

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
**SUBJECT: Revised Ordinance No. 399 Amendment for City Code § 151.112,
Relating to Private Wells and Individual Sewer Treatment Systems**
DATE: November 7th, 2023

BACKGROUND

An Ordinance of the City of Cannon Falls, Minnesota Amending City Code § 151.112 Relating to Well and Septic Serving a Residential Lot.

Planning Commission held a discussion on October 9th, 2023 to consider an Ordinance Text Amendment for the Timber Ridge Development. The request was to amend City Code § 151.112 to allow for a well and septic system to serve a residential lot as opposed to connecting to the City's public system.

The amended ordinance will allow for City Council to ultimately decide if a lot is required to connect to the City's system. New individual wells are not permitted unless public water will not be available for a *reasonable* amount of time.

The following exhibits are enclosed to further describe the proposal:

1. Application from Endres Cannon Falls LLC
2. Site map depicting the four 2+ acre estate lots where well and septic will be serving
3. City Code § 151.112 relating to public utilities
4. Ordinance Amending City Code § 151.112

There was a unanimous consensus by the Planning Commission to Support these ordinance changes.

Staff recommends approval of this ordinance amendment.

REQUESTED COUNCIL ACTION

Please make a motion to approve the Introduction and First Reading of Ordinance No. 399, Amending City Code § 151.112 Relating to Private Wells and Individual Sewer Treatment Systems.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Cannon Falls, Minnesota, will meet at 6:30 p.m. in the City Council Chambers of City Hall, on November 7, 2023, to hold a Public Hearing to consider an Ordinance Text Amendment for City Code §151.112 relating to private wells and individual sewer systems.

Ordinance information is available for public inspection at City Hall, 918 River Road, Cannon Falls, MN 55009.

Anyone interested in offering comments regarding the proposal will be given an opportunity to do so at this hearing.



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: Timber Ridge Development

Legal Description of Property: See Attached

Owner of Record: Name: Endres Canon Falls LLC (Leon Endres)

Daytime Phone: (612) 598-9993

Address: 1505 River Shore Dr

Hastings, MN 55033

E-Mail Address: leon@endresllc.com

Applicant (if other than owner)

Name: same

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 checked="" 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: 8/22

Date Submission Deemed to be Complete: 8/24

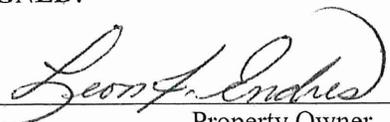
Give detailed description of project and reason for conditional use or variance, if applicable:

Amend City Code 151.112 to allow for, by a variance
application, a well and septic system to serve a
residential lot, rather than service by City water
and sewer.

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: 8/22/23

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: _____

Basic Fees: _____

Received By: 3/2 _____

Escrow Deposit: _____

Evidence of Ownership Submitted:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Required
Certified Lot Survey:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Required
Legal Description Adequate:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Required

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission on: _____ Approve Deny

Recommendation of City Council on: _____ Approve Deny

Subject to following conditions: _____

Attachment A1

**CITY OF CANNON FALLS
ZONING AND SUBDIVISION FEE SCHEDULE
2023**

	Base Fee/Recording	Escrow Deposit*	Total
Zoning:			
Comprehensive Plan Amendment	\$450	\$0	\$450
Variance	\$450	\$0	\$450
Appeal	\$450	\$0	\$450
Rezoning and Ordinance Text Amendment	\$450	\$0	\$450
Amendment	\$450	\$0	\$450
Conditional Use Permit	\$450	\$0	\$450
Planned Unit Development / Conditional Use Permit	\$450	\$0	\$450
Site Plan Review	\$0	\$0	\$0
Interim Use Permit	\$450	\$0	\$450
Administrative Permit	\$150	\$0	\$150
Home Occupation	\$150	\$0	\$150
Annexation Petition	\$450	\$0	\$450
Vacation	\$450	\$0	\$450
Renewal Permit	\$150	\$0	\$150
Other	\$250	\$0	\$250
Subdivision:			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
Park Dedication:			
All Residential Units	Fees set by City Council Resolution	NA	10% land \$1,390.00/unit
Commercial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre
Industrial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre

