

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF STEARNS  
AND THE  
TOWN OF AVON**

**WHEREAS**, Stearns County Land Use and Zoning Ordinance, Number 439 was effective April 21, 2000; and

**WHEREAS**, Town of Avon has adopted a zoning ordinance, entitled “Avon Township Land Use and Zoning Ordinance Number 4” which is duly recorded in the Office of the Stearns County Recorder; and

**WHEREAS**, Minnesota Statutes, Section 394.33 provides that after the adoption of official controls for a county by the Board of County Commissioners, “Board”, no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the Board; and

**WHEREAS**, It has been determined that specified provisions of the Town of Avon’s zoning ordinance entitled “Avon Township Land Use and Zoning Ordinance Number 4” are consistent with, as restrictive or more restrictive than Stearns County Land Use and Zoning Ordinance Number 439; and

**WHEREAS**, the County of Stearns (“County”) and Town of Avon (“Town”) recognize the importance of cooperating on land use issues in order to: promote and protect the public health, safety, welfare and morals; promote and provide for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses; preserve agricultural land and animal agriculture; conserve natural and scenic areas of the County; conserve natural resources and open space; and provide official controls to implement the goals and policies included in the respective comprehensive plans of the respective units of government; and

**WHEREAS**, the County and Town desire to enter into a Memorandum of Understanding in order to provide an opportunity to cooperate in administering zoning within the County for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations; and

**WHEREAS**, the County and Town desire to enter into a Memorandum of Understanding to ensure mutual understanding of each party to this Memorandum of their respective duties and responsibilities related to land use issues; and

**WHEREAS**, the permitting process may involve provisions enforced by the County and provisions enforced by the Town.

**NOW THEREFORE IT IS AGREED**, by the County of Stearns and the Town of Avon that those sections of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance enacted by reference as a part of Avon Township Land Use and Zoning Ordinance Number 4 or successor ordinance shall apply within the Town of Avon.

**IT IS FURTHER AGREED**, by the County of Stearns and the Town of Avon to cooperate in administering their land use controls as set out in Avon Township Land Use and Zoning Ordinance Number 4.

County of Stearns

Date: \_\_\_\_\_

By: \_\_\_\_\_

Donald R. Otte, Chair  
Stearns County Board of Commissioners

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Randy R. Schreifels  
Stearns County Auditor-Treasurer  
Clerk  
Stearns County Board of Commissioners

Town of Avon

Date: \_\_\_\_\_

By: \_\_\_\_\_

Chair

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk

## ATTACHMENT 1

### **A. *Administrative Provisions***

1. The Town shall conduct public hearings for the purposes of considering interim use permits and conditional use permits for all uses allowed by interim use permit or conditional use permit outside of any Shoreland or Floodplain Overlay District, except animal feedlots.
2. The Town shall conduct public hearings and act on all variances for the purposes of considering variance applications relating to setbacks from Township roads.
3. The Town shall not act on any permit or variance within the Shoreland Overlay District unless the sewage system has first been certified.
4. The County shall conduct public hearings and act on all variances for the purposes of considering variance applications relating to setbacks from County highways.
5. The County shall issue all permits and act on all variances not specifically enumerated in sub-items 1 through 4 herein. Additionally, the County shall administer and enforce all provisions of Stearns County Ordinance Number 439; or successor ordinances that are not specifically administered or enforced by the Town through this memorandum of understanding.

### **B. *Respective Duties and Responsibilities***

1. The Town shall provide the County with written notice of any public hearing regarding a conditional use permit, interim use permit or variance and a copy of the conditional use permit, interim use permit or variance application at least 7 days prior to the public hearing.
2. The County shall provide the Town with written or electronic notice of any public hearings regarding a conditional use permit, interim use permit, rezoning request or variance and a copy of the conditional use permit, interim use permit, rezoning request or variance application at least 10 days prior to the public hearing.
3. The County shall not act on a conditional use permit application, interim use permit application, rezoning request, or variance request without having first received the applicable completed Avon Township Review and Comment Form.

4. The Town shall provide the County with copies of variances, conditional use permits, or interim use permits granted pursuant to Avon Township Land Use and Zoning Ordinance Number 4 and the related findings of fact at the time the applicable document is recorded with the County Recorder.
5. The County shall provide the Town with copies of all construction site permits, variances, conditional use permits or interim use permits granted pursuant to Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance, including related findings of fact, on a monthly basis.
6. The County shall provide the Town with copies of all Provisional Uses registered by the County on a monthly basis.
7. The Town shall notify the County of all proposed ordinance changes prior to holding a public hearing.
8. The County shall notify the Town of all proposed ordinance changes prior to holding a public hearing.
9. If an ordinance change or rezoning occurs, the County and Town shall review this memorandum of understanding for potential changes.
10. This Memorandum of Understanding may be terminated by mutual agreement, however, if the parties are unable to mutually agree, then any party can unilaterally without cause terminate the Memorandum of Understanding on ninety (90) days written notice.