

**TO: CANNON FALLS CITY COUNCIL**  
**FROM: Dianne Howard, Zoning Administrator**  
**SUBJECT: An Ordinance of the City of Cannon Falls, Minnesota Annexing Land Located in the Cannon Falls Township, Goodhue County, Minnesota Pursuant to Minnesota Statutes § 414.033 Subdivision 2(3), Permitting Annexation By Ordinance**  
**DATE: August 2, 2022**

## **BACKGROUND**

**Proposed Annexation of property owned by Josie Hayes currently located in Cannon Falls Township.** A Planning Commission Meeting was held on Monday, June 13, 2022 to consider an annexation proposal by Aaron Smith of Greensmith Builders, with the support of property owners Josie Hayes to begin proceedings annexing the Hayes property currently located in Cannon Falls Township into the City of Cannon Falls. This property is currently in Cannon Falls Section 7, Township 12, F 017, PID #28.007.0100.

The request for annexation is for approximately 53.86 acres. The proposed use will be R-3 Medium Density Residential District single family homes.

The following exhibits are enclosed to further describe the proposal:

1. Development Application
2. Preliminary Concept Plan
3. Survey by Johnson and Scofield, Inc.
4. Split approved by County Zoning Administrator
5. R-3 informational sheet
6. Exhibit A: Legal description of property to be annexed
7. Exhibit B: Map of property to be annexed

Planning Commission approved the annexation proposal unanimously on June 13, 2022.

## **REQUESTED COUNCIL ACTION**

I respectfully request a motion approving Ordinance 386, Proposed Annexation of Property owned by Josie Hayes of PID #28.007.0100 and currently location in Cannon Falls Township into the City of Cannon Falls.

V5003



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: Carlson Rd.

Legal Description of Property:

Owner of Record: Name: ~~ARON SMIT~~ JOSIE HAYES

Daytime Phone: 651-253-7659

Address: 300 Carlson Road  
Cannon Falls, MN 55009

E-Mail Address: jhayes432@gmail.com

Applicant (if other than owner)

Name: ARON SMIT

Notary Stamp

Daytime Phone: 612 325 5719

Address: 1410 E 100th ST  
BLOOMINGTON, MN 55125

E-Mail Address: ARON@GREENSMIT.BUILDERS

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

- Request: [ ] Conditional Use Permit [ ] Rezoning/Ordinance Text Amendment
[ ] Subdivision [ ] Variance
[ ] Concept [ ] Interim Use Permit
[ ] Preliminary Plat [ ] Amendment
[ ] Final Plat [ ] CUP/PUD
[ ] Administrative [ ] Site Plan Review
[ ] Administrative Permit [ ] Special Home Occupation
[ ] Vacation [x] Annexation Petition
[ ] Comp Plan Amendment [ ] Appeal
[ ] 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: 6/13/22

