abandonment of the septic system and removal of plumbing components at their own cost.
 - b. If an Imminent public health threat exists; Mower County must notify the landowner in writing of the issue. The landowner shall have 10 days to abate the public health threat. Should the landowner fail to do so, the Mower County Board has the authority to abate the issue via MN Statute 145 and may assess any and all related cost to the landowner by placing an assessment against the subject property.
27. Mower County encourages all ADU landowners to consider the following issues and consult their own personal attorney to discuss and establish tenant agreements, even if the ADU is intended for use by family members.
 - a. Items for consideration, include, but are in no way limited to such things as: house rules, responsibilities, shared utilities, amenities, liability, insurance, clearly defined expectations, dispute resolution, financial responsibilities such as rent/deposits, length of occupancy, parking, yard maintenance, protection of assets, noise or other points of possible conflict - parties, pets, guests, indoor cannabis growing (to prevent mold, humidity or water damage and control excessive electrical use) or outdoor growth (distinct odor during flowering), waste/garbage/recycling management, accumulation of other waste, outdoor storage of vehicles, toys or other items, construction or other alterations allowed/prohibited, chemicals or other materials prohibited from going into a septic system to prevent damage and to help maintain longevity of the system.

LOT SIZE REQUIREMENTS

Minimum Lot Size for Attached ADUs. An attached ADU may be developed on a lot or parcel meeting the minimum size for primary dwellings within the respective zoning district provided that zoning setbacks and sewage treatment system requirements of the SSTS Ordinance can be met for both the primary dwelling and the ADU.

Minimum Lot Size for Detached ADUs.

A Studio ADU may be located on a lot or parcel that is equal to or larger than 1.5 acres in area provided that all zoning setbacks and sewage treatment system requirements of the SSTS Ordinance can be met for both the primary dwelling and the ADU.

A detached one-bedroom ADU may be located on a lot or parcel that is equal to or larger than 2.0 acres in area provided that all zoning setbacks and sewage treatment system requirements of the SSTS Ordinance can be met for both the primary dwelling and the ADU.

A detached two-bedroom ADU may be located on a lot or parcel that is equal to or larger than 2.0 acres in area provided that all zoning setbacks and sewage treatment system requirements of the SSTS Ordinance can be met for both the primary dwelling and the ADU.

SHOUSE ADUs.

Shouse ADUs must meet all of the following:

1. Shouse ADUs are limited to areas which are zoned as Agricultural or Rural Management. All other zoning districts shall be prohibited from utilizing a shouse ADU.
2. Shouse ADUs shall be prohibited in Agricultural or Rural Management zones where platted, residential subdivisions, or in denser, populated areas where the character of the vicinity is residential in nature where there are 3 or more adjacent, smaller lots which are less than 5-acres in area, regardless of the size of the subject parcel requesting the shouse ADU.
 - i. The above-mentioned adjacent lots/parcels could be located on either side of a public road or privately held access.
 - ii. The intent of this provision is to maintain the “residential character” of the immediate vicinity.
 - iii. Other ADU opportunities exist but shall prohibit a shouse ADU in this scenario.
3. A shouse ADU shall be located on a lot or parcel that is equal to or larger than 5.0 acres in area provided that all zoning setbacks and sewage treatment system requirements of the SSTS Ordinance can be met for both the primary dwelling and the ADU.
4. A maximum of one shouse dwelling structure is allowed per lot or parcel.
5. The dwelling unit portion of the shouse is subject to ADU dwelling size requirements of this ordinance. The shed portion of the Shouse is not limited in area.

ADU DWELLING SIZE REQUIREMENTS.

An ADU habitable area is prohibited from being less than 200 sq feet.

A studio ADU habitable area is prohibited from exceeding 600 sq feet.

A one-bedroom ADU habitable area is prohibited from exceeding 900 sq feet.

A two-bedroom ADU habitable area is prohibited from exceeding 1200 sq feet.

Other Enclosed areas: Enclosed three-season and four-season porches or sunrooms shall be calculated and counted as part of the habitable area.

