

## **Ordinance Changes**

- Zoning Ordinance Section 504.1 Update language on membership of the planning commission.
  - o Sub-item 1 and 2
  - o
- Repeal Zoning Ordinance Section 610 Project Riverbend
  - o Remove Reference in 601 Zoning Districts
  - o Remove Reference in 734.4 & 734.5 WECS
  - o Remove Reference in 735.3 Communication Towers
- Renumber Zoning Ordinance Section 611 Shoreland Areas (Section 610)
- Renumber Brown County Zoning Ordinance Section 612 Zoning Map & Shoreland Management Waters. (Section 611)

## SECTION 5. ZONING ADMINISTRATION

*In unincorporated areas of the County, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a variance.*

- (4) The Board of Adjustment must take action on the application within the time frame specified under MN Statute 15.99, also known as the 60 day rule. If the variance request is approved, the BOA may impose conditions it considers necessary to protect the public health, safety and welfare of the residents in the County. Such conditions may include a time limit for the use to exist or operate. If the request is denied, the reason(s) for denial shall be provided to the applicant(s) in writing according to the requirements of MN Statute 15.99.
- (5) No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except if in the opinion of the BOA new evidence or a change in circumstances warrant it.
- (6) On application for a variance in a shoreland area, the Zoning Administrator or designee shall submit to the Commissioner of the DNR or their representative a copy of the application for variance where a hearing is to be held to consider such application. The Commissioner shall receive at least ten (10) days notice of such hearing. Such notice shall specify the time, place and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. A copy of all decisions granting a variance permit to the provisions of the shoreland management ordinance shall be forwarded to the Commissioner within (10) days of such notice.