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

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

annexation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: 4/26/2022

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

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

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

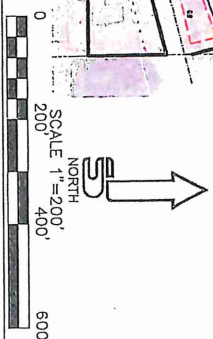
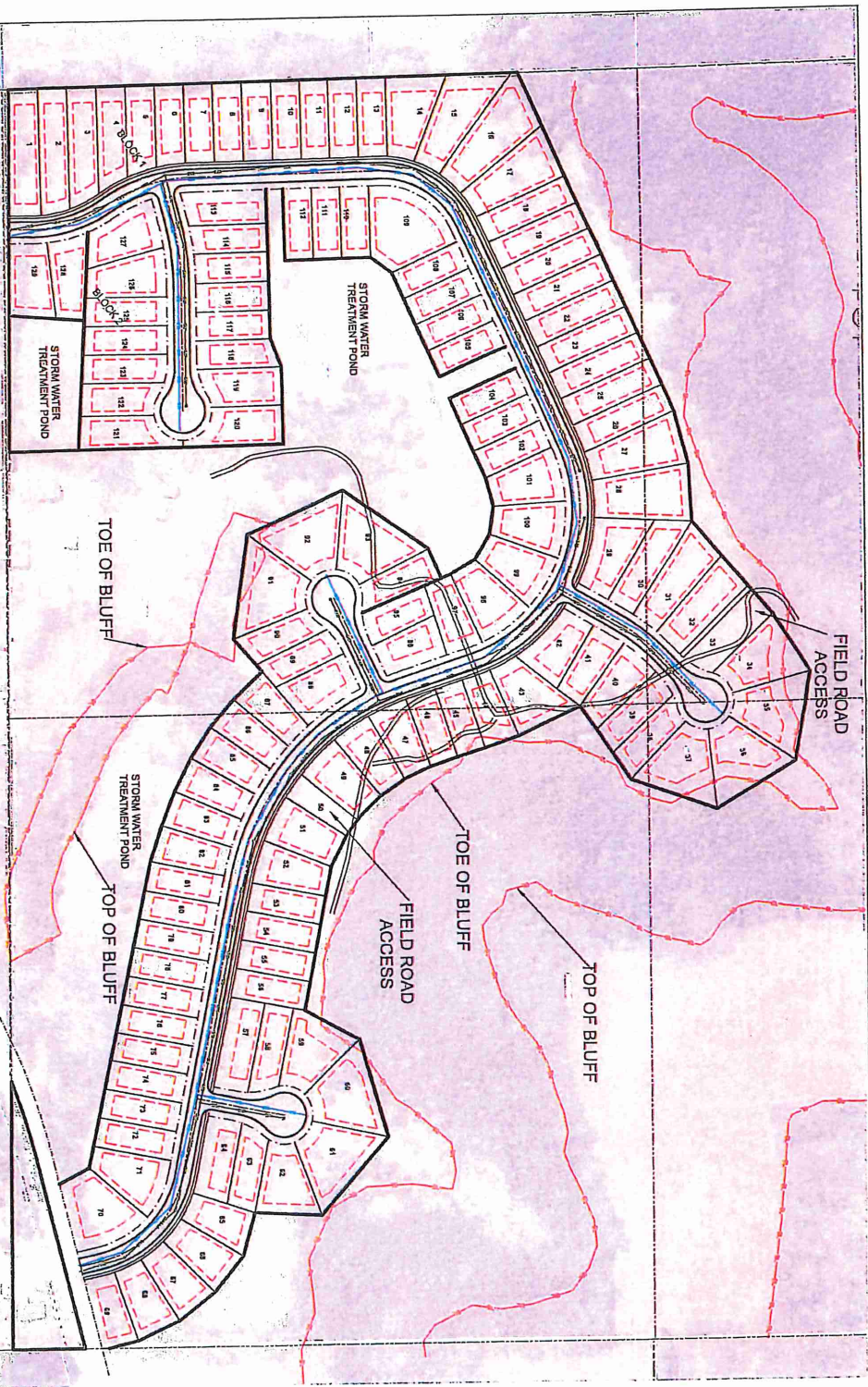
DESIGNED	BY
BROWN	...
CHECKED	BY
...	...

DATE	BY
...	...

