

**4A. Consideration of City comment on Ordinance Amendments 26-1 and 26-2 for the Monticello Orderly Annexation Area Zoning and Subdivision ordinances**

<b>Prepared by:</b> Community Development Director	<b>Meeting Date:</b> 1/12/26	<input type="checkbox"/> <b>Consent Agenda Item</b> <input checked="" type="checkbox"/> <b>Regular Agenda Item</b>
<b>Reviewed by:</b> N/A	<b>Approved by:</b> City Clerk	

**ACTION REQUESTED**

Motion to recommend approval of Ordinance Amendments 26-1 and 26-2 for the Monticello Orderly Annexation Area Zoning and Subdivision ordinances, subject to comment of the City Council, including those comments referenced in the staff report of January 12, 2026.

**REFERENCE AND BACKGROUND**

The Monticello Orderly Annexation Area (MOAA) Joint Powers Board (JPB) serves as the zoning authority within the MOAA. The JPB is made up of two City Council members, two Township Board members and the Monticello-area County Commissioner.

The JPB has adopted zoning and subdivision ordinances to regulate land uses within the MOAA. These ordinances are based on the Wright County zoning and subdivision ordinances in effect at the time of their adoption by the MOAA. As Wright County considers zoning and subdivision ordinance amendments, they are brought separately to the JPB for consideration. The JPB retains its own authority to adopt, revise or deny amendments to the MOAA ordinances.

The Wright County Planning & Zoning Office acts as the planning advisor to the JPB. To maintain consistency with the County’s current process for soliciting input from impacted jurisdictions on ordinance amendments, notice was provided to the City and Monticello Township for comment on the most recent proposed zoning and subdivision ordinance amendments for the MOAA. Ordinances 26-1 and 26-2 are scheduled for public hearing and consideration by the JPB on January 14, 2026. These ordinances were previously approved by Wright County for application within the County’s jurisdiction.

The MOAA agreement allows for a 30-day comment period for the City and Township on rezoning requests but is less clear regarding the process for commenting on amendments to the MOAA zoning and subdivision ordinances. Previously, the City’s opportunity to review ordinance amendments was through its JPB representation at the MOAA meetings and public hearings.

Accordingly, the City's Planning and Zoning Department is presenting the proposed MOAA ordinance amendments to City Council both to inform the Council on this new process and for comment on the proposed amendments.

### **Analysis**

The MOAA was established to protect land near the City from premature rural development and to reserve those lands for future urban development when City services become available. The MOAA Agreement includes statements specifically recognizing this intent. The proposed ordinance amendments have been reviewed for consistency with this purpose.

### **Zoning Amendments**

The proposed amendments to the MOAA zoning ordinance include the following:

- Ordinance 26-1 further defines allowances for the keeping of chickens on smaller parcels within specific zoning districts. Wright County's existing feedlot ordinance, which is separate from zoning and subdivision ordinances, already permits the keeping of chickens throughout Wright County and including the MOAA. However, the County Board has adopted additional regulations for the keeping of these animals on smaller, more residential parcels. The MOAA now can adopt these regulations as part of its zoning ordinance.

The proposed MOAA regulations are more detailed than the City's current ordinance, although the City's ordinance allows a lower maximum number of chickens (6 rather than 12).

Overall, this portion of the proposed ordinance amendment is consistent with the intent of the MOAA and transitional uses within the MOAA.

- The other amendments in Ordinance 26-1 are clerical in nature and include minor changes to the definition of dynamic signage and updates to clarify that communication antenna uses require a conditional use permit rather than interim use permit.
- Ordinance 26-2 proposes a series of changes to the regulations for Planned Unit Development. The use of PUD is permitted within the MOAA but they must be consistent with Wright County's Land Use Plan, specifically the Northwest Quadrant Land Use Plan. The MOAA is guided as a "Transition Area" within the plan and any proposed PUD must comply with the Transition Area guidance. The proposed amendments are intended to clarify the process by which PUD is considered in the MOAA.

Planned Unit Development is a zoning district within the MOAA ordinance. Wright County planning staff have indicated that consideration of a PUD request also requires a

companion rezoning request, and the proposed amendment clarifies this requirement. If both the PUD and companion zoning request are approved, the platting process is the next step. County staff note that platting is always required for a PUD due to the ordinance's requirement for common open space. While these processes may run concurrently, platting often occurs after PUD approval. The proposed ordinance amendments are intended to make that process clear by striking reference to PUD development plans and referencing only the preliminary plat process and plans.

In reviewing the proposed PUD amendments, City staff suggest that referencing only the plat process could create confusion, as the PUD is a separate process and approval decision from the plat. City staff suggest that this topic be discussed at the MOAA meeting and propose further clarification as recommended below.

155(F)(1):

Include a reference to the specific requirements for an "outline development plan", located in section 155.059(G)(2).

155(G)(1):

The proposed amendment is redundant and should retain language for approval of the PUD plans as identified in section 155.059(G)(2).

155(G)(2):

Reject the proposed changes.

155.059(H):

Clarify the requirement and process for final PUD and its relationship to final plat.

### **Subdivision Amendments**

Amendments proposed to the MOAA subdivision ordinance include the following:

- Ordinance 26-2 proposes amendments to subdivision ordinance definitions to align with existing exceptions to subdivision requirement in other portions of the ordinance. The amendment also adds additional review through Conditional Use permit for subdivisions that do not require platting. This amendment would allow the MOAA's JPB to review "unplatted subdivision" for consistency with the intent of the MOAA.
- Amendments as proposed in 154.05(B) would add exemptions to subdivision regulations. The impact of these added exemptions should be explained to the JPB representatives to ensure that they are consistent with the intent of the MOAA, which is to prohibit large lot residential development that would make municipal services unnecessarily expensive and to minimize the risk of incompatible future land uses.

- An amendment is proposed to the park dedication requirements. The amendments propose to add a per unit cash-in-lieu option to the dedication requirement. This per unit fee will be established by the County Board. Wright County Planning and Zoning staff have confirmed that a study has been completed to demonstrate the proportionality of the dedication, both land and cash, to demand. Staff also indicated that the park dedication fees would be allocated within the jurisdiction in which they were collected.
  - Additional amendments clarify that the ordinances apply to the MOAA, with the MOAA JPB acting as the regulatory authority, and to address other administrative requirements for the plat process or plans.
- I. **Budget Impact:** Review of the amendments is included in staff expenses in the Planning and Zoning budget.
  - II. **Staff Workload Impact:** The application required approximately 4 hours of staff review and discussion with Wright County by the Community Development Director.
  - III. **Comprehensive Plan Impact:** The Monticello 2040 Vision + Plan statements in support of the reserving land within the MOAA as agricultural until such time as it is annexed for urban development. While the majority of the proposed amendments appear to be clerical, staff would recommend additional discussion with the MOAA

#### **STAFF RECOMMENDED ACTION**

Staff recommends adoption of the proposed ordinance amendments to the MOAA zoning and subdivision ordinances, subject to the additional clarifications noted in the staff report. The clarifications are intended to ensure that the amendments are in support of the intent of the reflect changes consistent with the goals and policies of the MOAA.

As a matter of process, staff also requests that the City Council provide direction on whether future MOAA ordinance amendments should be brought to the full Council for comment, or per past practice, be handled by the designated JPB representatives as part of the regular MOAA public hearing process.

#### **SUPPORTING DATA**

- A. Ordinance 26-1
- B. Ordinance 26-2
- C. Monticello Orderly Annexation Agreement

# ORDINANCE AMENDMENT NUMBER 26-1

## THE MONTICELLO ORDERLY ANNEXATION JOINT PLANNING BOARD HEREBY ORDAINS:

### Article I – Amendment to Chapter 155 – Zoning

#### Sec. 1.

After § 155.111 insert the following:

#### **§ 155.112 RESIDENTIAL BACKYARD CHICKENS**

(A) *Purpose.* This section establishes a minimum baseline for the keeping of backyard chickens on agricultural and residential parcels. It is not intended to conflict with or be more restrictive than the provisions in Wright County Ordinance Chapter 152 – Feedlots.

(B) *Conditions.* All parcels in the R-1 (Urban/Rural Transition) and W (Wild and Scenic River) that are greater than 20,000 sq. ft. in size are permitted to keep chickens, subject to the following provisions:

- 1) The property shall have a single-family dwelling
- 2) The owner of the chickens shall occupy the dwelling
- 3) No more than 12 hen chickens shall be allowed, unless otherwise established and allowed by Chapter 152 of the Wright County Code of Ordinances
- 4) The keeping of roosters shall be prohibited

(C) *Structure and Setback Requirement.* Chickens shall be kept within a separate enclosed accessory structure and fenced outdoor containment area, subject to the following:

- 1) The accessory structure shall not exceed 120 sq. ft. and 8 ft. in total height.
- 2) Any fenced poultry run must be attached to the coop and be no larger than 120 square feet.
- 3) Structures and fenced chicken areas must be 15 ft. from all property lines or 25 ft. from a habitable structure on an adjacent property, whichever is greater, and be outside any recorded easements and rights-of-way.
- 4) In shoreland areas, structures must be located at least 200 ft. from a waterbody and must be outside of the floodplain.
- 5) The accessory structure shall be counted against the total accessory structure limitation, building coverage limitation, and impervious surface coverage calculation for the property.