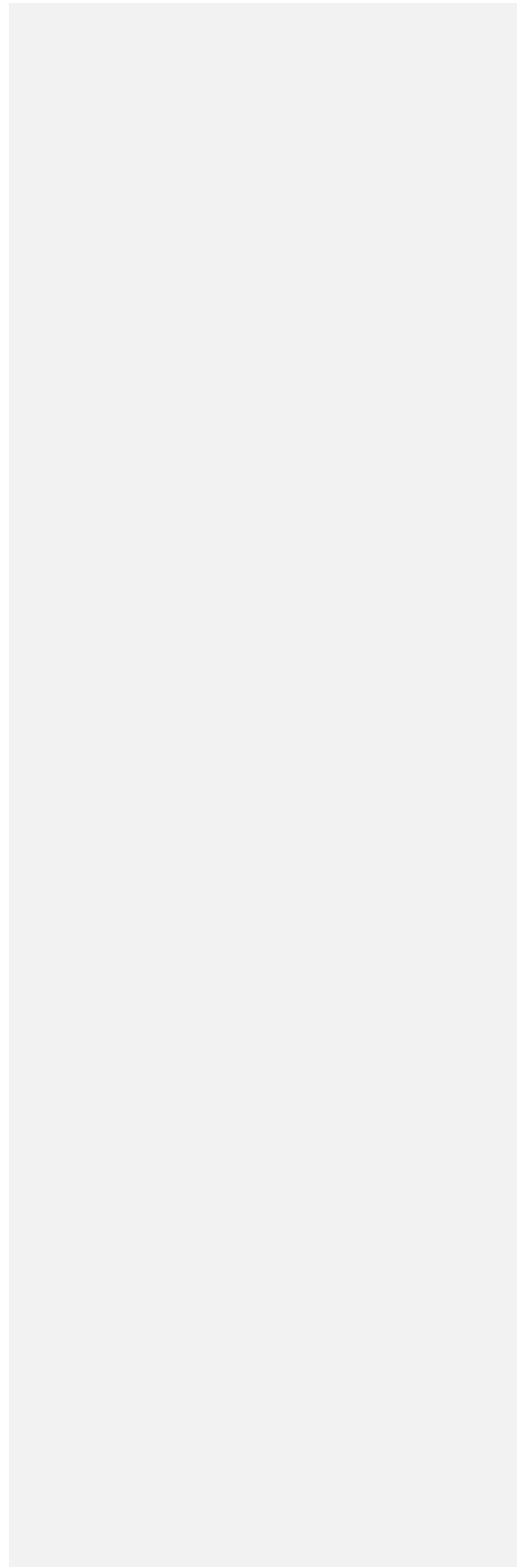
### 504. Planning Commission

#### 504.1 Membership

- (1) ~~Pursuant to Minnesota Statute, Section 394.30, the Brown County Board of Commissioners may by ordinance appoint a planning commission composed of not less than 5 nor more than 11 members, appointed by the chair of the board, and whose terms shall be for three years. At least 2 members shall be residents of the portion of the county outside the corporate limits of municipalities. At least 1 member shall be appointed from each district. The Brown County Board of Commissioners shall, through the passing of a resolution (as per Minnesota Statute 394.30), provide for the establishment of a Planning Commission and shall appoint the members for three year terms. The Planning Commission shall consist of five (5) members with one (1) member selected from each County Commissioner District~~
- (2) ~~No more than one voting member of the commission shall be an officer or employee of the county. The County Board may designate any County Officer or employee as an ex-officio member of the Planning Commission. The County Board may designate any county officer or employee as an ex-officio member of the planning commission.~~

**610. ~~Project Riverbend District~~**

~~Project Riverbend, June '81 Draft or as amended, is hereby adopted by reference in its entirety.~~



SECTION 6. ZONING DISTRICTS, DISTRICT PROVISIONS & SHORELAND AREAS

- officer.
- (2) In the event of a violation of this Ordinance, the County Board or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, and it shall be the duty of the County Attorney to institute such action.
- (3) Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
- (4) The County Attorney may at his discretion institute such action in a lesser court than the District Court.

**SECTION 6. ZONING DISTRICTS, DISTRICT PROVISIONS & SHORELAND AREAS**

**601. Zoning Districts**

The zoning districts in this ordinance are so designed as to carry out the Comprehensive Plan for Brown County and protect the public health, safety and welfare.

For purposes of this ordinance, Brown County is hereby divided into the following Zoning Districts:

<u>SYMBOL</u>	<u>NAME</u>
A-1	Agricultural/Shoreland Protection
R-1	General Residential
B-1	Highway Business
B-2	General Business
I-1	Limited Industrial District
I-2	General Industrial District
F-P	Flood Plain
<del>P-R</del>	<del>Project Riverbend District</del>

**602. Zoning Map**

**602.1 General**

The location and boundaries of the districts and the shoreland management waters established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance. A copy of the official Zoning Map shall be kept in the Zoning Administrator's Office. It is the responsibility of the Zoning Administrator to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within thirty (30) days after the official adoption of the zoning amendment by the Brown County Board.

The Flood Plain Districts are taken from the "Flood Insurance Study, Brown County, Minnesota And Incorporated Areas," the "Flood Insurance Rate Map Index numbered 27015CIND0A for Brown County, Minnesota and Incorporated Areas," and all Flood Insurance Rate Map Panels noted therein on the above-noted map index as being applicable to the unincorporated areas of Brown County, Minnesota, all of these documents being dated September 25<sup>th</sup>, 2009

SECTION 7 PERFORMANCE STANDARDS

- (7) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Brown County Solid Waste Ordinance; or successor ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

**734.4 District Regulations for WECS**

WECS will be permitted (P), conditionally permitted (CP) or not permitted (NP) based on the generating capacity and land use district as established in the table below:

Zoning District	Micro <2kW	SWECS 2kW – 5,000kW	LWECS >5,000kW	Meteorological Tower
Agriculture (A-1)	P	P	CP	CP
General Residential (R-1)	CP	NP	NP	NP
Highway Business (B-1)	P	CP	NP	NP
General Business (B-2)	P	CP	NP	NP
Limited Industry (I-1)	P	CP	NP	NP
General Industry (I-2)	P	CP	NP	NP
<b>Project Riverbend</b>	<b>CP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>
Floodplain (FP)	NP	NP	NP	NP
Shoreland (S-1)	CP	NP	NP	NP

\* Any location within 1,000 feet of a lake or 300 feet from protected waters (rivers, streams, and some drainage ditches) is considered to be in the Shoreland Zone.