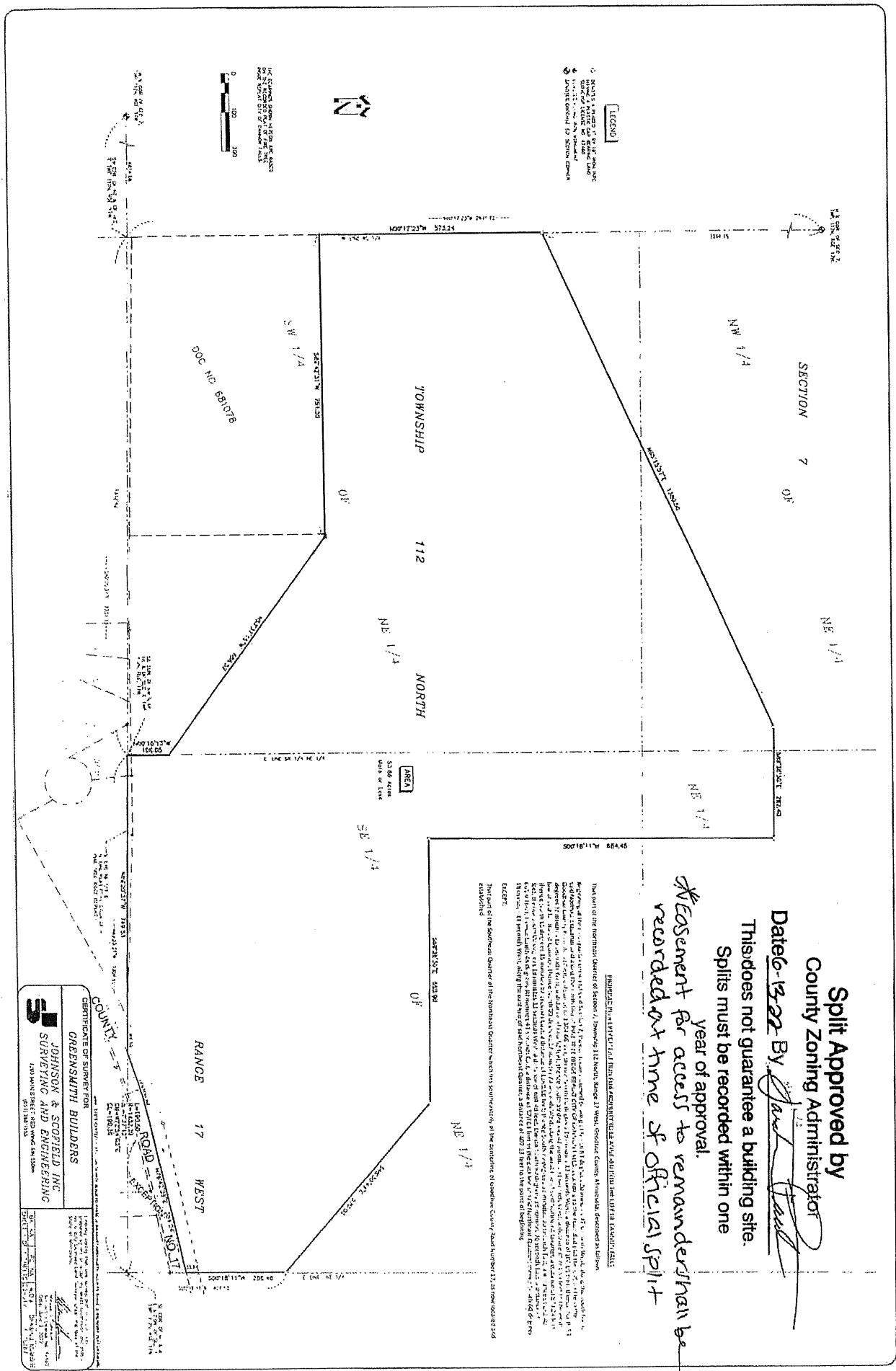
LATEST REVISION:  
 Proposed for  
 PRELIMINARY CONSTRUCTION  
 TO BE USED TO OBTAIN  
 PERMITS AND TO OBTAIN  
 RECORD DRAWINGS  
 NUMBER 012-24-0710

**CARLSON FARM BLUFFS  
 PHASE 2  
 CANNON FALLS, MINNESOTA**

**FULL BUILD CONCEPT PLAN  
 SHEET 1 OF 1 SHEET**







**Split Approved by  
County Zoning Administrator**

Date: *6-13-22* By: *[Signature]*

This does not guarantee a building site.  
Splits must be recorded within one  
year of approval.  
\*Measurement for access to remainder shall be  
recorded at time of official split

**LEGEND**

- Section Corners
- Corner Monument
- ▲ Corner Monument
- ▲ Corner Monument

**AREA**  
53.66 Acres  
More or Less

**CERTIFICATE OF SURVEY FOR**  
**GREENSMITH BUILDERS**  
**JOHNSON & SCOFFIELD INC.**  
**SURVEYING AND ENGINEERING**  
1420 MAIN STREET, RED WING, MN 55069  
612.735.7355

**JOHNSON & SCOFFIELD INC.**  
SURVEYING AND ENGINEERING  
1420 MAIN STREET, RED WING, MN 55069  
612.735.7355

**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	
Single-family	9,000 square feet
Townhouse or quadraminium	6,000 square feet per unit
Two-family	10,000 square feet base lot; 5,000 square feet per unit
Minimum lot depth	
Single-family	135 feet
Two-family	135 feet
All other uses	135 feet
Minimum lot width	
Single-family	
Corner lot	70 feet
Interior lot	60 feet

Townhouse or quadraminium	
Base lot	Not less than 120 feet
Unit lot	Not less than 24 feet per unit
Two-family	
Corner lot	90 feet
Interior lot	80 feet
Setbacks	
Base lot	
Front	25 feet
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, quadraminium or multiple-family dwelling unit
Single- family lot	
Front	25 feet
Rear	20 feet except 25 feet for double frontage lots
Rear (detached accessory structure)	5 feet
Rear (garage accessing alley)	See § <u>152.237</u>



Side (detached accessory structure)	5 feet
Side (principal 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

**§ 152.547 BUILDING REQUIREMENTS.**

The following building requirements shall be observed in an R-3 District.

