

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF STEARNS  
AND THE  
TOWN OF MAINE PRAIRIE**

**WHEREAS**, Stearns County Land Use and Zoning Ordinance, Number 439 was effective June 22, 2010; and

**WHEREAS**, Town of Maine Prairie has adopted a zoning ordinance, entitled “Maine Prairie Township Land Use and Zoning Ordinance Number 4” which is duly recorded in the Office of the Stearns County Recorder **as document number 1661161**; 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 Maine Prairie’s zoning ordinance entitled “Maine Prairie 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 Maine Prairie (“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**, 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; and

**WHEREAS**, **this Memorandum of Understanding is intended to replace the previous Memorandum of Understanding signed by the Town of Maine Prairie on 10/14/2014 and the County Board on 10/28/2014.**

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

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

County of Stearns

Date: 4/2/2024

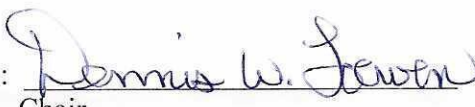
By:   
Tarryl L. Clark Chair  
Stearns County Board of Commissioners

Date: 4/2/2024

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

Town of Maine Prairie

Date: 3/6/24

By:   
Dennis W. Jewett  
Chair

Date: 3/6/24

Attest:   
Patty Nelson  
Clerk

*A. Administrative Provisions*

1. Unless provided otherwise in this Memorandum of Understanding, the County shall issue all permits, grant all variances and administer and enforce all provisions of Stearns County Ordinance Number 439 or successor ordinances for areas located within any Shoreland or Floodplain Overlay District of the Town.
2. The Town shall issue all permits for agricultural and residential accessory structures, except animal feedlots, outside of any Shoreland or Floodplain Overlay District of the Town.
3. The Town shall issue all permits for additions onto residential dwellings, including decks, outside of any Shoreland or Floodplain Overlay District of the Town. The Town shall not issue a permit for a bedroom addition onto a residential dwelling until the septic system has been certified by the County.
4. The Town shall be responsible to assure registration and compliance for the following provisional uses, outside of any Shoreland or Floodplain Overlay District: accessory adult uses, home extended businesses, licensed day care facilities, outdoor recreational facilities.
5. The Town shall conduct public hearings and act on conditional use permits for the following uses, outside of any Shoreland or Floodplain Overlay District: adult uses-principal, churches, community buildings, agriculturally oriented businesses, drive-in facilities, eating and drinking establishments, golf courses, greenhouse and nursery sales, hunting clubs and shooting preserves, grocery stores, commercial kennels, manufacture of wood products, motor vehicle repairs, off premise signs, offices, outdoor sales lots, recreational vehicle parks, schools, service stations, warehousing, storage, distribution and wholesale facilities, bus garages, concrete (ready mix) or asphalt mixing facility, and limited rural businesses.
6. The Town shall issue the following permitted interim use permits: temporary single family residential dwelling unit accessory to an agricultural operation, mining, and concrete (ready mix) or asphalt mixing facility.
7. The Town shall review and approve all administrative mining permits.
8. The Town shall issue all permits, and conduct site inspections for each permit issued for any structure or use allowed in items 2 through 7 above, and provide the County with copies of permits and inspection reports for

any permit issued therefore on a monthly basis. The Town shall also conduct public hearings and act on all variances for structures for which the Town issues permits, unless otherwise noted in this memorandum of understanding.

9. The Town shall conduct public hearings and act on all variances from Township roads.
11. The Town shall not act on any variance within the Shoreland Overlay District unless the sewage system has first been certified.
12. The County shall conduct public hearings and act on all variances for the purposes of considering variance applications relating to setbacks from State and County highways.
13. The County shall issue all permits and act on all variances not specifically enumerated in sub-items 1 thru 10 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 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 7 days prior to the public hearing.
3. The Town shall provide the County with copies of all variances, conditional use permits, or interim use permits granted pursuant to Maine Prairie 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.
4. 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.

5. The Town shall provide the County with copies of all construction site permits issued pursuant to Maine Prairie Township Land Use and Zoning Ordinance Number 4; or successor ordinance on a monthly basis.
6. The Town shall notify the County of all proposed ordinance changes prior to holding a public hearing.
7. The County shall notify the Town of all proposed ordinance changes prior to holding a public hearing.
8. If an ordinance change or rezoning occurs, the County and Town shall review this memorandum of understanding for potential changes.

2/16/2024