

TO: Cannon Falls City Council
FROM: Neil Jensen, City Administrator
SUBJECT: Administrative Subdivision/Lot Split for Josie and Zach Hayes at
300 Carlson Road
DATE: July 6, 2021

BACKGROUND

A Planning Commission meeting was held on Monday, June 14, 2021 to consider an Administrative Subdivision/Lot Split for Josie and Zach Hayes at 300 Carlson Road, PID 525100310. Planning Commission approved the proposal unanimously on June 14, 2021.

The following exhibits are enclosed to further describe the proposal:

1. GIS overhead lot depiction
2. Johnson and Scofield survey
3. Lot description
4. Order Approving Annexation Ordinance
5. Development Application from Josie and Zach Hayes

This property was annexed into the City Limits April 14, 2021. Josie and Zach Hayes are requesting that this lot be split into two parcels. One parcel will remain as their homestead parcel, and the second parcel (approximately 8.5 acres) will be developed.

The City Attorney was consulted on this Administrative Subdivision/Lot Split. It was recommended that the City approve this Lot Split with the following conditions:

Based on the annexation ordinance, the property was annexed for “residential development” this means more than one house. In addition, the annexation ordinance zoned the property *R-3, Medium Density Residential*, meaning more than one house. Based on the clear intent of the City that the property was to be developed into a multi-unit residential subdivision, the City will approve the application for a lot split but only on the condition that the lot split will not take effect until a final plat has been approved that provides density of at least two units per acre.

REQUESTED COUNCIL ACTION

Please approve Resolution 2559, Approving the Administrative Subdivision/Lot Split for Josie and Zach Hayes at 300 Carlson Road, as noted above.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2559

**ADMINISTRATIVE SUBDIVISION/LOT SPLIT FOR JOSIE AND
ZACH HAYES AT 300 CARLSON ROAD**

WHEREAS, Josie and Zach Hayes have made application for an Administrative Subdivision/Lot Split at 300 Carlson Road, (PID 525100310), as regulated by the Zoning Ordinance; and

WHEREAS, the property was annexed into the City in March 2021 for purposes of “residential development”; and

WHEREAS, the property was zoned R-3, medium density residential, upon its annexation; and

WHEREAS, the Planning Commission conducted a hearing on June 14, 2021 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the granting of the Administrative Subdivision/Lot Split is reasonable and in conformance with the City of Cannon Falls Comprehensive Plan.

WHEREAS, the Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the application for Administrative Subdivision/Lot Split be approved.

NOW THEREFORE, LET IT BE RESOLVED BY THE CITY OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission, which are hereby adopted by the City Council, that the Administrative Subdivision/Lot Split be approved subject to compliance with all applicable requirements of the City of Cannon Falls Zoning Chapter 152 and the State of Minnesota Building Code requirements.

The lot split shall not take effect until a final plat has been approved by the City which develops a portion of the property into a multi-unit subdivision with a density of at least two units per acre. Upon approval and recording of said plat, the lot split shall automatically occur. If such a plat is not approved by December 31, 2025, this lot split shall become null and void.

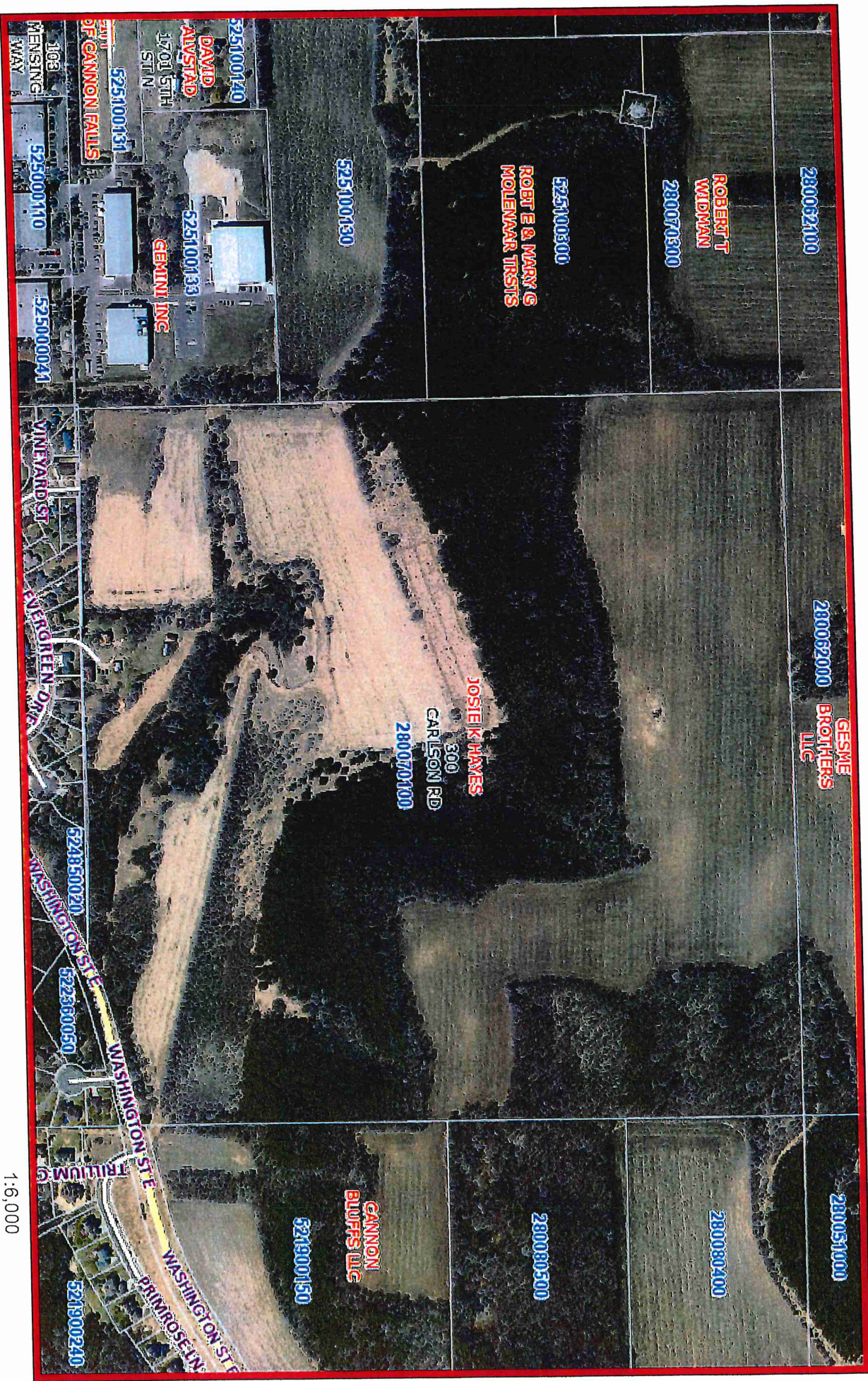
ADOPTED by the City Council of Cannon Falls this 6th day of July, 2021.