- (A) All residences shall be limited to a maximum height of two and one-half stories or 35 feet.
  - (B) Dwelling unit floor area shall be governed by § 152.210 of this chapter.
  - (C) Accessory structures shall be governed by §§ 152.230 through 152.241 of this chapter.
- (Prior Code, § 11-55-8) (Ord. 258, passed 5-4-2006)

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

**ORDINANCE NUMBER 386  
SECOND SERIES**

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA ANNEXING  
LAND LOCATED IN CANNON FALLS TOWNSHIP, GOODHUE COUNTY,  
MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033, SUBDIVISION  
2(3), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described on attached Exhibit A and depicted on attached Exhibit B be annexed to the City of Cannon Falls, Minnesota, was duly presented to the Council of the City of Cannon Falls on June 21, 2022; and

**WHEREAS**, said property is unincorporated and abuts the City of Cannon Falls on its northwest boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is not located within a flood plain or shoreland area; and

**WHEREAS**, said property is currently residential and agricultural and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of Cannon Falls held a public hearing pursuant to Minnesota Statutes § 414.033, subd. 2b on August 2, 2022, following thirty (30) days written notice by certified mail to the Town of Cannon Falls and to all landowners within and contiguous to the area to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033, subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANNON  
FALLS HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325.

3. The corporate limits of the City of Cannon Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Cannon Falls and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit: See attached Exhibit A (hereinafter, the “**Annexation Property**”).

The Annexation Property consists of a total of 53.86 acres, more or less. Copies of the corporate boundary map showing the Annexation Property and its relationship to the corporate boundaries of the City of Cannon Falls and all appropriate plat maps are attached hereto.

4. That the population of the Annexation Property is 0.

5. The City of Cannon Falls, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of Cannon Falls in the amount of one year’s property taxes for the property to be annexed in the total amount of \$798.20 (2022 taxes were \$14.82 per acre on the entire 145.45 acres; 53.86 acres to be annexed). The payment shall be made in accordance with the following schedule:

- a. In the first year following the year in which the City of Cannon Falls could first levy on the annexed area, an amount equal to \$399.10 and
- b. In the second year, an amount equal to \$399.10.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the Annexation Property and any portion of debt incurred by the Town prior to the annexation and attributable to the Annexation Property, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That pursuant to City Code § 152.448 the Annexation Property is presumed to be classified UR District. However, the City Council has made a determination that the appropriate classification for the Annexation Property is R-3 Medium Density Residential and that upon annexation the property shall be automatically classified as such without need for a separate amendment to rezone the property.

8. That the City Clerk of the City of Cannon Falls is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Goodhue County Auditor, and the Cannon Falls Township Clerk.

9. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John O. Althoff, Mayor

ATTEST:

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

## **Exhibit A**

### **Legal Description of Property to be Annexed**

That part of the Northeast Quarter of Section 7, Township 112 North, Range 17 West, Goodhue County, Minnesota, described as follows:

Beginning 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 RE PLAT CITY OF CANNON FALLS, according to the recorded plat thereof, on file in the Goodhue County Recorder's office, a distance of 1304.66 feet; thence North 00 degrees 18 minutes 13 seconds West, a distance of 106.08 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; thence North 00 degrees 17 minutes 23 seconds West, along the west line of said Northeast Quarter, a distance of 573.24 feet; thence North 65 degrees 15 minutes 57 seconds East, a distance of 1380.50 feet; thence South 89 degrees 38 minutes 30 seconds East, a distance of 282.40 feet; thence South 00 degrees 18 minutes 11 seconds West, a distance of 884.48 feet; thence South 89 degrees 38 minutes 30 seconds East, a distance of 665.90 feet; thence South 48 degrees 30 minutes 43 seconds East, a distance of 570.03 feet to the east line of said Northeast Quarter; thence South 00 degrees 18 minutes 11 seconds West, along the east line of said Northeast Quarter, a distance of 407.13 feet to the point of beginning.

