

**TO: Cannon Falls City Council**  
**FROM: Dianne Howard, Zoning Administrator**  
**SUBJECT: CONDITIONAL USE PERMIT FOR PID #52.455.0300**  
**DATE: July 19, 2022**

### **BACKGROUND**

A public hearing was held to consider a request for a conditional use permit to conduct grading work in the BP, Bluff Protection Overlay District for 6682 Bluff Drive, PID #52.455.0300. *This property is currently zoned R-3 Medium Density Residential District.*

### **PROJECT DETAILS**

Doug Gysbers is requesting a conditional use permit for compact, clean fill to create a level spot for a buildable lot within the Bluff Protection District but outside of the Bluff Impact Zone. Erosion control measures will also be implemented. There will be no clearing of vegetation.

The following exhibits are enclosed to describe the proposal:

1. Copy of Development Application
2. GIS depiction of lot with 2 ft. contours
3. Bluff Protection District Code 152.814 GENERAL REGULATIONS
4. Survey by David Rapp
5. R-3 Lot Requirements and Setbacks
6. Email from WHKS on July 8, 2022
7. Updated survey from David Rapp showing proposed grades--7/8/2022
8. Updated survey from David Rapp showing existing and proposed grades as well as Bluff Impact Zone--7/11/2022

Staff recommends approval of the application.

### **REQUESTED COUNCIL ACTION**

City Council is being asked to adopt Resolution 2642 for a Conditional Use Permit for PID #52.455.0300.

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

**RESOLUTION NUMBER 2642**

**CONDITIONAL USE PERMIT FOR 6682 BLUFF DRIVE  
PID #52.455.0300**

WHEREAS, Doug Gysbers, Owner, has made application for a Conditional Use Permit to conduct grading work in the BP, Bluff Protection Overlay District for 6682 Bluff Drive, PID 52.455.0300, R-3 Medium Density Residential District as regulated by the Zoning Ordinance, and.

WHEREAS, the Planning Commission conducted a hearing on July 11, 2022 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the Conditional Use Permit is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, 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 Conditional Use Permit 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 Conditional Use Permit 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.

**ADOPTED** by the City Council of Cannon Falls this 19<sup>th</sup> day of July, 2022.

**CITY OF CANNON FALLS**

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John O. Althoff, Mayor

ATTEST: \_\_\_\_\_  
Neil L. Jensen, City Administrator

pd. 7/8/22  
✓19253



**DEVELOPMENT APPLICATION**

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

SUBJECT TO STAFF REVIEW

Street Location of Property: Bluff Drive, CF

Legal Description of Property: P10 52455 0300 Lot 4 Block 4  
Sandstone Ridge

Owner of Record: Name: Douglas Gysbers

Daytime Phone: 507-291-0178

Address: 6551 357th St W  
Cannon Falls, MN

E-Mail Address: Sherdog@Frontier.net.net

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 checked="" type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
|          | <input 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 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: 6/22/22

Date Submission Deemed to be Complete: \_\_\_\_\_

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

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**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: 6/22/2022

\_\_\_\_\_  
Applicant (if not the Property Owner)

