



MISSION TOWNSHIP
CROW WING COUNTY, MINNESOTA
Ordinance No. 2025-04

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON ADMINISTRATIVE SUBDIVISIONS
AND CERTAIN EXEMPT DIVISIONS OF LAND WITHIN THE TOWN**

The Board of Supervisors of the Town of Mission ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance (“Ordinance”) is to temporarily prohibit, pursuant to Minnesota Statutes, section 462.355, subdivision 4, administrative subdivisions and certain large lot subdivisions within Mission Township (“Town”) during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the Town.

Section 2: Legislative Findings. The Town Board hereby finds and determines as follows:

- (a) The Town is a “municipality” for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462.
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the Town Board to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the Town.
- (c) The Town Board has adopted the Mission Township Subdivision Ordinance (“Town Subdivision Ordinance”) pursuant to its authority under Minnesota Statutes, section 462.358.
- (d) The County Ordinance allows certain Administrative Subdivisions, which are divisions of land that do not require platting.
- (e) The Town Board recognized the potential for owners to use the administrative subdivision process to subvert the intent of the Subdivision Ordinance and so it acted to amend the Town Subdivision Ordinance to place limits on the number of administrative subdivisions allowed in the Town.
- (f) The Town Board is aware of several larger properties in the Town that, despite the recently adopted limitations, could be divided into several parcels using the County’s Administrative Subdivision process. Such a division of land could result in what would effectively be a major subdivision without following the procedures and requirements associated with platted subdivisions, which are intended to protect the interests of the public and the future purchasers of the resulting lots.
- (g) These pseudo major subdivisions are not subject to the same review and approval process required of platted subdivisions, and the developer is not required to dedicate roads or

drainage and utility easements to the public as would normally occur when land is platted. The potential creation of several lots without the associated dedications to accommodate public infrastructure often results in misunderstandings and frustration among those who purchase and develop these lots when they discover there is no public maintenance of the road that provides access to their property. Additionally, there are public safety concerns associated with these lots being accessed by private easement roads that are not required to be built to a standard sufficient to accommodate fire trucks and other public safety vehicles.

- (h) The Town Board also recognizes that what created this potential for the creation of several lots through the administrative subdivision process is the exemption set out in Section 9.5 of the Crow Wing County Land Use Ordinance (“County Ordinance”) that allows the division of land down to 10 acres as a matter of right, without having to undertake even an administrative review and approval of the land division.
- (i) Under Minnesota Statutes, section 462.358, subdivision 4b(b)(6), only divisions of land resulting in parcels containing at least 20 acres and having a width of at least 500 feet are exempt from the prohibition of recording divisions of land without complying with local subdivision regulations. The statutory exemption applicable for the Town is much more restrictive than is currently allowed for Exempt Divisions of Land under the County Ordinance.
- (j) The Town Board desires to provide for an orderly process to divide land in the Town, but to also protect the interests of current and future owners of subdivided property and those owning neighboring properties.
- (k) The Town Board desires to study the issue of Administrative Subdivisions and Exempt Divisions of Land to determine how best to amend the Town Subdivision Ordinance to ensure it properly regulates the subdivision of land so as not to allow land divisions to occur in a way that creates negative consequences, whether intended or unintended.
- (l) The Town Board then needs time to develop, process, and act on the resulting amendments to the Town Subdivision Ordinance to address these issues.

Section 3. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. Any term not defined in this Section shall have the meaning given it in the County Ordinance, and if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statute or Rule.

- (a) Administrative Subdivision. “Administrative Subdivision” means any division of land identified as an administrative land division under Section 9.5(B) of the County Ordinance, except for boundary line adjustments under Section 9.5(B)(1).
- (b) County. “County” means Crow Wing County, Minnesota.

- (c) County Ordinance. “County Ordinance” means the most current enactment of the Crow Wing County Land Use Ordinance.
- (d) Exempt Division of Land. “Exempt Division of Land” means a division of land occurring pursuant to the exemption in Section 9.5(A)(2) of the County and which results in a parcel containing less than 20 acres and 500 feet in width.
- (e) Ordinance. “Ordinance” means this interim ordinance imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (f) Study. “Study” means the study authorized and directed by this Ordinance.
- (g) Town. “Town” means Mission Township, Crow Wing County, Minnesota.
- (h) Town Board. “Town Board” means the board of supervisors of Mission Township.
- (i) Town Subdivision Ordinance. “Town Subdivision Ordinance” means the current enactment of the Mission Township Subdivision Ordinance (Ordinance No. 2023-02).

Section 4. Study Authorized. The Town Board shall conduct a study regarding Administrative Subdivisions and Exempt Divisions of Land that shall include: (1) a review of how these divisions of land are currently regulated, or not, under the County Ordinance and the Town Subdivision Ordinance; (2) how the existing regulations and exemptions might be used to undermine the intent and goals of regulating subdivisions; and (3) exploring possible amendments to the Town Subdivision Ordinance to regulate these divisions of land in a way to help ensure the goals and related protections associated with subdivisions are adequately addressed and preserved.

Section 5. Moratorium. A moratorium is hereby imposed to prohibit Administrative Subdivisions and Exempt Divisions of Land within the Town during the term of this Ordinance. During the period of this Ordinance, it shall be prohibited to divide land pursuant to the Administrative Subdivision process or to undertake or record with the County an Exempt Division of Land within the Town.

Section 6. Interpretation. The Town Board shall decide any questions regarding the application of this Ordinance. All inquiries regarding the application of this Ordinance shall be submitted to the Town in writing and the Town Board’s decision regarding the matter shall be final. As part of interpreting this Ordinance, the Town Board may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.

Section 7. Duration. This Ordinance shall remain in effect for eight (8) months from the date of its adoption, until it is expressly repealed by Town Board resolution, or until the effective date of a Town ordinance amending the Town Subdivision Ordinance to address the issues to be studied under this Ordinance, whichever occurs first.

Section 8. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The Town may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the Town from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 9. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this 17th day of December 2025.

BY THE TOWN BOARD

Jon Auge, Chair

Attest: _____
Naomi Scott, Clerk