**Whether or not an Escrow Deposit is required, if a consultant is engaged by the City to review the application and a cost is incurred for services rendered the applicant is responsible for payment of any and all professional service expenses. The final determination by the City Council will not be recorded unless and until any and all fees due have been paid by the applicant.*

TIMBER RIDGE - LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 19, Township 112 North, Range 17 West, Goodhue County, Minnesota, described as follows: Commencing at the Southwest corner of said Northeast Quarter of Section 19; thence on an assumed bearing of North 00 degrees 00 minutes 17 seconds West, along the West line of said Northeast Quarter of Section 19, a distance of 1356.40 feet to the point of beginning of the land to be described; thence South 89 degrees 30 minutes 55 seconds East, a distance of 284.39 feet; thence South 00 degrees 00 minutes 17 seconds East, a distance of 612.69 feet to the North line of the South 45.00 acres of said Northeast Quarter of Section 19; thence South 89 degrees 30 minutes 55 seconds East, along said North line of the South 45.00 acres of the Northeast Quarter of Section 19, a distance of 2351.57 feet to the East line of the Northeast Quarter of said Section 19; thence Northerly, along said East line, a distance of 875 feet, more or less, to a point distant 357.40 feet Southerly of the intersection of the Southwesterly right of way line of County Road Number 25 with the East line of the Northeast Quarter of said Section 19; thence Westerly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 684.00 feet; thence Southerly deflecting to the left 90 degrees 00 minutes 00 seconds parallel with the East line of the Northeast Quarter of said Section 19, a distance of 364.60 feet, more or less, to a point distant 1225.00 feet Southerly of the intersection of the Southwesterly right of way line of County Road Number 25 with the West line of the East 684.00 feet of said Northeast Quarter of said Section 19; thence Westerly deflecting to the right 90 degrees 00 minutes 00 seconds, a distance of 200.00 feet; thence Northerly deflecting to the right 90 degrees 00 minutes 00 seconds and parallel with the East line of the Northeast Quarter of said Section 19, to the Southerly right of way line of County Road Number 25; thence Southeasterly, along the Southwesterly right of way line of County Road Number 25 to the East line of the Northeast Quarter of said Section 19; thence Northerly, along said East line, to the centerline of County Road Number 25; thence Northwesterly, along said centerline, a distance of 850 feet, more or less, to the centerline of the Township Road; thence Northerly, along said centerline of the Township Road, to the North line of the Northeast Quarter of said Section 19; thence Westerly, along said North line, to the Northwest corner of said Northeast Quarter of Section 19; thence South 00 degrees 00 minutes 17 seconds East, along the West line of the Northeast Quarter of said Section 19, to the point of beginning,

EXCEPT that part of the Northeast Quarter of Section 19, Township 112 North, Range 17 West, Goodhue County, Minnesota, described as follows: Commencing at the Southwest corner of said Northeast Quarter of Section 19; thence on an assumed bearing of North 00 degrees 24 minutes 17 seconds West, along the West line of said Northeast Quarter of Section 19, a distance of 1356.40 feet to the point of beginning of the land to be described; thence South 89 degrees 54 minutes 55 seconds East, a distance of 759.05 feet; thence North 28 degrees 17 minutes 49 seconds East, a distance of 302.83 feet; thence North 39 degrees 02 minutes 50 seconds East, a distance of 75.00 feet; thence North 33 degrees 31 minutes 14 seconds East, a distance of 263.36 feet; thence North 63 degrees 47 minutes 47 seconds East, a distance of

212.64 feet; thence North 72 degrees 49 minutes 35 seconds East, a distance of 162.61 feet; thence North 66 degrees 55 minutes 35 seconds East, a distance of 60.00 feet; thence North 67 degrees 29 minutes 19 seconds East a distance of 270.89 feet to the West line of the East