(D) *Waste.*

- 1) Feces, waste, and discarded feed shall be regularly collected and only stored temporarily on-site in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin.
- 2) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
- 3) Dead chickens must be disposed as soon as possible, typically within 48 to 72 hours after death, according to the Minnesota Board of Animal Health rules.

*(E) Other Provisions.*

- 1) Chickens shall remain in the accessory structure from sunset to sunrise each day.
- 2) If the keeping of chickens is discontinued for more than 12 consecutive months, any accessory structure and containment area must be removed, and the site restored. The accessory structure may not be repurposed for use as storage if the keeping of chickens is discontinued.
- 3) The slaughter of chickens on site is prohibited.
- 4) The raising of chickens for breeding purposes is prohibited.
- 5) No person shall permit any chickens of which they are the owner, caretaker, or custodian to be at-large. Any chickens shall be deemed at-large when they are off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner.
- 6) No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor, or filth.

(F) Revocation. The Zoning Administrator may prescribe general conditions for the keeping of chickens and specific conditions on a particular premises as in their judgment is necessary to safeguard public health and the general welfare. The Zoning Administrator may deny, revoke or take other authorized adverse action against any person or property allowed the keeping of chickens pursuant to this section if any condition or requirement is violated or if the keeping of chickens becomes a public nuisance or for other good cause.

**Sec. 2.**

**Amend § 155.049(B)(7) as follows:**

- (7) Livestock, poultry and animals subject to § 155.088(B) and 155.112 of this chapter;  
and

## Article II – Amendment to Chapter 155 – Zoning

### Sec. 1.

#### Amend § 155.003(141) as follows:

(141) **SIGN, DYNAMIC.** Any sign with a characteristic that appears to have movement or that appears to change, ~~caused by any method other than physically removing and replacing the sign face or its components. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically.~~ more than once per calendar day. This definition also includes any rotating, revolving, moving, flashing, blinking, or animated graphic or illumination, and any graphic that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

### Sec. 2.

#### Amend § 155.048(G)(4)(c)(3)(b) as follows:

b. Two and one-half acres for divisions from eligible quarter-quarter sections if the building site is undeveloped cropland classified as prime farmland ~~or farmland of statewide importance as defined in the Land Use Plan;~~ and

### Sec. 4.

#### Amend § 155.106(B)(10) as follows:

(10) The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not require an amendment to the ~~interim~~ conditional use permit.

### Sec. 5.

#### Amend § 155.106(C)(1)(c) as follows:

(c) The installation of more than one support structure per property shall require the approval of an ~~interim~~ conditional use permit.

### Sec. 6.

#### Amend § 155.106(D) as follows:

- (D) Personal wireless service and microwave antennas.
- (1) Residential and Shoreland Districts.

(a) Antenna and support structures shall not exceed 75 feet in height in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts.

(b) Commercial antennas (other than co-location) and support structures of any type in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts shall require an conditional ~~interim~~ use permit and be subject to all other requirements for an conditional ~~interim~~ use listed in division (E) below.

(c) Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.

(2) Agricultural Districts (AG, General Agriculture and A/R, Agricultural/Residential).

(a) The Zoning Administrator may issue an administrative use permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for an conditional ~~interim~~ use permit as specified in division (E) below. If the Zoning Administrator finds that the information submitted does not properly address all of the requirements of this chapter, he or she may require an conditional ~~interim~~ use permit upon providing the applicant a written summary of the reasons for this finding.

(b) An conditional ~~interim~~ use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than the height of the structure.

(3) Commercial Districts (B-1, B-2 and I-1).

(a) The Zoning Administrator may issue an administrative use permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for an conditional ~~interim~~ use permit as specified in division (E) below. If the Zoning Administrator finds that the information submitted does not properly address all of the requirements of this chapter, he or she may require an conditional ~~interim~~ use permit upon providing the applicant a written summary of the reasons for this finding.

(b) An conditional ~~interim~~ use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than one-half the height of the structure, exceptions to such setback may be granted if a structural engineer licensed in the state specifies in writing that any failure or collapse of the structure will occur within a lesser distance under all foreseeable circumstances.

**Sec. 7.**

**Amend § 155.106(E) as follows:**

(E) Standards and requirements for ~~interim~~ conditional use permits.

**Sec. 8.**

**Amend § 155.106(E)(1) as follows:**

(1) Information required with application. In addition to the standard application materials required by § 155.029 of this chapter for an ~~interim~~ conditional use permit, no application for an antenna shall be complete unless the following data has been submitted.

**Sec. 9.**

**Amend § 155.106(E)(1)(c) as follows:**

(c) An agreement stating that structures over 130 feet tall will be designed for not less than three users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith; any prohibition of additional users on a tower will be considered a violation of the ~~interim~~ conditional use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

**Effective Date:**

These ordinance amendments shall be effective upon passage and publication.

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Darek Vetsch  
Chair, Monticello Orderly Annexation Area Joint Planning Board

ATTEST:

\_\_\_\_\_

## ORDINANCE AMENDMENT NUMBER 26-2

### THE MONTICELLO ORDERLY ANNEXATION JOINT PLANNING BOARD HEREBY ORDAINS:

#### Article I – Amendment to Chapter 155 – Zoning

##### Sec. 1

###### Amend § 155.059(A) as follows:

(A) *Purpose.* The purpose of the Planned Unit Development District is: to encourage flexibility in the design and development of land in order to promote its appropriate use; to facilitate the adequate and economical provisions of streets and utilities; and to preserve natural and scenic qualities. The PUD District shall be an overlay district, however, it shall apply only to specific projects which have been approved through the procedures outlined herein. If any standards contained ~~with in~~ in Minn. Rules ~~parts 6120.2500 or 6120.3800~~ are more restrictive than this chapter, the stricter standards shall apply.

##### Sec. 2

###### Insert after § 155.059(B)(3)(c):

(d) For a planned unit development containing lake or river frontage, common open space or commonly owned lots must not contain lake or river frontage.

##### Sec. 3

###### Amend § 155.059(C)(1)(b) as follows:

(b) The Planning Commission shall determine the number of dwelling units which may be constructed within the planned unit development by dividing the net acreage of the project area by the required lot area per dwelling unit which is required in the district in which the planned unit development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. Fractional results shall be rounded to the nearest whole number using standard rounding principles.

##### Sec. 4

###### Amend § 155.059(C)(2) as follows:

(2) *Rural planned unit development.* For a rural planned unit development, the number of dwelling units shall be determined by multiplying the gross acreage of the project area

by six-fortieths. Fractional results shall be rounded to the nearest whole number using standard rounding principles. Multi-family structures shall not be permitted in a rural PUD.

**Sec. 5**

**Amend § 155.059(F)(1) as follows:**

(1) General procedures for the establishment of a PUD district shall be the same as for rezoning and may be applied for concurrently with a rezoning request, as outlined in § 155.028 of this chapter. In addition, applications for the establishment of a PUD District shall be accompanied by an outline development plan.

**Sec. 6**

**Amend § 155.059(F)(3)(b) as follows:**

(b) Existing and proposed land uses and the approximate location of ~~buildings~~, lots, utilities and unique development features of the site;

**Sec. 7**

**Amend § 155.059(G) as follows:**

(G) *Procedure; preliminary ~~development plan~~ plat approval.*

**Sec. 8**

**Amend § 155.059(G)(1) as follows:**

(1) General procedures for the approval of a ~~preliminary development plan plat~~ shall be the same as for the approval of a conditional use permit for a preliminary plat, as outlined in Ch. 154 of this code of ordinances and § 155.029 of this chapter. ~~If more than 90 days elapses between establishment of the PUD District and approval of a preliminary development plan, the Planning Commission may order renotification of nearby property owners before final approval.~~

**Sec. 9**

**Amend § 155.059(G)(2) as follows:**

(2) The preliminary ~~development plan plat~~ must include all of the following information, in addition to that required for a preliminary plat as specified in Ch. 154 of this code of ordinances:

**Sec. 10**

**Amend § 155.059(G)(3) as follows:**

(3) In its final approval of a preliminary ~~development plan~~ plat, the Planning Commission may include conditions which must be met before approval of a final ~~development plan plat~~, and also conditions which are permanent. Only the permanent conditions need be recorded.

## Sec. 11

**Amend § 155.059(H) as follows:**

(H) *Final ~~development plan~~ Plat.*

(1) A final ~~development plan~~ plat shall be submitted which meets the same requirements as a ~~final plan~~ specified in Ch. 154 of this code of ordinances.