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

FOR CITY USE ONLY

Date Application Filed: 7/18/22

Basic Fees: 450.00

Received By: DW

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: 7/11/22

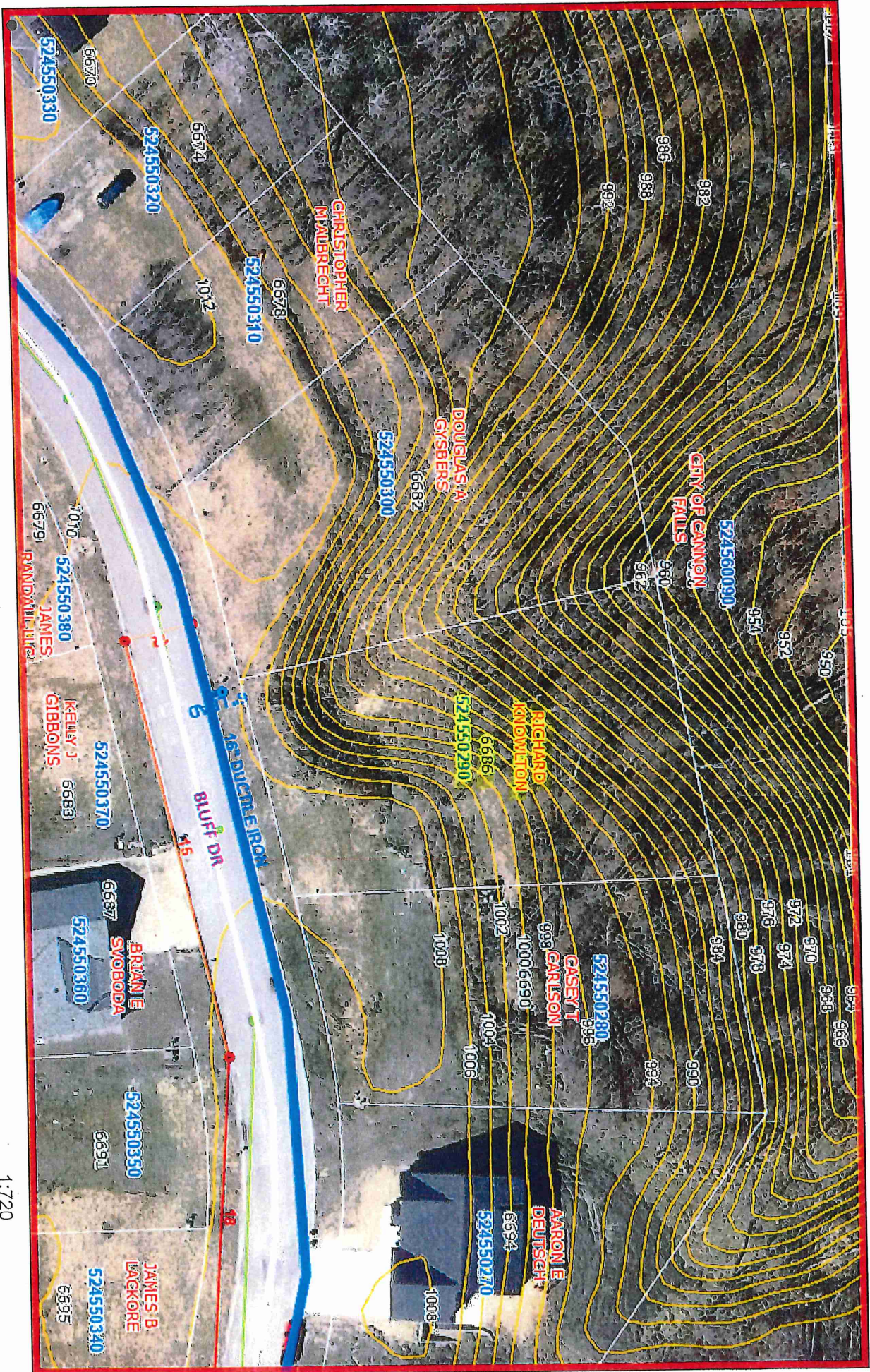
Recommendation of Planning Commission on: 7/11/22  Approve  Deny

Recommendation of City Council on: \_\_\_\_\_  Approve  Deny

Subject to following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# ArcGIS WebMap



July 5, 2022

Goodhue County Roads

CEM; : OCTY; OCRLN; CTRLN

Parcels

House Number

PLN

Full Name

Water Points

Water Main

6

16

Storm Points

15

Storm Drain

12

18

Sanitary Points

0

0.01

0.01

0.01

0.03

1:720

0.02 mi

0.03 km



## § 152.814 GENERAL REGULATIONS.

The following requirements shall be imposed on all development in the BP District.

(A) Structures shall not be placed within bluff impact zones, except for permissible yard setback encroachments as permitted in this chapter.

(B) The maximum height of any structure shall be no more than 35 feet.