CITY OF CANNON FALLS

John O. Althoff, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator

ArcGIS WebMap



June 9, 2021

Township or Other Roads

County Roads 9,600

County Roads - Paved

Township or Other Roads

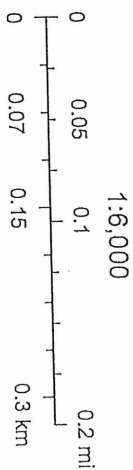
Township or Other Roads

Parcels

Full Address

PIN

Full Name



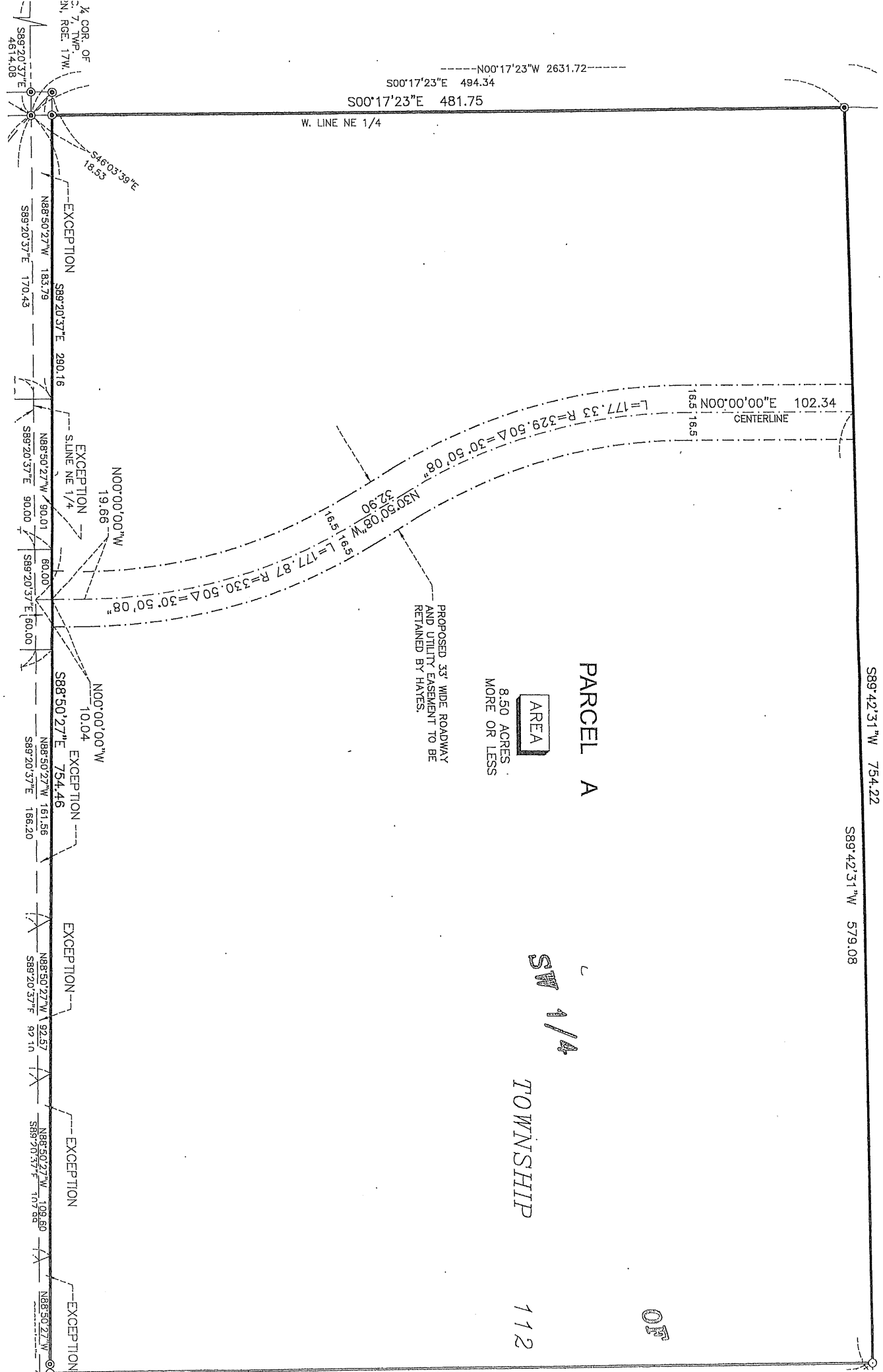


Exhibit A

Legal Description of Property to be Annexed

That part of the South Half of the Northeast Quarter of Section 7, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying westerly, southwesterly and southerly of the following described line:

Commencing at the east quarter corner of said Section 7, thence on an assumed bearing of North 89 degrees 20 minutes 37 seconds West, along the south line of said Northeast Quarter and along the north line of PINE TREE RIDGE REPLAT CITY OF CANNON FALLS, according to the recorded plat thereof, on file in the Goodhue County Records office, a distance of 1304.66 feet to the point of beginning of the line to be described; thence North 00 degrees 18 minutes 13 seconds West, a distance of 106.05 feet; thence North 53 degrees 37 minutes 15 seconds West, a distance of 686.52 feet; thence South 89 degrees 42 minutes 31 seconds West, a distance of 761.55 feet to the west line of said Northeast Quarter and there terminating.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Cannon Falls from Cannon Falls
Township (MBAU Docket A-8328)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On March 16, 2021, the City of Cannon Falls (City) adopted Ordinance No. 374 (Ordinance) annexing certain real property (Property) from Cannon Falls Township (Township) legally described as follows:

That part of the South Half of the Northeast Quarter of Section 7, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying westerly, southwesterly and southerly of the following described line:

Commencing at the east quarter corner of said Section 7, thence on an assumed bearing of North 89 degrees 20 minutes 37 seconds West, along the south line of said Northeast Quarter and along the north line of PINE TREE RIDGE REPLAT CITY OF CANNON FALLS, according to the recorded plat thereof, on file in the Goodhue County Records office, a distance of 1304.66 feet to the point of beginning of the line to be described; thence North 00 degrees 18 minutes 13 seconds West, a distance of 106.05 feet; thence North 53 degrees 37 minutes 15 seconds West, a distance of 686.52 feet; thence South 89 degrees 42 minutes 31 seconds West, a distance of 761.55 feet to the west line of said Northeast Quarter and there terminating.