(2) If no final ~~development plan~~ plat is submitted within six months of approval of the preliminary ~~development plan~~ plat, the ~~Planning Commission~~ Zoning Administrator may ~~revoke~~ require a new approval of the preliminary ~~development plan~~ plat by the Planning Commission.

(3) The final ~~development plan~~ plat shall comply in all respects with the approved preliminary ~~development plan~~ plat. Changes in the approved preliminary ~~development plan~~ plat shall require an amended conditional use permit.

(4) Roads and other improvements, including improvements to common open spaces, must be completed prior to recording the final development plan, unless adequate financial guarantees are provided to the county or township, in accord with Chapter 154 of this Code of Ordinances.

(5) After recording the final ~~development plan~~ plat, no alterations of the approved preliminary ~~development plan~~ plat may be made by the developer unless approved by the Planning Commission. Minor changes in the siting of single-family dwellings and accessory structures may be approved by the Zoning Administrator.

## Sec. 12

**Amend § 155.059(I)(1) as follows:**

(1) Except for the establishment of restricted lands in a rural planned unit development, as provided in division (J) below, all lands shown on the preliminary ~~development plan~~ plat as common open space must be conveyed under one of the following options. Under no circumstances may lands used to calculate the number of units be transferred or used for any purpose not included in the approved preliminary ~~development plan~~ plat.

## Sec. 13

**Amend § 155.059(I)(1)(b) as follows:**

(b) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the open space to the uses specified on the preliminary ~~development plan~~ plat, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

#### Sec. 14

**Insert after § 155.059(I)(1)(b):**

(c) It may be transferred as a fractional interest to each of the buildable lots in the development.

#### Sec. 15

**Amend § 155.059(I)(2)(d) as follows:**

(d) The development schedule, which is part of the preliminary ~~development plan~~ plat, must coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space, and the construction of residential dwellings in the planned unit development.

#### Sec. 16

**Amend § 155.059(I)(2)(e) as follows:**

(e) If the preliminary ~~development plan~~ plat provides for buildings, structures or improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed.

#### Sec. 17

**Amend § 155.059(J)(2)(b) as follows:**

(b) However, restricted lands may not be further developed for residential or commercial uses, ~~but~~ and shall be strictly limited to agricultural or open space uses but may contain an existing farmstead dwelling and accessory buildings.

#### Sec. 18

**Amend § 155.059(J)(2)(c) as follows:**

(c) Reasonable restrictions upon such lands shall be stated by the Planning Commission at the time of preliminary ~~development plan~~ plat approval and said restrictions shall be recorded with the final ~~development plan~~ plat.

## Sec. 19

### Amend § 155.003(161) as follows:

(161) **SUBDIVISION.** The dividing of any parcel of land into two or more parcels. For floodplain regulatory purposes, **SUBDIVISION** shall mean land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

(a) **PLATTED SUBDIVISION.** ~~If any resultant~~ Any subdivision resulting in a parcel that is less than five acres in area and less than 300 feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development, except those described in Chapter 155.048(G), or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of Ch. 154 and 155 of this code of ordinances.

(b) **UNPLATTED SUBDIVISION.** A division of any parcel of land into two or more parts, except those described in Chapter 155.048(G), wherein all parts are at least five acres and have at least 300 feet in width and frontage on an existing public road, done for the purpose of transfer of ownership to effectuate building development. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use and approved by a Conditional Use Permit.

## Article II – Amendment to Chapter 155 – Zoning

### Sec. 1

#### Amend § 155.057(H)(1) as follows:

(H) *Commercial-Recreational Shoreland District (S-3).*

(1) *Purpose.* The intent of the S-3 Commercial-Recreational Shorelands District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the county which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses. S-3 Commercial-Recreational Shoreland District shall not be an overlay district, but shall be an exclusive district when used. It shall be the only district where commercial uses are allowed in the shoreland areas. Such uses shall be limited to those listed below. Performance standards shall be those listed in division (DE) above and as otherwise applicable in this chapter. If any standards contained ~~with in~~ in Minn. Rules, ~~parts 6120.2500 or 6120.3800~~ are more restrictive than this chapter, the stricter standards shall apply.

## Article III – Amendment to Chapter 154 – Subdivision

### Sec. 1

#### Amend § 154.05(A) as follows:

(A) Any plat or subdivision, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this chapter, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or replatting of land or lots.

### Sec. 2

#### Amend § 154.05(B) as follows:

(B) Exemptions – The following subdivisions of land are exempt from the platting and subdivision requirements of this chapter, but shall follow any requirements established in Chapter 155 of the Monticello Orderly Annexation Area Code of Ordinances. Division of land in tracts larger than 40 acres in area and 300 feet in width where the remainder is not less than 40 acres shall be exempt from the requirements of this chapter.

- (1) Subdivisions as described in Chapter 155.048(G), unless a new road is being established.
- (2) Large Tract Subdivisions. Division of land in tracts larger than 40 acres in area, 300 feet in width, and having at least 300 feet of public road frontage, and where the remainder is not less than 40 acres
- (3) Lot line adjustments. The relocation of the boundary line between two abutting lots of record shall not require platting but may require Board of Adjustment approval in accord with Chapter 155.026 of the Monticello Orderly Annexation Area Code of Ordinances.
- (4) Cemetery plots. Subdivisions creating cemetery plots do not require a Conditional Use Permit.
- (5) Public purposes. Transfers of small parcels to governmental units in case of encroachments, road rights-of-way or utility easements.
- (6) Land exchanges and additions to existing lots. Exchanges of abutting land between owners, and the addition of land to an existing lot shall be considered a minor subdivision, provided the new lot and the remaining lot meet the zoning code requirements. The Zoning Administrator shall decide if a Conditional Use Permit is required for this type of subdivision.

### Sec. 3

#### Amend § 154.07(A)(2) as follows:

(2) Such proposed plans will be considered as submitted for informal and confidential discussion between the subdivider and the Zoning Administrator. Submission of a subdivision proposed plan shall not constitute formal filing of a plat with the Monticello Orderly Annexation Joint Powers Board.

#### Sec. 4

#### Amend § 154.07(B) as follows:

(B) Preliminary plat; procedure.

(1) Approval of the County Planning Commission:

(a) ~~Ten copies~~ One full-size copy, drawn to scale, and one digital copy of the preliminary plat, along with all other application materials, and payment of all applicable fees, shall be submitted to the ~~County Planning Commission~~ Wright County Office of Planning and Zoning at least 21 days prior to the Planning Commission meeting at which consideration is requested. The Monticello Orderly Annexation Area Joint Powers Board ~~Planning Commission~~ shall hold a public hearing on said preliminary plat. The notice of the public hearing shall be sent to the ~~property owners within 500 feet provided as indicated in Chapter 155.029. It shall not be necessary to notify property owners in cities. Notice shall also be sent to the township board or boards and municipalities within two miles at least 10 days prior to the hearing date. Public notice shall consist of a general description of the proposal, the time, date and place of hearing. The applicant must provide the tax parcel number or numbers.~~

1. ~~For the purpose of notification ownership of property within the previously described required distance shall be provided by the applicant and shall be certified as being correct. The owner, as herein defined, shall be the fee owner or contract purchaser. The~~ Monticello Orderly Annexation Area Joint Powers Board ~~Planning Commission~~ shall act on each preliminary plat thereof submitted within the timeframe prescribed by M.S. § 15.99 ~~within 90 days of date of submission, or such time as mutually agreed by the applicant; failure to act shall be deemed as approval. In case the plat is disapproved within 45 days, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.~~

2. Approval or disapproval of the preliminary plat shall be conveyed to the subdivider in writing within 45 days after the meeting of the Planning Commission at which such plat was considered.

(b) In case the plat is disapproved, the subdivider shall be notified of the reason for such action. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of six months, unless an extension is granted by the Monticello Orderly Annexation Area Joint Powers Board ~~Planning Commission~~. The subdivider may file a final plat limited to such portion of the preliminary plat which he or she proposed to record and develop at the time; provided that, such portion must conform to all

requirements of this chapter. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Monticello Orderly Annexation Area Joint Powers Board ~~Planning Commission~~ for approval.

(2) The preliminary plat shall be submitted to ~~the County Commissioner, or Commissioner of the district or districts in which the subdivision is located and~~ the township board, or boards, in which the subdivision is located, for review at least ten days prior to the public hearing.

~~—(3) The preliminary plat shall be submitted to any municipality within two miles of the plat, for review at least 10 days prior to the public hearing.~~

(34) The preliminary plat shall be submitted to the utility or power company for review of utility easements, at least ten days prior to the public hearing.

(45) The County Surveyor and Highway Engineer shall submit a report to the Monticello Orderly Annexation Area Joint Powers Board ~~County Planning Commission~~ concerning the feasibility of the proposed plat and its conformance. In the case where the County Surveyor is submitting the preliminary plat, the report shall be submitted either by the County Highway Engineer or other qualified person selected by the Monticello Orderly Annexation Area Joint Powers Board ~~County Planning Commission~~.

