

CITY OF CANNON FALLS
PLANNING COMMISSION MEETING AGENDA
Monday, October 13th, 2025
6:30 p.m.

- 1. Call to Order**
- 2. Roll Call:** Johnson, Fox, Nobach, Douglas, Naatz
- 3. Approval of Agenda**
- 4. Approval of Minutes:** September 8th, 2025
- 5. PUBLIC INPUT:** Public Input is intended to afford the public an opportunity to address concerns to the Planning Commission. The Public Input will be no longer than 30 minutes in length and each speaker will have no more than three (3) minutes to speak. Speakers may address topics relevant to the governance of the City. Speakers must sign up in advance and must provide their name, address and topic they intend to address. Comments must be on topic, respectful, pertinent to the City business and adhere to the applicable Data Privacy rules. Any speaker that violates these rules will be asked to sit down and if the speaker refuses to comply, they may be removed from the hearing. Speakers shall not address topics that are the subject of a public hearing; all such comments shall be made at the public hearing. The Planning Commission will not generally act on issues raised by the Public Input but may choose to schedule consideration of the item on a future agenda.
- 6. DISCUSSION**
 - A. TRACT - Conditional Use Permit: Planned Unit Development.
 - B. TRACT - Variances to certain provisions of the Final Plan Stage under Section 152.153(J)d to defer submission of final architectural drawings until the Site plan review stage for each phase of development, to defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase, and to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.
 - C. TRACT - Preliminary Plat to create two developable lots as well as an outlot that will be dedicated to the City for the construction of a water storage tower, and to facilitate the preliminary design and construction of off-site water and waste water utilities needed to serve the site.
- 7. INFORMATION – NO ACTION REQUIRED**
 - A. Tract – Development Application
- 8. Adjourn.**

Upcoming Meeting Schedule:

Next Regular City Council Meeting: October 21st, 2025

Next Regular Planning Commission Meeting: November 10th, 2025

**Cannon Falls Planning Commission
Regular Meeting
City Council Chambers
September 8, 2025**

COMMISSIONERS PRESENT: Chair Diane Johnson; Commissioners Jesse Fox, Brian Douglas, Chris Nobach, and Isaac Naatz

COMMISSIONERS ABSENT: All members were in attendance

OTHERS PRESENT: Jon Radermacher, City Administrator; Shelley Ryan, City Attorney; Bill Angerman, City Engineer; Izzy Carlson, License & Permit Technician; Laura Qualey, Community & Business Development Specialist; Michael Truax and Nathaniel Fox, Police Officers

1. CALL TO ORDER

The meeting was called to order by Chair Johnson at 6:30 p.m.

2. ROLL CALL

Roll call was conducted. Chair Johnson and Commissioners Douglas, Naatz, Fox, and Nobach were in attendance.

3. APPROVAL OF AGENDA

A motion was made by Commissioner Nobach, seconded by Commissioner Fox and unanimously carried, to approve the agenda as presented.

4. APPROVAL OF MINUTES: August 11, 2025

A motion was made by Commissioner Fox, seconded by Commissioner Nobach and unanimously carried, to approve the meeting minutes as drafted.

5. PUBLIC INPUT

Chair Johnson reviewed the public input procedure.

Jay Price, 10322 270th Street East, Cannon Falls, expressed concerns about the proposed data center, including noise, significant energy and water use, greenhouse emissions, gas emissions, air pollution, and large diesel back-up generators.

City Administrator Radermacher clarified the public input period, noting that Public Hearings would be conducted later during the meeting relating to the Tract proposal.

There was no public input relating to items not listed on the agenda.

6. PUBLIC HEARINGS AND DISCUSSION

A. Interim Use Permit for Garage Boys, LLC.

License & Permit Technician Carlson provided background information. She reported that Adam Banks has submitted an IUP application to operate a motorcycle service business within the garage of his home. She noted that the business was established in 2024, but a special home occupation IUP application was not submitted at that time, as is required by the City Code in residential zoning districts. She reviewed communication that was received prior to the meeting from neighboring property owner Bruce Tilderquist, 616 Minnesota Street East, Cannon Falls, who expressed objection to the home business, stating that he has been bothered by noise coming from the garage. Ms. Carlson stated that the application indicated that the work is completed entirely within the garage space, with no signage or storage of materials outside of the garage.

a. Open Hearing.

Chair Johnson reviewed the Public Hearing procedure and opened the Public Hearing for this item at 6:40 p.m.