(C) No person may conduct a mining or quarry activity or expand a mining or quarry activity within 30 feet of the toe or top of the bluff or in a BP District.

(D) No tower shall be located within one-quarter mile of the bluff impact zone, except for water reservoirs owned and constructed by the city.

(E) No grading, excavating or filling shall be allowed within the bluff impact zones.

(F) Grading and filling within the BP District, but not within a bluff impact zone, shall comply with the following conditions.

(1) No more than one-third of the surface area of a lot shall be devoid of vegetative ground cover at any time.

(2) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.

(3) Methods to prevent erosion and trap sediment shall be employed in accordance with regulations of the State Pollution Control Agency and acceptable engineering practices.

(4) Fill shall be stabilized according to accepted engineering standards.

(5) A soil erosion control plan must be submitted to the Zoning Administrator before grading or construction begins on any lot affected by the regulations of this section.

(6) Methods, such as silt fences, hay bales and the like must be used to minimize soil erosion and to trap sediments before they reach any surface water features.

(7) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(8) Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

(G) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve steep slope aesthetics.

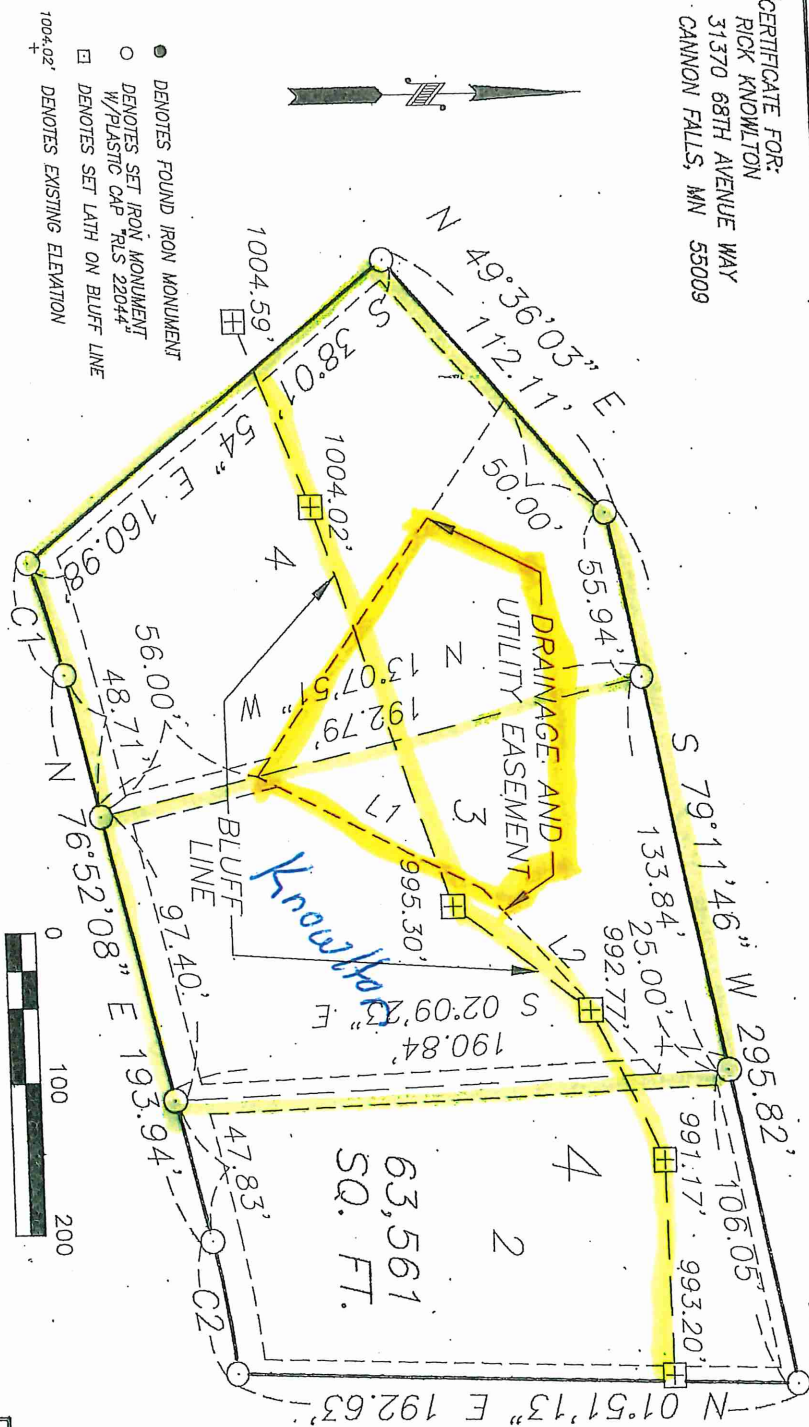
(H) Clearcutting is prohibited, except to remove the minimum amount of vegetation necessary for placing roads, utilities, structures and parking areas.