(56) The preliminary plat shall be submitted to the ~~Park Board Chairperson and to the Park Board representative~~ Wright County Director of Parks and Recreation.

(67) The preliminary plat shall be accompanied by a fee to be submitted to the Planning and Zoning Administrator as established by the County Board. Such fee is to be used for the expense of the county in connection with the review, inspection, approval or disapproval of said plat.

(78) The land survey shall certify conformance to design standards for both preliminary and final plats.

(89) ~~Percolation tests are required on each soil type of building site groups three through eight within the proposed platted area. The soil types will be determined from the Wright County Soils Survey Atlas done by the Soils Conservation Service. The location and number of percolation tests may be reduced only at the direction of the County Sanitarian. Unless connected to city sewer, all proposed dwelling lots must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds or at-grade systems as described in MN rules parts 7080.2200 through 7080.2230 and 7080.2260 or site conditions described in MN Rules part 7081.0270, subparts 3 through 7. Verification by soil borings located on a plan must be submitted, establishing that this requirement can be met.~~

## Sec. 5

**Amend § 154.07(C)(1)(b) as follows:**

(b) *Approval of the Monticello Orderly Annexation Area Joint Powers Board ~~County Planning Commission~~.* The final plat shall be submitted to the Monticello Orderly Annexation Area Joint Powers Board ~~County Planning Commission~~ at least ten days prior to a Planning Commission meeting at which consideration is requested. The Monticello Orderly Annexation

Area Joint Powers Board Planning Commission shall act on each plat submitted ~~within 60 days of submission; failure to act shall be deemed as approval~~ and authorize the Chairman's signature on the plat. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Monticello Orderly Annexation Area Joint Powers Board Planning Commission.

## Sec. 6

**Amend § 154.07(C)(2) as follows:**

(2) *Fees*. The final plat shall be accompanied by all fees established by these regulations, all fees to be submitted to the County Planning and Zoning Administrator.

## Sec. 7

**Amend § 154.11(O) as follows:**

(O) **LOT OF RECORD**. ~~A deed which has been recorded with the County Recorder. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of any auditor's subdivision or a registered land survey that has been recorded in the office of the County Recorder, prior to the effective date of Chapter 155. LOT OF RECORD shall also include parcels of land for which a deed or contract for deed has been recorded in the office of the County Recorder prior to 8-2-1978; provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.~~

## Sec. 8

**Amend § 154.11(Y) as follows:**

(Y) SUBDIVISION. The dividing of any parcel of land into two or more parcels.

(1) PLATTED SUBDIVISION. Any ~~resultant~~ subdivision resulting in a parcel that is less than five acres in area and less than 300 feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development, except those described in Chapter 155.048(G), or if a new street or road is involved, regardless of the size of the parcel and/or its width, ~~such parcels~~ must be platted in accordance with the terms and procedures of this chapter.

(2) UNPLATTED SUBDIVISION. A division of any parcel of land into two or more parts, except those described in Chapter 155.048(G), wherein all parts are at least five acres and have at least 300 feet in width and frontage on an existing public road, done for the purpose of transfer of ownership to effectuate building development. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use and approved by a Conditional Use Permit.

## Sec. 9

**Amend § 154.32(B) as follows:**

(B) Local roads and streets should be so planned as to discourage their use by non-local traffic. Dead-end streets and roads shall be prohibited, but cul-de-sacs or approved “Tee” will be permitted where topography or other conditions justify their use. ~~Cul-de-sacs shall not be longer than 500 feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least 60 feet and a right-of-way radius of not less than 66 feet or an approved “Tee”.~~ Terminal roads shall be at a length determined and allowed by the road authority. Terminal turn-arounds shall be provided at the closed end, with an outside curb radius of at least 60 feet and a right-of-way radius of not less than 66 feet, an approved “Tee”, or as otherwise approved by the road authority.

**Sec. 10**

**Amend § 154.32(F) as follows:**

(F) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a county, state or federal highway, provision shall be made for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths. In platted subdivisions, ~~individual lots will have no direct access to any county, state or federal highway~~ shall be determined by the road authority.

**Sec. 11**

**Amend § 154.34(B) as follows:**

(B) For all platted and unplatted subdivisions created for the purpose of sale or development, in all subdivisions except those described in Chapter 155.048(G), either 7% of the gross area of the subdivision or 10% of the raw land value shall be dedicated or paid to the county or a cash park dedication fee shall be paid to the county, for public recreation and parks. The cash park dedication fee shall be calculated on a per lot basis, at the rate determined by the County Board of Commissioners as part of the adopted fee schedule. The Monticello Orderly Annexation Area Joint Powers Board County Planning Commission and the County Board shall determine whether 7% of the gross area shall be dedicated or 10% of the raw land value paid. Said 7% of the total gross area of the subdivision the park dedication is in the form of land or cash, and this shall be in addition to any dedication of streets, alleys and easements. The location of said dedications within the area of the subdivision shall be subject to the approval of the Monticello Orderly Annexation Area Joint Powers Board County Planning Commission and the County Board. The raw land market value shall be determined by the County Assessor’s office.

**Sec. 12**

**Amend § 154.35(A)(4) as follows:**

(4) Graphic scale of plat, ~~not less than one inch to 100 feet~~ at a ratio determined by the Planning and Zoning Administrator;

**Sec. 13**

**Amend § 154.35(A)(6)(c) as follows:**

(c) Waterways, ditches, ponds, marshes, wetlands, and floodable ~~low lands~~ lowlands in a plan which describe the existing conditions.

**Sec. 14**

**Amend § 154.35(A)(9) as follows:**

(9) ~~Where lots to be platted are larger in area than 20,000 square feet or greater than 150 feet in width at the building setback line, public sewer and water facilities are unavailable and the plat is within one mile of a municipality in the county, When determined necessary by the Planning and Zoning Administrator or Monticello Orderly Annexation Area Joint Powers Board,~~ a preliminary re-subdivision plan shall be prepared and submitted, showing a feasible method by which large lots may be re-subdivided in the future for higher density development in the event that public sewer and water facilities become available. The location of the principal structure on each lot shall be shown and building permits will only be issued for those structures which allow for economically feasible re-subdivision;

**Sec. 15**

**Amend § 154.35(A)(10) as follows:**

(10) Existing topography, as determined necessary by the ~~County~~ Planning and Zoning Administrator, including date of survey, with contour intervals of not less than two feet, related to United States Geological Survey datum; also the location of water courses, ravines, bridges, lakes, marshes, wetlands, wooded areas, rock outcroppings, approximate acreage, and other such features as may be pertinent to the subdivision;

**Sec. 16**

**Amend § 154.36(B)(5) as follows:**

(5) County Board of Commissioners:

**WRIGHT COUNTY BOARD OF COMMISSIONERS**

This plat of NAME OF PLAT was approved and accepted by the Board of County Commissioners of Wright County, Minnesota, at a meeting held this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Sec. 17**

**Amend § 154.36(D)(1) as follows:**

(1) ~~Ten copies~~ One copy of the final plat shall be filed with the Wright County Planning and Zoning Administrator ~~Planning Commission~~.

**Sec. 18**

**Amend § 154.50(B)(1)(a) as follows:**

(a) Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the county or local road authority requiring the subdivider to furnish and contract said improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond acceptable to the County Attorney or local road authority, the amount of the deposit or penal amount of the bond to be equal to 150% of the engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to the acceptance of the final plat. In such event, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the final plat. The time for completion of the work and several parts thereof shall be determined by the County Planning Commission or local road authority upon recommendation of the engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the plat and subdivision.

**Sec. 19**

**Amend § 154.50(B)(2)(b) as follows:**

(b) An escrow deposit shall be made with the County Auditor/Treasurer or local road authority in a sum equal to 150% of the total cost as estimated by the County Engineer, or as established by the local road authority engineer, of all improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to the approval of the final plat. The total costs shall include costs of inspection by the county or local road authority. The county or local road authority shall be entitled to reimburse itself out of said deposit for any cost and expenses incurred by the county or local road authority for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and the liability, the balance remaining of said deposit shall be refunded to the subdivider.

**Sec. 20**

**Amend § 154.50(B)(2)(b) as follows:**

(c) In lieu of making the escrow deposits, the subdivider may furnish a performance bond with corporate surety, in a penalty sum equal to 150% of the total cost as estimated by the County Engineer or local road authority of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to the approval of the final plat. The total cost shall include costs of inspection by the county or local road authority. The bond shall be approved as to form by the County Attorney or the attorney of the local road authority and filed with the County Auditor/Treasurer or local road authority.

**Sec. 21**

**Amend § 154.50(E) as follows:**

(E) All of the required improvements to be installed under the provisions of this chapter shall be inspected during the course of the construction by an agent of the County Board or local road authority. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in division (B) above.