Based upon a review of the Ordinance, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2020), the Ordinance is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to Minn. Stat. § 414.036 (2020), the City will reimburse the Township \$22.18 each year for two years as stated in the Ordinance.

4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: April 14, 2021


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Goodhue County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2019). However, no request for amendment shall extend the time of appeal from this Order.



P A I D JUN - 7 2021

✓ 17053

DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: 300 Carlson Rd

Legal Description of Property: Attached

Owner of Record: Name: Josie + Zach Hayes

Daytime Phone: 651-253-7659

Address: 300 Carlson Rd
CF, 55009

E-Mail Address: Jhayes432@gmail.com

Applicant (if other
than owner)

Name: _____ Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: _____

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|-------------------------------------|------------------------|--------------------------|-----------------------------------|
| Request: | <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input checked="" type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | <input type="checkbox"/> | Concept | <input type="checkbox"/> | Interim Use Permit |
| | <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> | Amendment |
| | <input type="checkbox"/> | Final Plat | <input type="checkbox"/> | CUP/PUD |
| | <input checked="" type="checkbox"/> | Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: 6-7-2021

Date Submission Deemed to be Complete: _____

Give detailed description of project and reason for conditional use or variance, if applicable:

Lot Split from House, remainder parcel for
development.

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:



Property Owner

Date: 6-7-2021

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: 6/7/21

Basic Fees: 250⁰⁰

Received By: [Signature]

Escrow Deposit: _____

Evidence of Ownership Submitted: ☒ Yes

☐ No

☐ Required

Certified Lot Survey: ☒ Yes

☐ No

☐ Required

Legal Description Adequate: ☒ Yes

☐ No

☐ Required

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission on: _____ ☐ Approve ☐ Deny

Recommendation of City Council on: _____ ☐ Approve ☐ Deny

Subject to following conditions: _____