884.00 feet of said Northeast Quarter; thence Northerly parallel with the East line of the Northeast Quarter of said Section 19, to the Southerly right of way line of County Road Number 25; thence Southeasterly, along the Southwesterly right of way line of County Road Number 25 to the East line of Northeast Quarter of said Section 19; thence Northerly, along said East line, to the centerline of County Road Number 25; thence Northwesterly, along said centerline, a distance of 898.57 feet, more or less, to the centerline of the Township Road; thence Northerly, along said centerline of the Township Road, to the North line of the Northeast Quarter of said Section 19; thence Westerly, along said North line, to the Northwest corner of said Northeast Quarter of Section 19; thence South 00 degrees 24 minutes 17 seconds East, along the West line of the Northeast Quarter of said Section 19, to the point of beginning, EXCEPT that part of the East Half (E 1/2) of the Northeast Quarter of Section 19, Township 112 North, Range 17 West, Goodhue County, shown as Parcel 2, on the plat designated as Goodhue County Right-of-Way Plat No. 203 on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota.

Together with

Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 1, Lots 1, 2, 3, 4, Block 2, Outlot B, and Outlot C, all in SANDSTONE RIDGE,

according to the recorded plat thereof, Goodhue County, Minnesota.

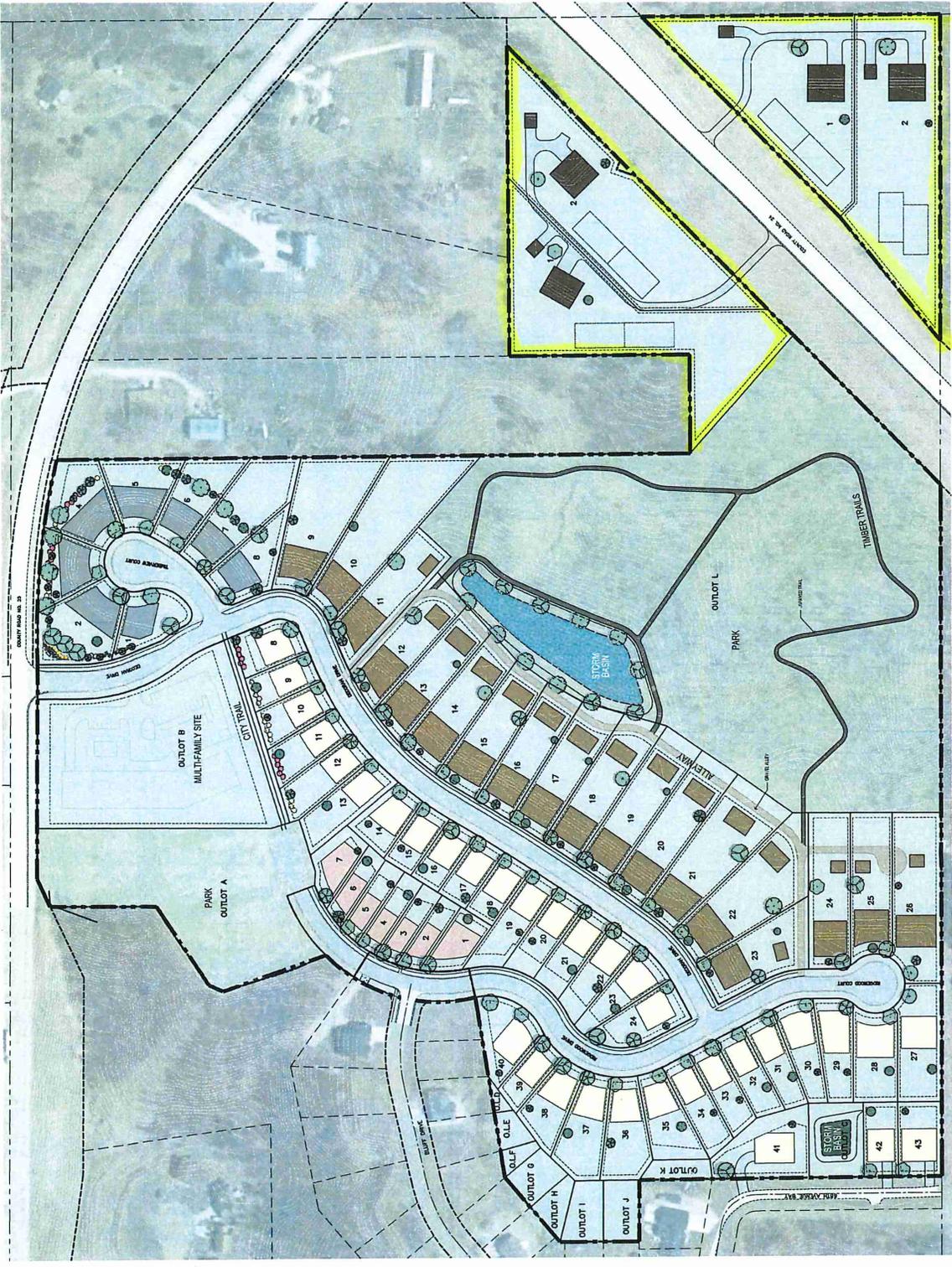
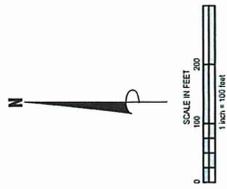
Together with

Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 1, SANDSTONE RIDGE SECOND ADDITION, according to the recorded plat thereof, Goodhue County, Minnesota.

Together with

All the vacated right of ways of Sandstone Road, Sandstone Circle, and Decorah Drive as dedicated on the plat of SANDSTONE RIDGE, according to the recorded plat thereof, Goodhue County, Minnesota.

- LEGEND**
- PREVIOUSLY PLATTED LOTS (6)
 - NEW PLATTED 60' LOTS (24)
 - NEW PLATTED VILLA LOTS (7)
 - NEW PLATTED BLUFF LOTS (18)
 - ESTATE LOTS (4)
 - TOTAL OF 71 SF LOTS



TIMBER RIDGE | CANNON FALLS, MN

§ 151.112 PUBLIC UTILITIES.

(A) *Water main.* Water main size shall be a minimum eight-inch diameter. Water main shall be ductile iron pipe and shall meet all the requirements of the City Engineer's Association of Minnesota standard utility specification for water main and service line installation and American Water Works Association standard.

(1) Mains shall be valved at intervals not to exceed 800 feet. Valve type shall be in accordance with city standard specifications.

(2) "Dead end" mains shall be looped if exceeding the allowed length of a cul-de-sac. The distribution system may require installing a larger main to benefit the entire water service in the city. The City Engineer shall determine location and size of mains larger than eight inches in residential areas. In commercial/industrial areas, water main up to 12 inches may be required to meet normal distribution required in the development. The cost of normal distribution size and appurtenances shall be the responsibility of the developer. Size of pipe over and above the normal shall be installed and financed in accordance with city policy.

(B) *Water supply.* New individual wells are not permitted.

(C) *Fire hydrants.* Installation shall be pursuant to plans approved by the City Engineer and the City Fire Department and shall be located in accordance with Insurance Service Office (ISO) standards. Hydrants shall be placed at the end of all "dead ends," cul-de-sacs and at street intersections. Hydrant type and installation shall be in accordance with city standard specifications.

(D) *Sanitary sewer.* Sanitary sewer shall be a minimum of eight-inch pipe and shall be of a material approved for use in the city by the City Engineer. Sanitary sewer grades and installation shall conform to the *Recommended Standards for Sewage Works* latest edition by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers and the City Engineer's Association of Minnesota standard utilities specification for sanitary sewer. Main size will be determined by the sewage flow and grade in accordance with the City Comprehensive Development Study.

(1) *Size of pipe.* Size of pipe shall be determined by lateral service and/or trunk service. Trunk service shall be the responsibility of the property served. The City Council shall establish cost distribution policy. Lateral service shall be the responsibility of, and cost shall be borne by, the serviced property.

(2) *House services.* All services shall be installed in accordance with the city's standard specifications. Each house service shall be run from the main to the property line, where a cap or plug shall be placed until service is extended to the structure. Four inch PVC plastic pipe, or approved equal, sewer service shall be the minimum requirements.

(3) *Electronic final design plans.* Electronic final design plans shall be submitted to the city to allow the completion of record plans by the City Engineer.

(E) *Sanitation.* Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains at the applicant's expense or under the provisions of applicable statutes and ordinances.

