

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STEARNS
AND THE
CITY OF AVON-AVON TOWNSHIP JOINT PLANNING BOARD**

WHEREAS, Stearns County Land Use and Zoning Ordinance Number 209 was adopted on April 21, 2000 and Stearns County Subdivision Ordinance Number 230 was adopted on June 7, 2001; and

WHEREAS, Section 1.4B of Stearns County Land Use and Zoning Ordinance Number 209 states that this Ordinance shall apply to all areas in Stearns County, Minnesota, "except as otherwise provided by law"; and

WHEREAS, Minnesota Statutes, Section 414.0325, subd. 5 provides that a joint resolution may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area; and

WHEREAS, the City of Avon and the Town of Avon have signed such a joint resolution designating certain lands of the Town of Avon as an orderly annexation area, and in addition, have created the City of Avon-Avon Township Joint Planning Board, which has exclusive authority over land use and zoning issues within the orderly annexation area.

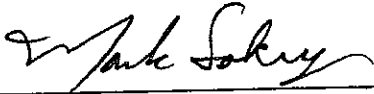
NOW THEREFORE IT IS AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board to cooperate in administering their land use controls as set out in Attachment 1 of this Memorandum of Understanding.

IT IS FURTHER AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board that this Resolution shall remain in effect until terminated by either party by providing 60 days written notice to the other.

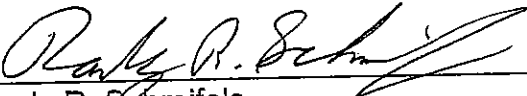
IT IS FURTHER AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board that the parties will revisit the administrative provisions and allocation of duties and responsibilities under this Memorandum on an annual basis to determine what changes, if any, need to be made.

County of Stearns

Date: 3/21/06

By: 
Mark Sakry ; Chair
Stearns County Board of Commissioners

Date: 3/21/06

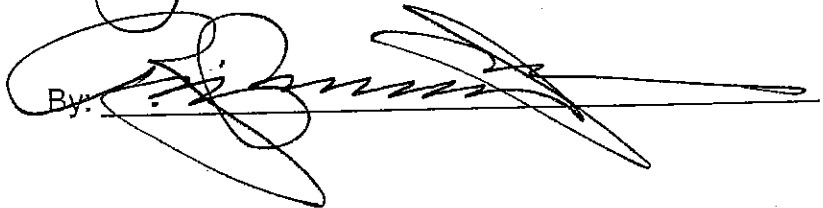
Attest: 
Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk
Stearns County Board of Commissioners

City of Avon-Avon Township Joint Planning Board

Date: 2-15-06

By: 

Date: 2-15-06

By: 

ATTACHMENT 1

Administrative Provisions

1. Application of Ordinance Number 209. Pursuant to City of Avon-Avon Township Joint Planning Board Ordinance No. 1, the Stearns County Land Use and Zoning Ordinance Number 209 shall apply to all unincorporated areas within the designated orderly annexation area.
2. Joint Planning Board Administration. With the exception of animal feedlot structures and areas within Shoreland and Floodplain Overlay Districts, the City of Avon-Avon Township Joint Planning Board shall conduct site inspections and issue all permits for all permitted or permitted accessory uses, and conduct public hearings for and issue conditional use permits, interim use permits, and variances within the unincorporated areas of Avon Township subject to the orderly annexation.
3. County Administration. The County shall conduct site inspections and issue all permits within any Shoreland or Floodplain Overlay District and shall conduct public hearings and issue interim use permits, conditional use permits, and variances within and Shoreland or Floodplain Overlay Districts that are in the unincorporated areas of Avon Township subject to the orderly annexation agreement. Notwithstanding anything herein to the contrary, common access lots and/or planned unit developments within Shoreland Overlay Districts must be approved by the Joint Planning Board prior to any County approval or permit being issued.
4. Joint Planning Board to Approve Subdivisions. The City of Avon-Avon Township Joint Planning Board shall review and decide upon applications for land subdivisions, including administrative subdivisions. The City of Avon-Avon Township Joint Planning Board Ordinance No. 1 prohibits subdivisions within the Joint Planning Area, with a limited exception for one lot splits which remain subject to the requirements of Stearns County Subdivision Ordinance No. 230. To the extent the City of Avon-Avon Township Joint Planning Board deems it desirable any such plats shall be subjected to the review and comment by the Stearns County Platting Committee.
5. Joint Planning Board to Approve Rezoning. Any proposed rezoning request within an unincorporated area of Avon Township subject to the orderly annexation agreement shall be acted on by the City of Avon-Avon Township Joint Planning Board.

6. Permit Fees. Each party shall retain any permit fees collected by it and no additional fees shall be payable by the parties to this Agreement for the services provided for herein.
7. County Retained Duties. The County retains authority to regulate all permitting relating to feedlots, wetlands, NPDES (stormwater discharge permitting), and individual sewage treatment systems.

Respective Duties and Responsibilities

1. Referral to Joint Planning Board. The County shall refer all inquiries regarding permits to be issued under this Agreement by the Joint Planning Board to the Zoning Administrator for the Joint Planning Board (currently the Avon Township Zoning Administrator).
2. Referral to County. The Joint Planning Board shall refer all inquiries regarding permits to be issued under this Agreement by the County to the County Environmental Services offices.
3. Notice to County of Hearings. The City of Avon-Avon Township Joint Planning Board shall provide the County with written notice of any public hearing regarding a conditional use permit, interim use permit or variance and shall submit a copy of the conditional use permit, interim use permit or variance application at least 7 days prior to the public hearing.
4. Notice to County of Permits. If any conditional use permit, interim use permit or variance is granted by the City of Avon-Avon Township Joint Planning Board, the Board shall provide the County with a copy of the conditional use permit, interim use permit or variance and the related findings of fact at the time the applicable document is recorded with the County Recorder.
5. Monthly Update to County. The City of Avon-Avon Township Joint Planning Board shall provide to the County, on a monthly basis, a copy of all construction site permits that are granted.
6. Monthly Update to Joint Planning Board. The County shall provide to the City of Avon-Avon Township Joint Planning Board, on a monthly basis, a copy of all construction site permits that are granted.
7. Notice to Joint Planning Board of Hearings. The County shall provide to the City of Avon-Avon Township Joint Planning Board written notice of any public hearing regarding a conditional use permit, interim use permit, and variance requests and shall submit a copy of the conditional use permit, interim use permit, or variance application at least 7 days prior to the public hearing.
8. Notice to Joint Planning Board of Permits. The County shall provide to the City of Avon-Avon Township Joint Planning Board copies of all variances, conditional use permits and interim use permits granted under this Agreement pursuant to Stearns County Land Use and Zoning Ordinance Number 209; or successor ordinance, including related findings of fact, on a monthly basis.

9. Notice of Ordinance Changes. Each party will provide the other with at least 7 days notice prior to consideration of an ordinance change concerning land use or subdivisions. Each party will provide the other with notice of the enactment of any such ordinance change within 7 days of the adoption of said change.