(I) Natural vegetation shall be restored insofar as feasible after any construction project.

CERTIFICATE FOR:  
 RICK KNOWLTON  
 31370 68TH AVENUE WAY  
 CANNON FALLS, MN 55009

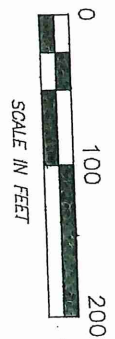
PROPERTY ADDRESS:  
 6686 BLUFF DRIVE  
 CANNON FALLS, MN 55009

LEGAL DESCRIPTION:  
 Lots 2, 3 and 4, Block 4,  
 SANDSTONE RIDGE,  
 according to the recorded plat  
 thereof, Goodhue County,  
 Minnesota.  
 Subject to all easements and  
 restrictions of record, if any.



LINE	BEARING	DISTANCE	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
L1	N 27°04'25" E	85.00'			
L2	S 47°23'16" W	85.12'			
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	330.00'	39.14'	39.12'	N 73°28'16" E	6°47'47"
C2	330.00'	44.79'	44.76'	N 80°45'30" E	7°46'37"

- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT W/PLASTIC CAP RLS 22044
- ☐ DENOTES SET LATH ON BLUFF LINE
- + 1004.02' DENOTES EXISTING ELEVATION



**RAPP LAND SURVEYING, INC.**  
 45967 HIGHWAY 56 BLVD  
 KENYON, MN 55946  
 612-532-1263

DRAIN BY: BDR	DATE: 7-5-22	PROJECT NO. D2250
SCALE: 1"=50'	SHEET: 1 of 1 sheet	BOOK/PAGE: N/A

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*David G. Rapp*  
 David G. Rapp  
 Minnesota Registration No. 22044  
 Date: JULY 5, 2022



**§ 152.546 LOT REQUIREMENTS AND SETBACKS.**

The following minimum requirements shall be observed in an R-3 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Double frontage lots	155 feet
Minimum lot area	9,000 square feet
Single-family	6,000 square feet per unit
Townhouse or quadraminium	10,000 square feet base lot; 5,000 square feet per unit
Two-family	
Minimum lot depth	135 feet
Single-family	135 feet
Two-family	135 feet
All other uses	
Minimum lot width	
Single-family	70 feet
Corner lot	60 feet
Interior lot	
Townhouse or quadraminium	
Base lot	Not less than 120 feet
Unit lot	Not less than 24 feet per unit
Two-family	90 feet
Corner lot	80 feet
Interior lot	
Setbacks	
Base lot	25 feet
Front	

Rear	20 feet except 25 feet for double frontage lots
Side	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way
Zero lot line	Side yard setback requirements shall not be applied to a common wall of a two-family, townhouse, quadrannium or multiple-family dwelling unit
Single-family lot	25 feet
Front	20 feet except 25 feet for double frontage lots
Rear	5 feet
Rear (detached accessory structure)	See § 152.237
Rear (garage accessing alley)	5 feet
Side (detached accessory structure)	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way; 5 feet on garage side only when accommodating an attached garage
Side (principal structure)	

(Prior Code, § 11-55-7) (Ord. 258, passed 5-4-2006; Ord. 271, passed 3-15-2007)