Burt Beavers, 110 West Trail Court, Cannon Falls, stated that he has recently used Mr. Banks' services for his unique motorcycle, with great results. He commented that all of his interactions with Mr. Banks were within the garage, with minimal impact to the neighbors.

Adam Carnel, 513 Minnesota Street, Cannon Falls, requested clarification of the hours of operation. He stated that he hears noises coming from the garage and from the streets at all hours and also on weekends. He stated that this puts a strain on the neighborhood. He commented that the property is not zoned commercial and asked why an exception is being considered.

Drew Roach, Farmington, Minnesota, spoke in support of the IUP application. He recommended providing opportunities for people to make a living.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 6:44 p.m.

c. Discussion.

Commissioner Douglas asked Mr. Banks whether he has talked with the neighbors. Mr. Banks indicated that he has spoken with some of his neighbors. He commented that there are a lot of motorcycles in the area. He stated that he does not test drive motorcycles within the neighborhood and follows a specific route out of town to do this.

Commissioner Douglas asked about the types of motorcycles that Mr. Banks works on.

Mr. Banks indicated that he works on a wide variety of motorcycles, some of which are loud. He asked about the level of noise that would be allowable. Commissioner Douglas stated that noise is regulated by the Minnesota Pollution Control Agency (MPCA). Mr. Banks indicated that the garage doors are closed when he is working on motorcycles. He added that while the garage is insulated, it is not soundproof. He commented that he has stood outside of his garage when a motorcycle engine is running inside, stating that it can barely be heard. City Administrator Radermacher reviewed noise standards in residential zones, per MPCA regulations.

Chair Johnson asked about the hours of operation. Ms. Carlson reviewed the hours of operation that were listed on the IUP application, noting that these hours are in compliance with the City Code.

Commissioner Nobach cited language from the City Code, Section 152.298, relating to home businesses, noting that these uses shall not result in incompatibility or disturbance to the surrounding residential uses. He asked how these requirements are enforced. Ms. Carlson indicated that the IUP would need to be renewed annually and could be reviewed at that time. Administrator Radermacher added that if the applicant violates the terms of the IUP, it could be revoked. He verified the noise standards and the sound measurement process.

Commissioner Nobach asked whether engine testing could be limited to certain times of the day. Mr. Banks reviewed his business hours.

Commissioner Naatz asked whether noise concerns relate to when Mr. Banks is working on the bikes inside the garage or test driving them. Mr. Banks stated that he could not answer this question. He reiterated his earlier comment that there are a lot of motorcycles and ATVs operating in the neighborhood, some of which are loud. He stated that if there are noise complaints coming from his place of business, he would do what he could to address these concerns.

Commissioner Douglas quoted language from the City Code, Section 152.298:

"No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property."

Commissioner Douglas asked Mr. Banks whether he considered locating his business in a commercial area. Mr. Banks indicated that he has been unable to locate affordable commercial space. He stated that his garage is closed and the business does not produce any fumes.

Mr. Banks requested a definition of vibration. Commissioner Douglas stated that vibration would be something that a neighbor could feel. He commented that allowing home businesses in violation of the City Code could create a quagmire for the City. Mr. Banks stated that he considers this to be an entrepreneurial activity. He indicated that his goal is to grow the business to the point where he can afford to build or rent a commercial shop, noting that this is challenging in the current economy. He stated that he spoke with a former City employee, who indicated that he would be okay to operate the business out of his garage. He stated that he was misinformed about the permitting process.

Commissioner Nobach stated his opinion that the application as submitted is compliant with the City Code. He suggested working with the neighbors to address their concerns. Mr. Banks indicated that he is willing to work with anyone who has issues. He reiterated his request for an Interim Use Permit to grow his business to the point where he can relocate to commercial space. He stated that he provides a service that no one else in Cannon Falls provides, as he will work on any brand of motorcycle.

Commissioner Nobach indicated that the IUP, if approved, would be up for review in a year. Mr. Banks repeated his comment that there are a lot of motorcycles and ATVs operating in the neighborhood.

Commissioner Naatz asked whether Mr. Banks has looked into soundproofing the garage. Mr. Banks stated that he would be willing to consider this. Commissioner Naatz suggested that Mr. Banks make an effort in good faith to address any concerns expressed by his neighbors.