**Effective Date:**

These ordinance amendments shall be effective January 1, 2026.

\_\_\_\_\_  
Darek Vetsch  
Chair, Monticello Orderly Annexation Area Joint Powers Board

ATTEST:

\_\_\_\_\_

# RECEIVED

By: OAH on November 14, 2024

OA-1061

A-6979 Monticello/Monticello Township

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

IN THE MATTER OF THE PETITION FOR )  
THE ANNEXATION OF CERTAIN LAND TO )  
THE CITY OF MONTICELLO PURSUANT TO)  
MINNESOTA STATUTES, SECTION 414.031 )

**JOINT RESOLUTION**

**THE AGREEMENT PREVIOUSLY SIGNED BY THE CITY AND TOWNSHIP OF MONTICELLO ON JUNE 21, 2004, AND AMENDED AND SIGNED BY THE CITY AND TOWNSHIP ON MAY 9 AND MAY 16, 2005, RESPECTIVELY, IS HEREBY AMENDED BY JOINT ACTION OF BOTH PARTIES AND THE COUNTY OF WRIGHT. ALL CHANGES TO THE PREVIOUS AGREEMENT ARE CONTAINED WITHIN THIS NEW AGREEMENT.**

JOINT RESOLUTION FOR ORDERLY ANNEXATION BY AND BETWEEN MONTICELLO TOWNSHIP AND THE CITY OF MONTICELLO IN SETTLEMENT OF MINNESOTA DEPARTMENT OF ADMINISTRATION FILE NO. A-6979 MONTICELLO/MONTICELLO TOWNSHIP

WHEREAS, the City of Monticello filed an annexation petition, dated October 13, 2003, with the Minnesota Department of Administration Municipal Boundary Adjustments Office (File No. A-6979 Monticello/Monticello Township) seeking annexation of certain areas located within Monticello Township pursuant to Minnesota Statutes, Section 414.031; and

WHEREAS, Monticello Township and the City of Monticello have reached a settlement agreement believed to be in the mutual best interests of both parties; and

WHEREAS, the City of Monticello (hereinafter the "City") and Monticello Township (hereinafter the "Township") desire to enter into an agreement allowing for the orderly annexation of certain property, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the City and Township are in agreement to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, the City and Township have agreed to work cooperatively to accomplish the orderly annexation of the areas legally described herein; and

WHEREAS, the City and Township agree that orderly annexation and extension of municipal services to those areas designated herein that are urban or suburban or about to become so is in the best interests of the City, Township and property owners and would benefit the public health, safety and welfare of the entire community; and

WHEREAS, for the areas designated herein, the City and the Township desire to accomplish the orderly annexation of said areas in a mutually acceptable and beneficial manner as urban development occurs and without the need for a hearing; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Monticello and the Township Board of Supervisors of the Township of Monticello as follows:

1. Description of Area Designated for Orderly Annexation. The area of the Township located within the area marked on the map attached hereto as Exhibit A is deemed by the parties to be properly subject to orderly annexation under and pursuant to Minnesota Statutes, Section 414.0325. The parties hereby designate this area for orderly annexation as provided by conditions for annexation set forth in this Joint Resolution. The area designated herein for orderly annexation, as shown on Exhibit A, shall be referred to for case of reference as the "Orderly Annexation Area" ("OAA"). The City may annex, at any time after the execution of this Joint Resolution, land located within the OAA, in accordance with the terms and conditions stated herein for annexation and in accordance with Paragraph 13 of this Joint Resolution. The designated area shown on the attached map as Exhibit A is legally described in Exhibit B, both of which exhibits are attached hereto and incorporated herein by reference.
2. Conditions and Triggering Events for Annexations. Notwithstanding Paragraph 3 of this Joint Resolution, any land within the OAA (see Exhibit A and Exhibit B) may be annexed by the City, in accordance with Paragraph 13 of this Joint Resolution, under any of the following circumstances:
  - a. The City receives a petition for annexation from 100% of the property owners of an individual parcel of land contiguous to or abutting the City;
  - b. The area is completely surrounded by the City;
  - c. The City or property owner(s) is ordered by the State Pollution Control Agency or Department of Health to provide sewer or water service to a portion of the Township for the protection of the public health and safety and/or because of immediate environmental concerns;
  - d. The City decides to add an arterial or collector road to its Municipal State Aid street system, but only to the extent of the right-of-way needed for the road, and provided, however, that any costs associated with installation of these roads will not be assessed to Township residents by the City, nor deferred until future annexation of the property, unless different arrangements are otherwise agreed to by the City and a property owner;

- e. The City, with Township approval, determines by resolution that land, right-of-way, or easements are needed for a public works improvement project designed to provide sanitary sewer pumping and conveyance facilities, water supply, water storage or water conveyance facilities, stormwater retention, stormwater detention or stormwater conveyance facilities, but only to the extent needed for said facilities. The City's statutory condemnation authority shall not otherwise be limited by this provision. With respect to Wright County Ditch 33, notwithstanding the foregoing, Township approval shall not be required for a stormwater project under this provision should Wright County otherwise approve the project or convey Ditch 33;
- f. In the case of platted residential subdivisions that are contiguous to the City, the City receives a petition from all property owners of all lots within a block in a platted residential subdivision, or a 51% majority of property owners of lots not previously annexed from within the entire subdivision, for annexation and/or provision of sewer or water services. In such case, the entire block, or the entire subdivision, as applicable to the requested majority, may be annexed at the sole discretion of the City.
- g. A licensed inspector retained by Wright County determines that at least 30% of the individual sewage treatment systems or individual wells within a platted residential subdivision or neighborhood or block in such a subdivision are failing or are not meeting state drinking water standards. Report(s) for such inspections shall be provided to the City of Monticello within 10 days of their completion; or
- h. If the City or a private developer constructs or maintains an extension of municipal water or sanitary sewer utilities within the MOAA, an individual property owner directly contiguous to the utility extension may petition for annexation for provision of municipal water and sewer services. In such case, the property may be annexed and/or served with municipal utilities at the sole discretion of the City.
- i. The City and Township otherwise jointly agree in writing.

For purposes of this Joint Resolution land shall be considered to be contiguous to, abut, abuts, or abutting the City where the boundaries of said land or area to be annexed at least touch the City boundary at a single point, including areas whose boundaries would touch the City boundary at a single point but for an intervening roadway, railroad, waterway, or parcel of publicly owned land.

3. Zoning and Planning. Pursuant to Minn. Stat. § 414.0325, subd. 5, this orderly annexation agreement provides for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this agreement, in the manner prescribed by Minn. Stat. § 471.59. Except as provided in subsection 3(i), for any areas of the Township in the OAA that are not annexed pursuant to this Joint Resolution, planning and zoning authority as specified herein within the OAA is delegated to and governed by a 5-member Joint Planning Board (JPB) as authorized by Minn. Stat. § 414.0325, subd. 5(b) and (c), as may be amended.

- a. The JPB shall be made up of two members appointed by the Township Board, two members appointed by the City Council, and one member of the Wright County Board appointed by the Wright County Board of Commissioners.

- b. The JPB shall serve as the "governing body" and "board of appeals and adjustments" for purposes of Minnesota Statutes, sections 462.357 and 462.358 within the OAA and shall have all of the powers contained in sections 462.351 to 462.364, except as otherwise provided by this Joint Resolution.
- c. The Wright County Planning and Zoning Office shall serve as advisors to the JPB, unless otherwise determined by the JPB. Advisors from the Wright County Planning and Zoning Office providing services to the JPB pursuant to this Agreement shall not be construed as employees of the JPB and shall be subject to Paragraph 22 of this Agreement. The JPB may, at any time, also consult with City staff as it deems necessary to effectively carry out its duties and responsibilities. The costs of administration of the JPB shall be paid equally by the City and Township on an annual basis. Any remuneration (per diem) paid to members serving on the JPB shall be approved and equally paid by the City and Township on an annual basis. Wright County shall provide an accounting of the remuneration and provide such to the City, which shall pay such claims and invoice the Township for their annual share.
- d. The JPB will set the schedules for necessary zoning and planning fees in the OAA. The fees shall be consistent with the fee structure used by Wright County, unless otherwise determined by the JPB.
- e. Except as otherwise provided, any action of the JPB to exercise its authority as specified herein must be preceded by a majority vote (at least 3 out of the 5 members) of the members of the JPB voting on the prevailing side.
- f. Wright County and the City of Monticello have adopted comprehensive plans which shall govern land use guidance within the OAA.
- g. The JPB has adopted an Orderly Annexation Area Zoning Ordinance and Subdivision Ordinance. These ordinances, as they may be amended by the JPB, provide land use control within the OAA, except as noted in subsection 3(i). These ordinances shall remain in full force and effect and unchanged during the term of this Joint Resolution, unless said area or portion thereof is either first annexed or said zoning change is otherwise approved by the majority of the JPB, consistent with Minnesota state law. Any decision by the JPB to zone or rezone portions of the OAA shall be subject to review and comment by the City and Township prior to such zoning or rezoning becoming effective. The JPB shall give the City and Township at least 30 days to review and comment before making a zoning or rezoning decision. The City or Township shall waive its right to review and comment if it fails to review and comment within the specified period provided herein.