(F) *Public utilities.* Telephone, electric, cable, gas service lines and/or other public utilities are to be placed underground in accordance with city standards.

(1) Developers shall apply for city permits to install underground utilities in public rights-of-way.

(2) The city shall approve all utilities prior to installation.

(3) Public utilities shall be installed in a joint trench in accordance with city standards.

(4) Conduit shall be installed for all road crossings.

(5) Public utility installation shall not occur until one week after all curb has been backfilled.

(Prior Code, § 12-7-8) (Ord. 259, passed 5-4-2006)

CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA

ORDINANCE NUMBER 399
SECOND SERIES

AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE § 151.112 RELATING TO PRIVATE WELLS
AND INDIVIDUAL SEWER TREATMENT SYSTEMS

THE CITY OF CANNON FALLS ORDAINS:

SECTION 1. AMENDMENT. City Code § 151.112 is hereby amended by adding the underlined language and striking the ~~striketrough~~ language, as follows:

§ 151.112 PUBLIC UTILITIES.

* * *

(B) *Water supply*. New individual wells are not permitted except upon application and as approved by the City based on all of the following criteria:

(1) The applicant agrees in a written document, which document shall be acceptable to the City and recorded against the property, to comply with all of the criteria set forth in this Section and any other criteria or conditions imposed by the City to protect the health, welfare, and safety.

(2) There shall be only one well per lot. Each lot served by a well must be adequately sized to contain both a private well and an individual sewer treatment system as required by applicable law.

(3) A maximum of four (4) lots in a subdivision may receive water from an individual well approved under this Section.

(4) Individual wells authorized by this Section may only be used in residential zoning districts.

(5) The City's Wellhead Protection Plan does not prohibit an individual well on the lot.

(6) Public water will not be available to provide services to the lot for a reasonable period of time.

(7) The cost of extending public water services to the lot alone shall not be a sufficient basis to approve an application submitted under this Section.

(8) The location of the well on the lot will leave adequate space for an individual sewage treatment system approved under Section 151.112(E).

(9) The applicant shall be solely responsible for ensuring that the well complies with all applicable federal and state statutes, rules, regulations, and ordinances.

(10) When the City determines that public sewer or water facilities are available to serve a lot containing an individual well, such lot shall be connected to both the City's sewer and water systems at the applicant or subsequent owner's sole expense and in accordance with all applicable City Code requirements.

* * *

(E) Sanitation. Except as expressly provided in Sections 151.112(B) and 151.112(G), water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains at the applicant's expense or under the provisions of applicable statutes and ordinances.

* * *

(G) Individual Sewer Treatment System ("ISTS"). New ISTS are not permitted except upon application and as approved by the City based on all of the following criteria:

(1) The applicant agrees in a written document, which document shall be acceptable to the City and recorded against the property, to comply with all of the criteria set forth in this Section and any other criteria or conditions imposed by the City to protect the health, welfare, and safety.

(2) There shall be only one ISTS per lot. Each lot served by an ISTS must be adequately sized to contain both a private well and an individual sewer treatment system as required by applicable law.

(3) A maximum of four (4) lots in a subdivision may receive water from an individual well approved under this Section.

(4) An ISTS authorized by this Section may only be used in residential subdivisions.

(5) The City's Wellhead Protection Plan does not prohibit an ISTS on the lot.

(6) Public sanitary sewer facilities will not be available to provide services to the lot for a reasonable period of time.

(7) The cost of extending public sanitary sewer facilities to the lot alone shall not be a sufficient basis to approve an application submitted under this Section.

(8) The location of the ISTS on the lot will leave adequate space for an individual well approved under Section 151.112(B).

(9) The applicant shall be solely responsible for ensuring that the ISTS complies with all applicable federal and state statutes, rules, regulations, and ordinances.

(10) When the City determines that public sewer or water facilities are available to serve a lot containing an ISTS, such lot shall be connected to both the City's sewer and water systems at the applicant or subsequent owner's sole expense and in accordance with all applicable City Code requirements.

(11) An ISTS approved by this Section may be repaired but not replaced or relocated on the lot or to a different lot unless approved the City Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2023.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator