

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

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

**WHEREAS**, Town of Lynden has adopted a zoning ordinance, entitled “Lynden Township Land Use and Zoning Ordinance Number 7” 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 Lynden’s zoning ordinance entitled “Lynden Township Land Use and Zoning Ordinance Number 7” or successor ordinances 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 Lynden (“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; and

**WHEREAS**, this Memorandum of Understanding is intended to replace the previous Memorandum of Understanding signed by the Town of Lynden on 11/5/07 and the County Board on 11/27/07.

**NOW THEREFORE IT IS AGREED**, by the County of Stearns and the Town of Lynden that those sections of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance enacted by reference as a part of Lynden Township Land Use and Zoning Ordinance Number 7 shall apply within the Town of Lynden.

**IT IS FURTHER AGREED**, by the County of Stearns and the Town of Lynden to cooperate in administering their land use controls as set out in Attachment 1 of this Memorandum of Understanding and the Land Use and Zoning Ordinance.

**IT IS FURTHER AGREED**, 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.

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 Lynden

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

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

Anne Ackerman, Chair

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

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

Jenny Schmidt, Clerk

## ATTACHMENT 1

### **A. Administrative Provisions**

1. The Town shall permit the following *permitted uses* outside of any Shoreland Overlay, Floodplain Overlay or Scenic River District of the Town:

#### Agricultural and Residential Districts

- A. Agricultural operations
- B. Limited agricultural uses
- C. Public and private forest and game management areas
- D. Signs – non-commercial, on premise, subject to the conditions of Section 7.24 of this Ordinance
- E. Single family residential dwelling units
- F. Single family residential dwelling unit subject to the conditions of Section 7.32 of this Ordinance
- G. Wind Energy Conversion Systems (less than or equal to 40KW)

#### Commercial and Industrial Districts

- A. Bait shops
- B. Beauty shops
- C. Bowling alleys
- D. Brick and tile manufacturing
- E. Cement production
- F. Community buildings
- G. Financial institutions
- H. Funeral homes, mortuaries
- I. General manufacturing
- J. Golf courses and club houses
- K. Grain and seed sales and storage
- L. Grocery stores
- M. Health clubs
- N. Landscape, nursery, greenhouse or garden sales
- O. Laundromats
- P. Light manufacturing
- Q. Motor vehicle repair
- R. Offices, clinics
- S. Retail uses conducted entirely within a building
- T. Self service storage facilities
- U. Stone milling
- V. Theatres, amusement parks
- W. Truck terminal - small
- X. Veterinary clinics
- Y. Warehousing and distribution facilities
- Z. Wholesale and storage establishments
- AA. Wind energy conversion systems (up to 40KW)

2. The Town shall permit the following *permitted accessory uses* outside of any Shoreland Overlay, Floodplain Overlay or Scenic River District of the Town:
  - Agricultural and Residential Districts
    - A. Agricultural buildings that are accessory to a limited agricultural use
    - B. Accessory agricultural buildings subject to the conditions of Sections 6.1 and 7.32 of this Ordinance
    - C. Residential accessory buildings
    - D. Residential accessory buildings subject to the conditions of Sections 6.2 and 7.32 of this Ordinance
    - E. Kennels – private (4 – 10 animals)
    - F. Seasonal produce sales stands
    - G. Solar systems – accessory
    - H. Structures related to public airports
    - I. Swimming pools
  - Commercial and Industrial Districts
    - A. Accessory uses and structures that are incidental to the principal use
    - B. Outdoor display
    - C. Outdoor storage
    - D. Signs – non-commercial, on-premise
  
3. All *provisional uses* shall be registered through the County.
  
4. The Town shall conduct public hearings and act on the following *conditional use permits* outside of any Shoreland Overlay, Floodplain Overlay or Scenic River District:
  - Agricultural and Residential districts:
    - A. Accessory structures subject to the conditions of *Section 6.1, 6.2 and 7.32 of this Ordinance*
    - B. Agriculturally oriented businesses
    - C. Attached single family dwelling units
    - D. Bed and Breakfast Inns
    - E. Community buildings
    - F. Kennels – commercial, breeding, boarding
    - G. Limited rural businesses
    - H. Outdoor sales lot – accessory to motor vehicle repair
    - I. Motor vehicle repair – accessory
    - J. Recreational vehicle parks
    - K. Truck terminal – small
    - L. Wind Energy Conversion Systems (6KW-40KW)

Commercial and Industrial Districts

- A. Drive in businesses
  - B. Food processing
  - C. Gasoline stations and/or convenience stores
  - D. Kennels – commercial, boarding
  - E. Kennels – commercial, breeding
  - F. Motor vehicle repair
  - G. Multi-family residential dwellings
  - H. Off-premise signs (billboards)
  - I. Outdoor sales lots, including used cars, trucks, trailers and farm implements
  - J. Recreational vehicle parks or campgrounds
  - K. Truck terminals- large
  - L. Warehousing and distribution facilities
  - M. Wholesale and storage establishments
  - N. Wind energy conversion system (greater than 6KW)
  - O. Any use of land that is consistent with the purpose of the Commercial District that is not expressly prohibited or provided for which creates employment and economic advantage.
  - P. Any use of land that is consistent with the purpose of the Industrial District which is not expressly prohibited or provided for in the Industrial District and which, by its nature, does not constitute either a public or private nuisance because of noise, dirt, soot, offensive odor, secondary characteristics or unsanitary conditions.
5. The Town shall conduct public hearings and act on the following *interim use permits* outside of any Shoreland Overlay, Floodplain Overlay or Scenic River District:
- Agricultural and Residential districts:
- A. One (1) temporary single family dwelling unit that is to be located in the existing farmyard
  - B. One (1) temporary single family residential dwelling unit for supportive care
  - C. Migrant and/or seasonal worker housing
  - D. Single family dwelling unit less than 20 feet in width or 20 feet in length
6. The Town shall issue all permits and conduct site inspections for each permit issued for any structure or any use allowed in items 1 through 5 above and provide the County with copies of permits and inspection reports for any permit issued therefore on a monthly basis.
7. The Town shall conduct public hearings and act on all variances for all structures for which the Town issues permits, unless otherwise noted in this memorandum of understanding.

8. The Town shall conduct public hearings and act on all variances from Township roads.
9. The Town shall not act on any variance within the Shoreland Overlay District unless the sewage system has first been certified.
10. The Town shall license commercial kennels annually.
11. The County shall conduct public hearings and act on all variances for the purposes of considering variance applications relating to setbacks from County highways where the structure will be less than 100 feet to the centerline.
12. The Town shall sign all construction site permit applications for construction site permits issued by the County, prior to the County issuing the permit.
13. The County shall issue all permits and act on all variances not specifically enumerated in sub-items 1 through 12 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 variances, conditional use permits, or interim use permits granted pursuant to Lynden Township Land Use and Zoning Ordinance Number 7 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, along with the inspection report, issued pursuant to Lynden Township Land Use and Zoning Ordinance Number 7; or successor ordinance 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.