The JPB shall not approve a subdivision within the OAA unless first approved by the majority of the JPB, consistent with Minnesota state law. The Township shall not zone, rezone, plat, re-plat, subdivide, or re-subdivide within the OAA between the time of development of this Joint Resolution and the effective date of this Joint

Resolution, unless otherwise agreed to in writing by the City. For the purposes of this paragraph, "subdivision" shall not include building entitlement transfers for agricultural lot splits and property transfers between family members under the current Wright County Zoning Ordinance, as adopted by the Township.

- h. Failure of the JPB to exercise any of its authority as described herein shall not render this Joint Resolution or any other provisions contained herein invalid or unenforceable, and the terms and conditions contained in this Joint Resolution shall otherwise remain in full force and effect and binding upon the parties hereto.
  - i. When a petition for annexation of land within the MOAA is received by the City and found to be in compliance with the triggering events of Section 2 of this agreement, the City shall act as the planning and zoning authority for required land use applications and environmental review for the proposed urban development of the petitioned land.
  - j. Each member serving on the JPB shall serve a period of one year. Members appointed by the City of Monticello shall serve terms that begin on January 1 and end on December 31. Members appointed by Monticello Township shall serve terms that begin on April 1 and end on March 31 of the following year. A term on the JPB may be extended by action of a member's respective governing body.
  - k. The JPB shall meet monthly or as needed as determined by the JPB members.
  - l. Pursuant to Minn. Stat. § 471.59, the JPB will contract with legal counsel. Legal counsel shall be appointed by the JPB annually. The JPB may also retain consultants to provide services to the JPB, as needed. Costs for legal and consulting services shall be approved by the JPB. Upon JPB's approval, invoices shall be paid by the City with one half subsequently invoiced to and paid by the Township.
  - m. The JPB shall act as the Local Government Unit (LGU) for environmental reviews as required by Minnesota state statutes and rules. The JPB shall require fees and escrows for environmental review consistent with the fee structure used by Wright County, unless otherwise determined by the JPB. The JPB may also retain consultants to provide environmental services to the JPB for such review, as needed. Invoices shall be approved and equally paid by the City and Township.
  - n. The Wright County Planning and Zoning Office shall prepare and provide required public notice per Minnesota Statutes for all land use applications within the OAA. Wright County shall retain the records of the OAA in accordance with Minnesota Statutes.
4. Merger. Notwithstanding the foregoing, the City and Township shall combine in their entirety under the following circumstances: 1) at such time as the Township and the City adopt a joint resolution so providing; or 2) at such time as seventy-five percent (75%) of the Township, as the Township exists on the effective date of this Joint Resolution, is annexed to the City, whichever comes first. Annexation by the City of the remainder of the Township shall be accomplished in accordance with Paragraph 13. The City shall hire any remaining Township personnel following the effective date of annexation of the remainder of the Township. As soon as practicable following the effective date of annexation resulting in the merger of the City and Township, the City will hold municipal

elections for all of the City Council and Mayor positions.

5. Adopt and Enforce Regulations. The City and Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.
6. Tax Reimbursement. Upon the annexation of land located within the OAA pursuant to Paragraph 13 of this Joint Resolution, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with the following:
  - a. In the year when the City could first levy on the annexed area, the City shall make a cash payment to the Township in an amount equal to four (4) times the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township.
  - b. Thereafter, the City will no longer reimburse the Township. The City shall make payment as contemplated herein no later than December 31 of the first year following the year when the City could first levy on the annexed area and for any subsequent years.
7. Provision of Services. After annexation of land located within the OAA, the City shall be responsible for providing municipal governmental services to the annexed area. Sanitary sewer or water services, in the City's discretion, shall be provided to an area annexed with existing or proposed residential development within three (3) years after the effective date of the annexation. Sewer or water services, in the City's discretion, shall be provided to an area annexed with existing or proposed commercial, industrial, governmental or institutional development within five (5) years after the effective date of annexation. In the event that the City extends trunk sewer and/or water lines across a portion of the OAA remaining in the Township in order to serve an area annexed by the City, the individual properties remaining in the Township that abut the City trunk sewer and/or water line extended shall not be charged any trunk sewer or water line charges, fees or assessments by the City for the trunk sewer and/or water line abutting said properties until said properties are annexed by the City and are platted and developed.

A failure on the part of the City, not due to circumstances beyond the City's control, to provide either of such sewer or water services within the time period specified following the effective date of annexation may subject the area so annexed to be deemed null and void by resolution of the Township adopted at a regular meeting of the Township, and the Township may thereafter petition the Department of Administration Municipal Boundary Adjustments Office, or its successor agency, for detachment of the area in accordance with Minnesota Statutes, Section 414.06. The City shall not oppose the Township's petition for detachment provided it meets the conditions contained in this Joint Resolution.

As an alternative to initiating a detachment proceeding, the Township may elect, by resolution adopted at a Township Board meeting, to have the City reimburse the Township for taxes lost on the applicable property annexed by the City at the Township's tax rate applicable in the year of annexation until the services required under this Paragraph are provided to the annexed property by the City.

In order to act under this Paragraph, the Township shall make an election by resolution at a meeting of the Township Board to either; 1) initiate a detachment proceeding, or 2) seek tax reimbursement as provided in this Paragraph, and provide notice to the City of the election, within ninety (90) days of the City's failure to provide said service as required under this Paragraph, or the Township may only seek tax reimbursement as provided in this Paragraph and waives the election to initiate a detachment proceeding under Section 414.06. For purposes of this Paragraph, the City will be deemed to have met the obligation to provide sanitary sewer or water service to an annexed area if within the timeframes specified herein following an annexation of an area, the City awards a contract to a contractor to construct a sewer or water service project making municipal sanitary sewer or water service available to an area annexed under the terms of this Joint Resolution.

Every Annexation Resolution adopted under Paragraph 13 of this Joint Resolution resulting in the annexation of land located within the OAA shall be treated separately for purposes of compliance with this Paragraph 7.

In the event that the City annexes land in accordance with a triggering event contained in this Joint Resolution and said land is identified in the City's comprehensive plan for open space or park preservation, the requirements contained in this Paragraph do not apply to said annexation since the intent is that said areas would remain as open space or park land and would not need City sewer or water service.

8. Township Maintenance of Services. The Township agrees that it will be responsible for normal and regular maintenance of all Township roads, streets, bridges, drainage facilities and other public rights-of-way that it is currently maintaining within the designated OAA prior to annexation thereof. Maintenance of Township infrastructure within the designated OAA by the Township shall be consistent with other standard maintenance practices employed by the Township elsewhere in the Township. Consistent with Minn. Stat. § 164.14, the City and Township may, by separate agreement, coordinate to complete routine maintenance and improvements of infrastructure within the OAA, including line roads. Such agreement shall be approved and executed by the Township Board and City Council.
9. Line Roads. For any Township roads that become the boundary line for the City and Township as a result of an annexation, the City shall assume responsibility for road maintenance and improvement for the entire section of the Township road that becomes the boundary line adjacent to the City. Consistent with Minn. Stat. § 164.14, the City and Township may, by separate agreement, coordinate to complete routine maintenance and improvements of infrastructure within the OAA, including line roads. Such agreement shall be approved and executed by the Township Board and City Council.
10. No Annexation Outside the OAA. The parties agree that the City will not initiate any annexations outside the OAA while this agreement is in effect. Notwithstanding the forgoing, the City may initiate an annexation under Chapter 414 if the City is ordered by the State Pollution Control Agency or the Department of Health to provide sewer or water service to a portion of the Township for the protection of the public health and safety and/or because of environmental concerns. Further, the City will not file any petitions for a contested case annexation within the OAA or the remainder of the Township outside the OAA during the term of this Joint Resolution, provided that the Township does not seek

to incorporate during the term of this Joint Resolution.

11. Expansion of OAA. For purposes of expansion of the OAA under this Paragraph, the OAA designated herein shall be divided into five sections shown on Exhibit C. The individual sections of the OAA as designated in and shown on Exhibit C may be expanded at such time as: 1) 75% of the land (excluding wetlands and lakes) within an individual section of the OAA is annexed; or 2) the City and Township jointly agree to expand a section, whichever comes first. In the event that one or more of the above conditions exists, the City and Township agree that the boundary line of the section of the OAA meeting the condition contained herein shall be expanded outward one-half section along the entirety of that section of the OAA boundary line as it exists at that time. Notwithstanding the foregoing, the City and Township may agree in writing to a different expansion area greater than or less than the one-half section expansion area provided for herein.