**734.5 District Regulations for Solar Energy Systems**

Solar Farms will be permitted, conditionally permitted or not permitted based on the generating capacity and zoning use district as established in the table below (P=Permitted, C=Conditionally Permitted, NP=Not Permitted):

Zoning District	Small Solar Energy Systems <100kW	Large Solar Energy System 100kW – 50,000kW (50MW)
Agriculture (A-1)	P	C
General Residential (R-1)	P	C
Highway Business (B-1)	P	C
General Business (B-2)	P	C
Limited Industry (I-1)	P	C
General Industry (I-2)	P	C
<b>Project Riverbend</b>	<b>P</b>	<b>NP</b>
Floodplain (FP)	P	NP
Shoreland (S-1)	P	NP

\*\*Solar farms that have a generating capacity greater than 50MW are not a permitted use within Brown County

**735.3 District Regulations**

Towers will be permitted (P), Interim permitted (IP) or not permitted (NP) based on the land use district as established in the table below:

Zoning District	Communication	Meteorological Tower
Agriculture (A-1)	IP	IP
General Residential (R-1)	NP	NP
Highway Business (B-1)	NP	NP
General Business (B-2)	NP	NP
Limited Industry (I-1)	IP	NP
General Industry (I-2)	IP	NP
Project Riverbend	NP	NP
Floodplain (FP)	NP	NP
Shoreland (S-1)	NP	NP

*\* Any location within 1,000 feet of a lake or 300 feet from protected waters (rivers, streams, even some drainage ditches) is considered to be in the Shoreland Zone.*

**735.4 Setbacks**

(1) All towers shall adhere to the setbacks established in the following table.

	Communication Tower
Structures other than project owner(s)	200 ft
Road Rights-of-Way	1.1 times the total height
Other rights-of-way (Railroads, power lines, etc.)	1.1 times the total height
Public conservation lands	An amount equal to the height of the structure
Wetlands (except Type 1 or 2)	An amount equal to the height of the structure

(2) Additional Setback Requirements for towers

**6104. Shoreland Areas**

The shoreland areas are not a separate zoning district but additional standards apply for land uses in the shoreland areas. (*Section 733*)

The following lake basins are regulated as shoreland management waters:

<b>Lake Identification Number</b>	<b>Lake Name</b>
8-4	Linden
8-10	Omsrud
8-11	Clear
8-13	Domeier
8-14	School
8-16	Juni
8-26	Hanska
8-27	Zanders
8-29	Bachelor
8-35	Gilman
8-45	Sleepy Eye
8-54	Altermatt
8-73	Lone Tree
8-96	Boise
8-97	-----
8-111	-----
83-49	Mulligan Marsh
83-60	Wood

The following streams, rivers and drainage ditches are regulated as shoreland management waters:

<b><u>Rivers</u></b>	<b><u>Drainage Ditch</u></b>
Coal Mine Creek	County Ditch 1
Cottonwood River	County Ditch10
Eight Mile Creek	County Ditch 28 Improvement
Huelskamp Creek	County Ditch 3
Little Cottonwood River	County Ditch 68
Little Rock Creek	Judicial Ditch 29
Minnesota River	Judicial Ditch 36
Mound Creek	
Sleepy Eye Creek	
Spring Creek	

Other unnamed streams, creeks and rivers that are regulated as shoreland management waters are shown on the zoning map along with those waters listed above.

| **6112. Brown County Zoning Map and Shoreland Management Waters**