Other Unenclosed Areas: A deck or patio shall not exceed 40% of the ADU permitted area. The deck or patio shall be unenclosed; however, these structures may have a retractable awning, structural feature or roof immediately over the area or extending from the dwelling for shade. Unenclosed decks and patios are not counted towards ADU habitable area.

GARAGE:

1. A garage/carport shall be considered optional and is not required by this ordinance.
2. A garage shall not contain habitable space.
 - A. Exception. When an ADU space is located above or below a garage. The habitable portion above or below the garage shall be counted towards the square foot limitation requirements of an ADU.
3. An ADU may have one garage affiliated with and/or supporting it, not to exceed 484 sq ft (IE a 24'x 24' 2-car garage).

4. A garage or portion of a garage that is used for the housing of automobiles, storage, and HVAC systems that support the ADU shall not be counted as part of the habitable/livable area square footage.

MECHANICAL SPACE:

Non-exclusive mechanical area: Up to a 50-sq ft deduction will be allowed for mechanical room housing HVAC, water heater, water softener, air exchanger or plumbing components when located within the ADU dwelling unit so that it does not count towards habitable area as determined by the zoning official.

- The purpose of this paragraph is to allow a reasonable deduction for mechanical components when there is also storage area included as part of the mechanical room area. The storage area shall be considered as habitable area of the ADU.

For this deduction to be calculated the zoning official shall need a layout of the structure, drawn to scale, to determine the square footage of the allowable deduction, if being requested for deduction.

Exclusive mechanical area: If the mechanical room is less than 50-sq feet; actual size of the room will be deducted from the total ADU habitable area.

Mechanical area in Garage: If the mechanical room is located within the garage there shall be no deduction.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mower County Planning Commission will assemble on Monday, July 6, 2026, at 5:30 p.m. in the County Commissioner's Room, located in the lower level of the Mower County Government Center, (201 1st Street NE, Austin MN 55912. Enter through the Law Enforcement Center doors), to consider the following Conditional Use Permit application(s) in accordance with Mower County Zoning Ordinance.

Ordinance Amendment: Request to modify the Zoning Ordinance, **Article VIII, Division 4 Outdoor Cannabis Grow Facilities**. New language regarding outdoor grow facilities.

Ordinance Amendment: Request to modify the Zoning Ordinance, **Article X, Accessory Dwelling Units**. New language regarding ADU's.

Notice is hereby given that the Mower County Planning Commission will accept public comments on the aforementioned Conditional Use Permit application(s) in person and via teleconference from the County Commissioner's Room during the public hearing. To participate in the meeting via Teams, you may obtain the agenda and meeting link on our website at <https://www.co.mower.mn.us/129/Agendas-Minutes>. Advance written comments can be provided to the Environmental Services office in advance of the public hearing until noon on the day of the public hearing in person or by emailing zoning@co.mower.mn.us.

Notice is hereby given that any recommendations concluded by the Planning Commission shall be forwarded to the Mower County Board of Commissioners for consideration and decision, 7/14/2026 at approximately 9:05 am in the County Commissioner's Room.

The application(s) and accompanying documents are available for review during normal business hours prior to the meeting at the Public Works Office: 1105 8th Ave. NE, Austin, MN or by emailing a request to zoning@co.mower.mn.us

Dated: Thursday, June 25, 2026

BY ORDER OF THE
MOWER COUNTY PLANNING COMMISSION

Angela Lipelt

Mower County Environmental Services Director

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Please print in the Legal Notices Section**2026 Legal Publication***Austin Daily Herald*E-Mail Word file to: public.notices@austindailyherald.comDate to be published (*on or before*): **6/17/2026**Date Faxed/Emailed to publisher: **6/11/2026**, by April Grabau (507) 437-7718

	Deadlines	
	Wednesday Paper	Saturday Paper
<u>Austin Daily Herald</u>	Thursday @ 4 pm	Tuesday @ 2 pm

2026 Legal Publication*Mower County Independent*E-Mail Word File to: evansppc@mediacombb.net

Contact: Sarah Mensink (507) 324-5325

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	Deadline for Submission	Publication Date
Mower County Independent	Thursday @ 4:00 p.m.	Following Thursday