The City shall notify the Township in the event that any of the conditions stated in this Paragraph exist. Thereafter, the City shall file the appropriate adjustments to the OAA or any section thereof, within ninety (90) days of January 1 of each year that ends in a multiple of three (3) (i.e.: 2027, 2030, 2033 ... ), with the Department of Administration, or its successor agency, including a new Amended Exhibit A, Amended Exhibit B, and Amended Exhibit C, which shall replace the Exhibit A, Exhibit B, and Exhibit C filed with this Joint Resolution, along with a letter so providing describing the adjustments to each section of the OAA and referencing this section of this Joint Resolution.

12. Reserved.

13. No Hearing Required. All annexations contemplated by this Joint Resolution in the OAA shall not require a hearing or any consideration by the State Department of Administration, or its successor agency. The City and Township agree that, upon the occurrence of an event triggering annexation as provided herein for any land located within the OAA, the City shall provide written notice of such occurrence to the Township, and upon receipt of a resolution of the City (referred to as the "Annexation Resolution") describing such area along with a copy of this Joint Resolution, the Department of Administration or its successor agency, may review and comment, but shall within thirty (30) days of receipt of the Annexation Resolution and a copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Township agree that no alteration of the stated boundaries as described in the Annexation Resolution is appropriate, that no consideration by the Department of Administration, or its successor agency, is necessary, and that all terms and conditions for annexation are provided for in this Joint Resolution. Provided that the requisite terms and conditions have been met as contained in this Joint Resolution, the Township shall not object to an annexation initiated by the City filing an Annexation Resolution with the Department of Administration, or its successor agency. As of the effective date of this Joint Resolution, there is no election requirement in the law to effect or accomplish an annexation. No such election shall be required or apply to any annexation provided herein either now or during any period during which this Joint Resolution is in effect.

14. Disputes and Remedies. Subject to Paragraph 3, the City and Township agree as follows:
- a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
  - b. Mediation/ Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.
  - c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.
15. Termination. This Joint Resolution shall remain in full force and effect until one of the following conditions take place, whichever comes first:
- a. Termination by mutual written joint resolution of the City and Township; or
  - b. The remainder of the Township is annexed resulting in the merger of the City and Township; or
  - c. January 1, 2040.
16. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
17. Modification/ Amendment. Except as otherwise provided herein, this Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with the Department of Administration, or its successor agency.
18. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.

19. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
20. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.
21. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

City Administrator Monticello  
City Hall  
505 Walnut Street, Suite 1  
Monticello, MN 55362-8831

If to the Township:

Township Clerk  
Monticello Township  
8550 Edmonson Ave. NE  
Monticello, MN 55362

22. Liability and Insurance. The City, Township, and Wright County will each maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing services pursuant to this Agreement. Each party waives the right to sue any other party for any workers' compensation benefits paid to its own employees or volunteer or their dependents, even if the injuries were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

The City, Township, and Wright County shall each be liable for the acts or omissions of its own officers, directors, employees, or agents and the results thereof to the fullest extent authorized by law and shall not be responsible for the acts of any other party, its officers, directors, employees or agents. It is understood and agreed that the provisions of the Municipal Tort Claims Act, Minn. Stat. Ch. 466, and other applicable laws govern liability arising from the parties' acts or omissions. In the event of any claims or actions asserted or filed against any other party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties. Each party warrants that it is able to comply with indemnity requirements through an insurance company, the League of Minnesota Cities Insurance Trust, Minnesota Counties Intergovernmental Trust, or self-insurance program and that each has minimum coverage consistent with the liability limits contained in Minn. Stat. Ch. 466. The parties agree that liability under this Agreement is controlled by Minn. Stat. § 471.59, Subd. 1a, and that the total liability for the parties shall not exceed the limits on governmental liability for a single unit of government as specified in Minn. Stat. § 466.04, Subd. 1(a).

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Monticello, Wright County, Minnesota, this 21<sup>st</sup> day of October, 2024.

TOWNSHIP OF MONTICELLO

By: Brett C. Holker  
BRETT C. HOLKER, Chair

ATTEST:

Cathy M. Sherman  
Cathy Sherman, Township Clerk

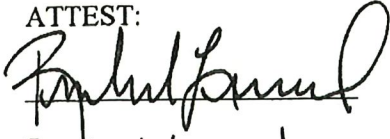
Passed, adopted, and approved by the City Council of the City of Monticello, Wright County, Minnesota, this 14<sup>th</sup> day of October, 2024.

CITY OF MONTICELLO

By: [Signature]

Lloyd Hilgart, Mayor

ATTEST:

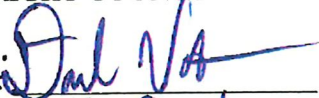


Rachel Leonard City Administrator

Passed, adopted, and approved by the Wright County Board of Commissioners, Wright County, Minnesota, this 15<sup>th</sup> day of October, 2024.

WRIGHT COUNTY

By:



County Board, Chair

ATTEST:



Greg T. Keyzer, Interim County Administrator

## **EXHIBIT A**

The municipal boundary map referenced in Paragraph 1 of the attached Joint Resolution showing the current City of Monticello and the OAA legally described in Exhibit B, is attached hereto.

## EXHIBIT B

The OAA shown in Exhibit A and referenced in the attached Joint Resolution is legally described as follows:

### **Lands in Township 121, Range 25, Wright County, Minnesota:**

All of Sections 5, 9, and 16, Township 121, Range 25, Wright County, Minnesota.

And also that part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 121, Range 25, Wright County, Minnesota, lying southwesterly of Interstate Highway No. 94.

And also that part of Section 4, Township 121, Range 25, Wright County, Minnesota, lying southwesterly of Interstate Highway No. 94.

And also the Northeast Quarter, the east-half of the Northeast Quarter of the Northwest Quarter and the north-half of the Southeast Quarter, all in Section 8, Township 121, Range 25, Wright County, Minnesota.

And also all that part of Section 10, Township 121, Range 25, Wright County, Minnesota lying southwesterly and westerly of the existing City of Monticello corporate limits.

And also the east-half of Section 13, Township 121, Range 25, Wright County, Minnesota, except that part which lies within the existing City of Monticello corporate limits.

And also that part of Section 15, Township 121, Range 25, Wright County, Minnesota, lying westerly of the existing City of Monticello corporate limits.

And also the Northeast Quarter of Section 21, Township 121, Range 25, Wright County, Minnesota.

And also all of the north-half of Section 22, Township 121, Range 25, Wright County, Minnesota, and that part of the south-half of said Section 22 lying easterly of State Trunk Highway No. 25.

And also that part of Section 23, Township 121, Range 25, Wright County, Minnesota lying southerly of the existing City of Monticello corporate limits.

And also that part of Section 24, Township 121, Range 25, Wright County, Minnesota, lying southerly of the existing City of Monticello corporate limits.

And also the north-half of Section 25, Township 121, Range 25, Wright County, Minnesota.

And also the north-half of Section 26, Township 12L Range 25, Wright County, Minnesota.

And also that part of the north-half of Section 27, Township 121, Range 25, Wright County, Minnesota, lying easterly of State Trunk Highway No. 25.

**Lands in Township 121, Range 24, Wright County, Minnesota:**

All of Section 7, Township 121, Range 24, Wright County, Minnesota.

And also that part of the south-half of Section 8, Township 121, Range 24, Wright County, Minnesota, lying westerly of Government Lot 4 in said Section 8.

And also all of the west-half, the west-half of the Northeast Quarter, and the west-half of the Southeast Quarter, all in Section 17, Township 121, Range 24, Wright County, Minnesota.

And also Section 18, Township 121, Range 24, Wright County, Minnesota, except that part which lies within the existing City of Monticello corporate limits.

And also that part of Section 19, Township 121, Range 24, Wright County, Minnesota, lying southerly of the existing City of Monticello corporate limits.

And also the Northwest Quarter, the west-half of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter and the north-half of the Southwest Quarter, all in Section 20, Township 121, Range 24, Wright County, Minnesota.

And also all of the north-half of section 30, Township 121, Range 24, Wright County, Minnesota, and all of Government Lots 3 and 4 of the Southeast Quarter of said Section 30.

**Lands in Township 122, Range 25, Wright County, Minnesota:**

The east-half of the Southeast Quarter of Section 30, Township 122, Range 25, Wright County, Minnesota.

And also the Northeast Quarter of the Southeast Quarter and the east-half of the Northeast Quarter of Section 31, Township 122, Range 25, Wright County, Minnesota.

And also that part of Section 32, Township 122, Range 25, Wright County, Minnesota, lying southwesterly of the existing City or Monticello corporate limits.

And also that part of the Southwest quarter of the Southwest Quarter of Section 33, Township 122, Range 25, Wright County, Minnesota, lying southwesterly of the existing City of Monticello corporate limits.