Commissioner Douglas suggested testing the noise levels to ensure compliance with MPCA standards. Administrator Radermacher indicated that the MPCA would be willing to loan noise monitoring equipment to the City for this purpose. Chair Johnson commented that noise testing and compliance could be a condition of approving the IUP. Mr. Banks requested clarification of the noise ordinance and asked whether noise monitoring is necessary. Commissioner Douglas commented that sound recording data would be beneficial in terms of proving that the business is not violating the noise standards. Administrator Radermacher indicated that baseline noise testing could be included as a condition of approving the IUP. Mr. Banks noted that there would be no time that a motorcycle engine would be running for longer than 6 minutes in an hour.

Commissioner Nobach and Chair Johnson requested clarification of what information should be included in the motion. City Attorney Ryan and Administrator Radermacher provided guidance in this regard.

Commissioner Fox expressed concerns that sound testing would not be able to be completed within a month's time. Administrator Radermacher indicated that the Planning Commission could recommend an appropriate timeframe for accomplishing the sound testing.

A motion was made by Commissioner Fox to adopt Resolution 2025-05, recommending approval of the IUP application as submitted, with the condition that a sound test will be performed within 60 days and the business will meet the MPCA noise standards. The motion was seconded by Commissioner Douglas, a voice vote was conducted, and the motion carried unanimously.

B. Conditional Use Permit for Commercial Fence at 520 Cannon Industrial Boulevard.

License & Permit Technician Carlson reported that Minny Grown has applied for a Conditional Use Permit to construct a 6-foot chain link industrial fence around their entire property in the I-2 zoning district, which includes two parcels.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 7:13 p.m. No one spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 7:14 p.m.

c. Discussion.

A motion was made by Commissioner Nobach, seconded by Commissioner Naatz, to adopt Resolution 2025-06, recommending approval of the CUP application by Minny Grown for a commercial fence at 520 Cannon Industrial Boulevard as presented. The motion was seconded by Commissioner Naatz, a voice vote was conducted, and the motion carried unanimously.

C. TRACT – Rezoning from Urban Reserve to I-2, General Industrial Zoning District (“I-2”).

City Administrator Radermacher provided background information regarding the rezoning request.

Kristin Dean from Tract provided an overview of the proposal. She discussed the location of the site, stating that this location is ideal because of the proximity of existing power transmission lines. She referenced the City of Cannon Falls Comprehensive Plan and noted that this site was included in the future expansion area. She added that the site was also identified on the Land Use Plan for future industrial development. She reviewed the orderly annexation process that was recently completed by the City of Cannon Falls and Randolph Township.

Ms. Dean reviewed the various applications that have been approved or will be considered for approval as the process moves forward:

- 1) AUAR (Alternative Urban Areawide Review) – completed.
- 2) Annexation – approved.
- 3) City Code amendment to add data centers, data center substations, and associated uses to the I-2 zoning district – approved.
- 4) Rezoning from Urban Reserve to General Industrial (I-2).
- 5) Conditional Use Permit (CUP) for data centers, data center substations, and to allow an increase in building height.
- 6) Conditional Planned Unit Development (PUD).
- 7) Variances for certain provisions of the final plan stage PUD.
- 8) Preliminary plat, to create two lots, one outlot, and facilitate preliminary design of off-site water and wastewater infrastructure.

Ms. Dean noted that the rezoning request, the CUP application, the CUP/PUD application, variance requests, and the preliminary plat would be presented during the meeting.

Ms. Dean provided rationale in support of the rezoning request from Urban Reserve to I-2, the CUP application, and the request to increase the building height.

- 1) Consistent with the Comprehensive Plan.
- 2) Compatible with present and future land uses.
- 3) Performance standards to be reviewed.
- 4) Adequate City services.
- 5) Minimal traffic impacts at full build-out.
- 6) A 65-foot maximum building height is being requested.

Ms. Dean reviewed traffic impacts and planned road improvements. She described concept images of what the data centers would look like. She further discussed performance standards.

Ms. Dean reviewed the three stages of a PUD – concept plan, development stage, and final stage plan. She referenced variance requests relating to the final stage PUD plan. She discussed setbacks, landscape buffers, architectural design standards, and fencing. She reviewed methodologies to mitigate sound. She discussed lighting standards and PUD standards. She discussed the preliminary plat. She discussed the water demand request. She referenced the development agreement and summarized the phasing plan for the site. She discussed the permanent and construction jobs that would be created.

Administrator Radermacher summarized the process that has taken place to this point.

Commissioner Nobach referenced past public meetings, during which the proposal has been discussed, including a work session that was conducted earlier in the day.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 7:36 p.m. and suggested limiting comments to three minutes or less.