## Neil Jensen

---

**From:** Daren Sikkink <DSikkink@Whks.com>  
**Sent:** Friday, July 8, 2022 3:19 PM  
**To:** Neil Jensen  
**Cc:** Bill Angerman  
**Subject:** RE: Conditional Use Permit for Monday's Meeting

Neil-

Bill and I discussed this proposed grading plan and have the following comments:

1. We are not sure if the contours shown are existing or proposed. If they are proposed contours, the existing contours should also be shown. We understand some recent filling has already taken place on the lots. The legend references existing lot elevations. The proposed elevations should be provided.
2. The proposed slopes should be labeled in the house area and in the bluff area. We have scaled the plan. We arrived at a 6 ½ :1 (horizontal):(vertical) slope for the house area and 1 ½ : 1 as the steepest slope north of the bluff line.
3. The front lot corner elevations should be shown, if available.

Please contact us with any questions.

Thanks,  
Daren D. Sikkink P.E.  
2905 South Broadway | Rochester, MN 55904  
Voice: 507.288.3923 | [www.whks.com](http://www.whks.com)



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PSMJ Resources, Inc.  
A/E/C  
**PREMIER AWARD**  
FOR CLIENT SATISFACTION  
2021



**From:** Neil Jensen <njensen@cannonfallsmn.gov>  
**Sent:** Friday, July 8, 2022 2:16 PM  
**To:** Daren Sikkink <DSikkink@Whks.com>  
**Subject:** FW: Conditional Use Permit for Monday's Meeting

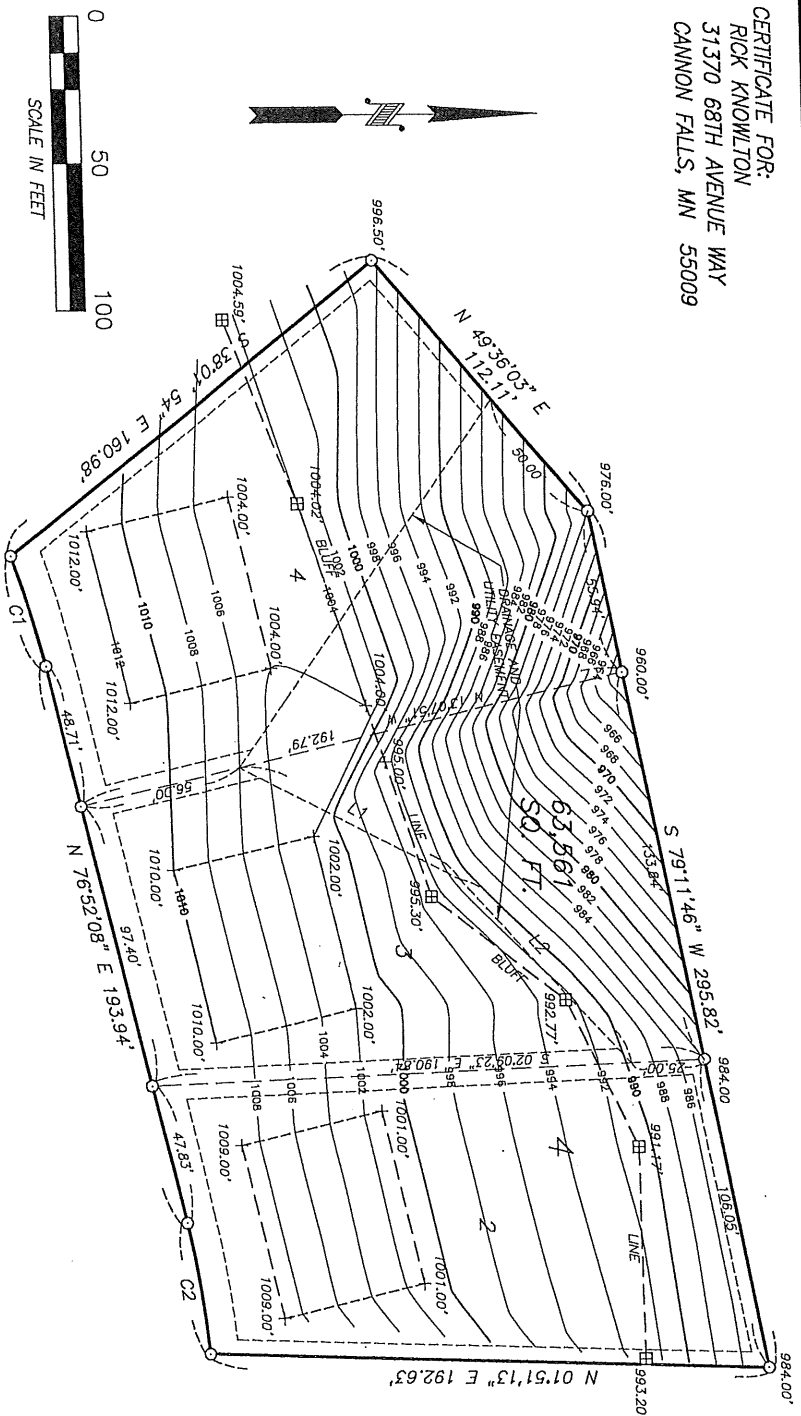
**Neil L. Jensen**  
Cannon Falls City Administrator  
918 River Road  
Cannon Falls, MN 55009  
507-263-9304