**EXCEPT:**

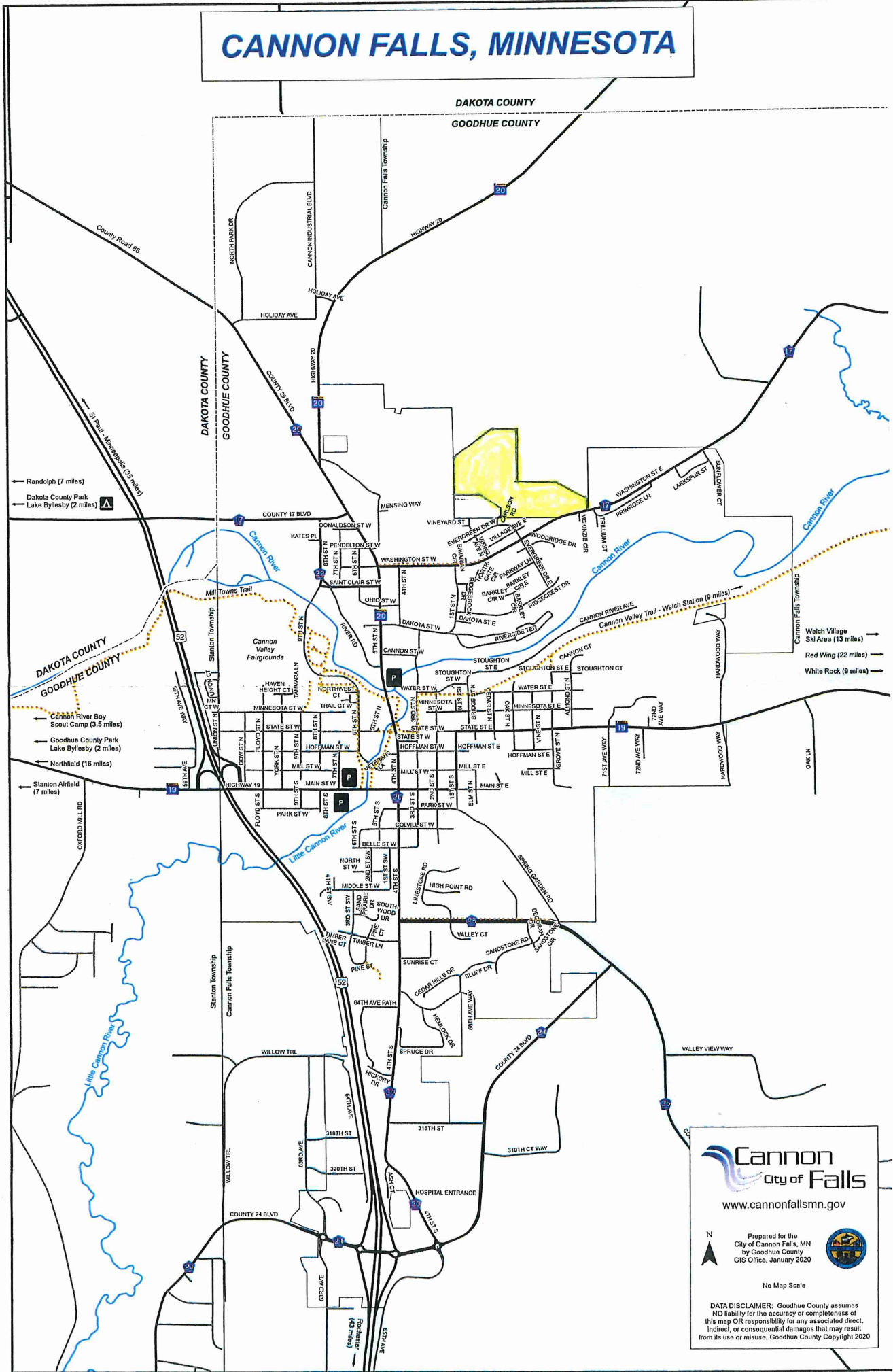
That part of the Southeast Quarter of the Northeast Quarter which lies southeasterly of the centerline of Goodhue County Road Number 17, as now located and established.

**Exhibit B**

**Map of Property to be Annexed**

See Attached Map

# CANNON FALLS, MINNESOTA



- Randolph (7 miles)
- Dakota County Park Lake Bylesby (2 miles)
- Cannon River Boy Scout Camp (3.5 miles)
- Goodhue County Park Lake Bylesby (2 miles)
- Northfield (16 miles)
- Stanton Airfield (7 miles)
- Welch Village Ski Area (13 miles)
- Red Wing (22 miles)
- White Rock (9 miles)

  
[www.cannonfallsmn.gov](http://www.cannonfallsmn.gov)

Prepared for the  
 City of Cannon Falls, MN  
 by Goodhue County  
 GIS Office, January 2020

No Map Scale

DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2020