Burt Beavers, 110 West Trail Court, Cannon Falls, asked about the standard review period for the Comprehensive Plan, noting that the current plan is 20 years old. Chair Johnson indicated that the Comprehensive Plan is in the process of being updated. Mr. Beavers asked whether it would be appropriate to have an updated Comprehensive Plan before moving the data center proposal forward. Administrator Radermacher suggested that the public ask questions, which may be addressed following the Public Hearing, as opposed to a back-and-forth conversation.

Nora Felton, 33079 County 24 Boulevard, Cannon Falls, asked whether City representatives were asked by Tract to sign an NDA (non-disclosure agreement). She suggested a line-by-line review of the presentation information, including the buffer area. She asked about impacts to the City's Wellhead Protection Area. She asked about a recharge area, a wastewater system, an irrigation permit, the cost of the water that would be provided to the data center site, and a water storage tank. She referenced rolling blackouts and asked how electrical power to the site would be prioritized. She recommended an adequate noise buffer. She discussed a past Zip Rail proposal and suggested that the Council thoroughly review the information.

Wayne Bell, Randolph Township, stated that he lives north of the site. He stated that he has not officially been notified by anyone, including Randolph Township, about a project adjacent to his property. He noted that he did receive a Public Hearing notice from the City of Cannon Falls. He expressed concerns about impacts on wildlife and about making decisions without a site plan. He requested clarification of payments to Randolph Township over the next 10 years. He requested contact information for representatives of Randolph Township, the City of Cannon Falls, and the developer.

Jonelle Tuohy, 13187 240th Street East, Cannon Falls, stated that her family farms the land adjacent to the site. She expressed concerns about the lack of detailed information provided by Tract. She referenced the Cannon Falls Technology Park website, noting that this seems to have been developed by Tract.

Drew Roach, Farmington, Minnesota, stated that, as a Farmington resident and a member of the Minnesota Legislature, he has had experience with Tract.

Mr. Roach stated that the process involving the Farmington data center proposal lacked both transparency and open dialogue with the public. He stated that there were issues related to buffer zones. He commented that Tract proposes the creation of more than 200 permanent jobs but referenced no traffic impacts. He noted that the Rosemount data center has much larger buffer zones. He stated that these companies come to small communities and make big promises. He stated that the Minnesota Legislature was asked to provide an exemption on the energy that it uses. He stated that the proposed data center in Farmington will use more water than the entire city. He urged the City of Cannon Falls to take a slower approach and welcome citizen input.

Geoffrey Weeks, 8717 295th Street, Cannon Falls, summarized his conversation with a Planning Commission member. He reviewed the results of his research into data centers. He suggested not allowing Tract to get a foot in the door.

Joyce Meyers, 6730 296th Street East, Cannon Falls, stated that there is no need to rush the process. She expressed concerns about the impacts of water usage on the surrounding area. She noted that her research has not yielded any good comments relating to local data center proposals.

Nora Fulton, 33079 County 24 Boulevard, Cannon Falls, referenced the hydrology of the area and suggested hiring a hydrologist.

Charles Hebig, 28490 Harry Avenue, Randolph, described a data center zoning bill that is being considered by the Minnesota Legislature (Senate File 608, House Files 1109 / 16). He stated that this bill, if passed, would not allow the City of Cannon Falls to rezone agricultural property as industrial property.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 8:01 p.m.

c. Discussion.

Commissioner Nobach replied to several of the questions that were posed. He stated that he has not signed an NDA. He referenced a conversation he had with Geoffrey Weeks. He stated that he has faith in the City Administrator, the City Engineer, and the City's attorneys. He noted that the City has been conducting due diligence. He stated that there are a lot of unknowns, including property tax and infrastructure impacts. He discussed the estimated water usage compared with agricultural uses. He stated that in his experience the process has been transparent.

A motion was made by Commissioner Naatz to adopt Resolution 2025-07, recommending the rezoning of the proposed data center property from Urban Reserve to I-2, General Industrial Zoning District. The motion was seconded by Commissioner Nobach. A voice vote was conducted, and the motion carried unanimously.

A. TRACT – Conditional Use Permit for Data Centers, Data Center Substations, and Accessory Uses and as Identified Under the Section 152.02 and Section 152.688 (M) of the Cannon Falls Municipal Code (“Code”) and a CUP to Allow for an Increase in Building Height.

City Administrator Radermacher provided background information regarding the CUP application.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 8:06 p.m.