**From:** Dianne Howard <dhoward@cannonfallsmn.gov>  
**Sent:** Friday, July 8, 2022 2:07 PM  
**To:** Neil Jensen <njensen@cannonfallsmn.gov>  
**Subject:** FW: Conditional Use Permit for Monday's Meeting



CERTIFICATE FOR:  
 RICK KNOWLTON  
 31370 68TH AVENUE WAY  
 CANNON FALLS, MN 55009

PROPERTY ADDRESS:  
 6686 BLUFF DRIVE  
 CANNON FALLS, MN 55009



PROPOSED GRADING PLAN:  
 Lots 2, 3 and 4, Block 4,  
 SANDSTONE RIDGE,  
 according to the recorded plat  
 thereof, Goodhue County,  
 Minnesota.  
 Subject to all easements and  
 restrictions of record, if any.

- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT
- W/PLASTIC CAP RLS 22044
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
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C2	330.00'	44.79'	44.76'	N 80°45'30" E	74°6'37"

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*David G. Rapp*  
 David G. Rapp  
 Minnesota Registration No. 22044

DATE: JULY 8, 2022

**RAPP LAND SURVEYING, INC.**  
 45967 HIGHWAY 56 BLVD  
 KENYON, MN 55946  
 612-532-1263

DRAWN BY: BDR	DATE: 7-8-22	PROJECT NO. D2230
SCALE: 1"=50'	SHEET 1 of 1 sheet	BOOK/PAGE N/A

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 RICK KNOWLTON  
 31370 68TH AVENUE WAY  
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PROPOSED GRADING PLAN:  
 Lots 2, 3 and 4, Block 4,  
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 Subject to all easements and  
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# S.I.H Fence

LINE	BEARING	DISTANCE	CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
L1	N 27°04'25\"	E 85.00'						
L2	S 47°23'16\"	W 85.12'						
C1			C1	330.00'	39.14'	39.12'	N 75°28'16\"	E 64°7'47\"
C2			C2	330.00'	44.79'	44.76'	N 80°45'30\"	E 7°46'37\"

<b>RAPP LAND SURVEYING, INC.</b>		PROJECT NO.	
45967 HIGHWAY 56 BLVD KENYON, MN 55946 612-532-1283		D2230	
DRAWN BY: BDR	DATE: 7-8-22	BOOK/PAGE N/A	
SCALE: 1"=50'	SHEET: 1 of 1 sheet		

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- DENOTES PROPOSED CONTOURS
- - - DENOTES EXISTING CONTOURS

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
 JULY 8, 2022  
 David G. Rapp  
 Minnesota Registration No. 22044