## **EXHIBIT C**

The OAA section map referenced in Paragraph 11 of the attached Joint Resolution, showing the sections of the OAA in the Township for purposes of expansion is attached hereto.

Exhibits A, B and C shall be amended to create a straight line as the southern boundary of the Orderly Annexation Area. This change is accomplished by amending the legal descriptions of property included within Exhibit B as follows.

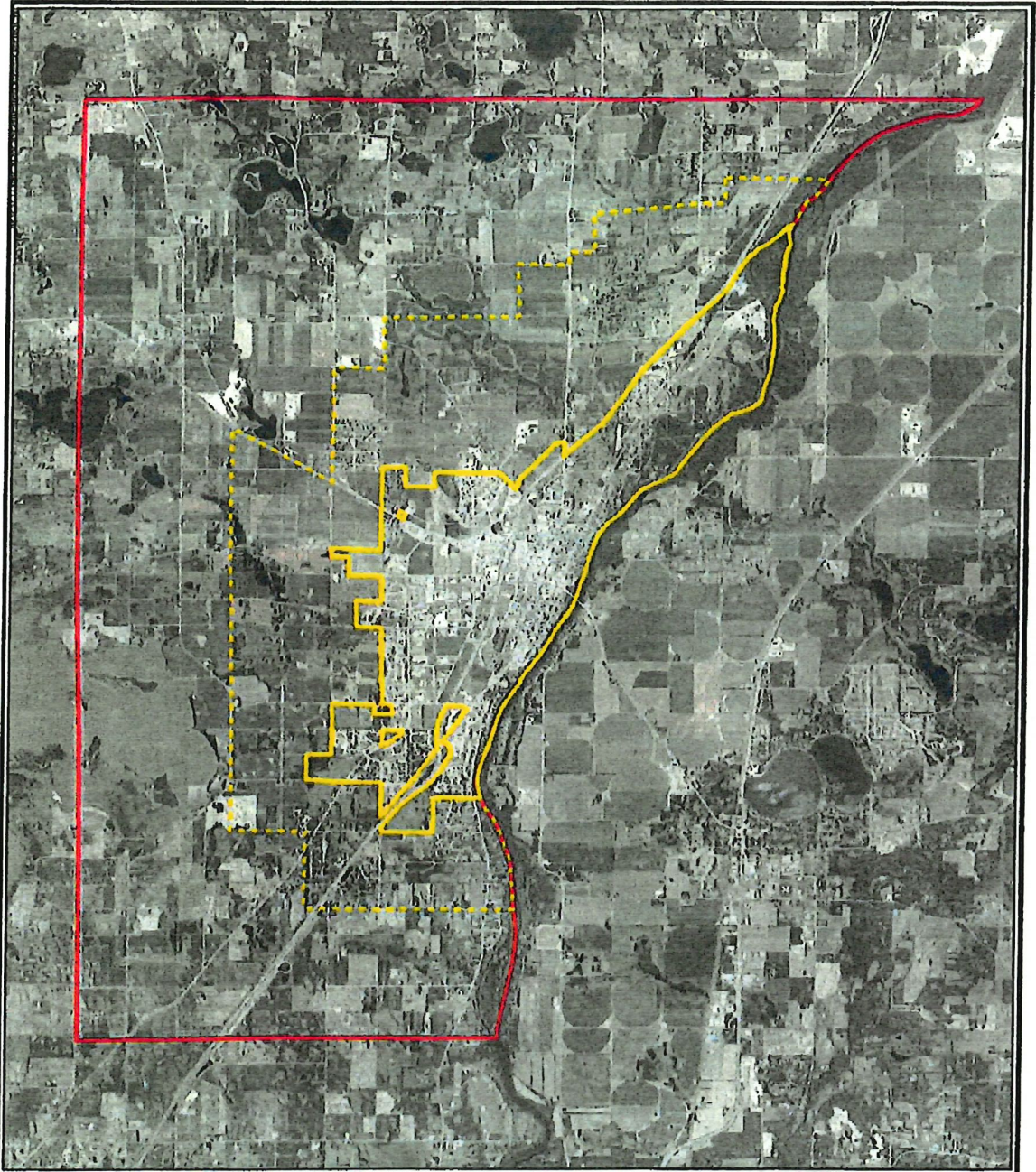
For Lands in Township 121, Range 24, Wright County, Minnesota:

Alter the final paragraph of this section to eliminate the phrase "and all of Government Lots 3 and 4 of the Southeast Quarter of said Section 30."

The new paragraph shall therefore read:

And also all of the north-half of Section 30, Township 121, Range 24, Wright County, Minnesota.

No other changes to Exhibits A, B and C are proposed or adopted herein, and the prior exhibits as amended are included herein by reference.






**Orderly Annexation Agreement**



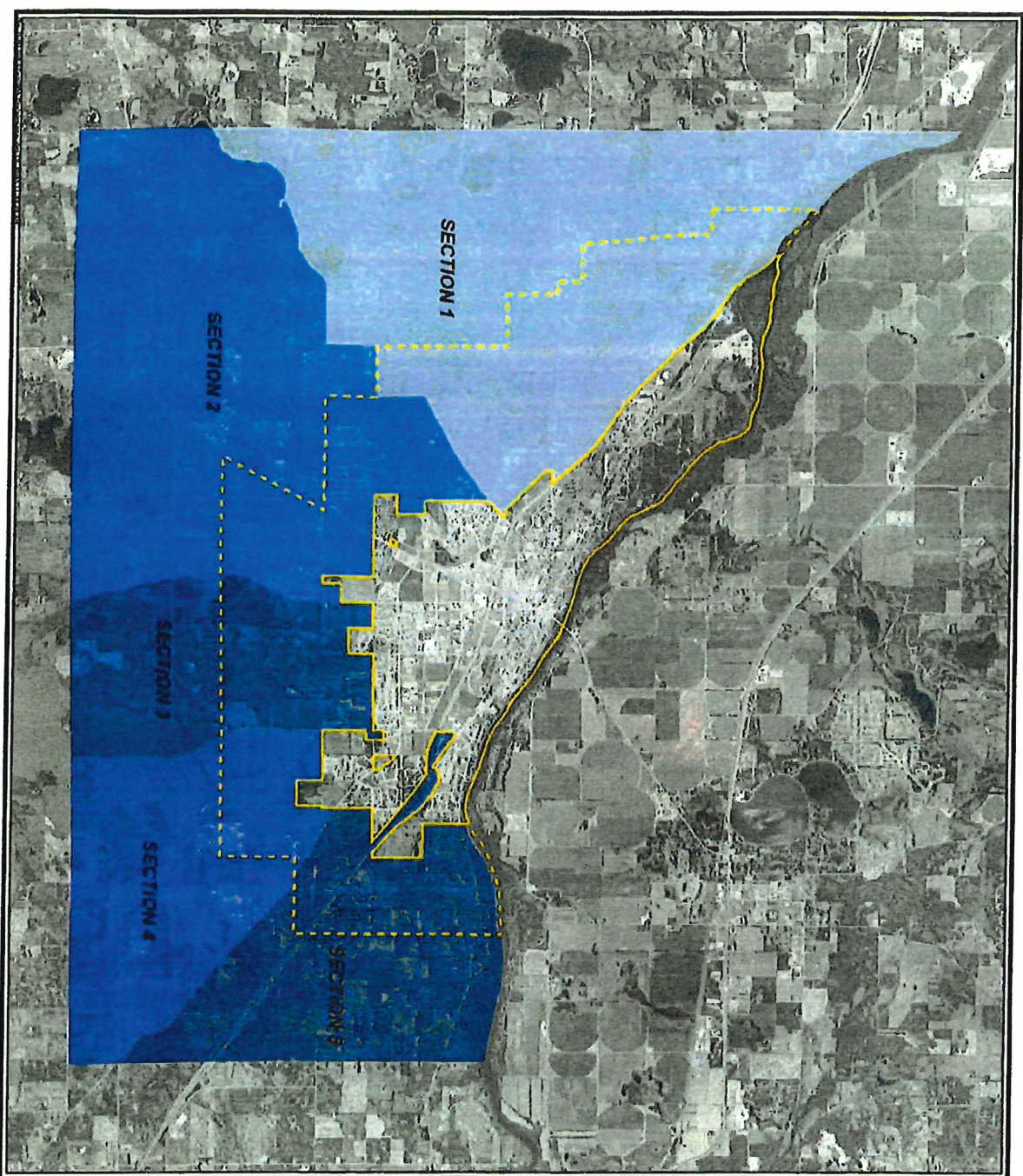
**Municipal Boundary Map and OAA**

Exhibit A



- Legend**
-  Orderly Annexation Area
  -  City of Monticello
  -  Monticello Township Boundary





**Orderly Annexation Agreement**



**OAA Sections**  
Exhibit C



**Legend**

-  Orderly Annexation Area
-  City of Monticello
-  Section 1
-  Section 2
-  Section 3
-  Section 4
-  Section 5