Becky Youngmark, 810 Fifth Street North, Cannon Falls, expressed concerns that Tract is only serving as the middleman, with no information provided about the operator. She provided a list of questions for the Planning Commission to use, to ensure that due diligence is conducted. She stated that the City should be dealing with the operator with regard to noise issues, water usage, and other concerns. She referenced tax incentives that were provided to Keller-Baartman and suggested avoiding those.

Chair Johnson requested clarification of the building heights, and Administrator Radermacher provided information in this regard.

Brant Bell, 28365 Rochester Boulevard, Randolph, stated that his property is adjacent to the site. He urged the City to conduct extensive due diligence and increase the buffer zone.

Mike Buselmeier, 6658 296th Street East, Cannon Falls, stated that, while Tract stands to make millions of dollars from the data center proposal, a financial model delineating the positive benefits to Cannon Falls has not been provided. He stated that the eventual operator would have lawyers and unlimited resources that would enable it to obtain what it wants. He also asked about a sunset plan, noting that technology companies do not typically last for more than 10 years. He stated that Cannon Falls may be struck dealing with an empty building.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 8:14 p.m.

c. Discussion.

Commissioner Nobach referenced Mr. Buselmeier's comments about financial impacts. He asked Administrator Radermacher to discuss the approval process and comment regarding tangible benefits.

City Administrator Radermacher detailed the process that has taken place. He reviewed the next steps in the approval process and the anticipated timeline, including ordinance changes and the drafting of a development agreement. He discussed infrastructure improvements, including the need to construct a water tower on the site that would be owned by the City.

Chair Johnson asked why a development agreement has not yet been drafted. Administrator Radermacher referenced the annexation process and the zoning ordinance amendment, noting that it would have been premature to negotiate a development agreement until those matters were resolved.

Chair Johnson requested clarification that the CUP, if approved, would stay with the property. City Attorney Ryan indicated that the CUP, if granted, would run with the land but would be subject to City oversight. It was clarified that if the data center is never constructed, the zoning would remain I-2 and other land uses could be considered. Chair Johnson suggested granting the CUP for a period of 10 years, with an option for renewal.

Chair Johnson referenced comments that were received prior to the meeting. Administrator Radermacher noted that these comments were forwarded to Planning Commission members. Administrator Radermacher was asked to read these comments into the record.

Administrator Radermacher read comments submitted by Kim Niehaus, who expressed concerns about the impacts water usage, light and noise pollution, visual impacts, and air emissions. She recommended the preparation of a full Environmental Impact Statement and not rushing the process.

Administrator Radermacher read comments submitted by Ann Bezdichek Buselmeier, who also recommended a thorough environmental review and expressed opposition to all of Public Hearing items.

Administrator Radermacher read comments submitted by Jerry Nelson, who expressed concerns about replacing agricultural land, water use, energy demand, and public safety concerns.

Administrator Radermacher read comments submitted by Jay Price, who expressed opposition to the data center proposal, citing concerns about noise pollution, significant energy and water usage, greenhouse emissions, particulate emissions and other pollutants, and Tract's history of preying on unsuspecting small municipalities.

Commissioner Douglas cited criteria from the City Code, Section 152.072 (D):

“The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.”

Commissioner Douglas stated that he is concerned that the proposed use cannot be accommodated by existing public services. Administrator Radermacher referenced the studies that were performed. He stated that the staff's position is that any necessary infrastructure improvements would be paid for by the developer and would not adversely impact residents.

Commissioner Douglas expressed concerns about future water needs. Administrator Radermacher and City Engineer Angerman discussed the City's water allocation and summarized discussions with DNR representatives. It was noted that the developer's agreement would address infrastructure needs and responsibilities.

The permitted capacity of an existing irrigation well on the site was referenced. Commissioner Fox stated his understanding that this well would not be used by the data center.

Commissioner Fox referenced language relating to public or private sanitary sewer, water, and storm sewer services. He asked how the City would enforce the use of a private well. City Engineer Angerman indicated that the Minnesota DNR would enforce the use of a private well. Administrator Radermacher and City Engineer Angerman provided additional information regarding infrastructure. It was clarified that a private well could only be used if approved by the DNR for emergency use.

Chair Johnson stated her position that a data center would not be in the best interest of the community and indicated that she would not be supporting the CUP application.

Commissioner Nobach stated that, while he shares some of the concerns expressed by Chair Johnson, he is of the opinion that the process should move forward. He reiterated that he trusts the due diligence that has been conducted by City staff and City attorneys. He indicated that he would like more information regarding the tangible benefits of a data center use.

A motion was made by Commissioner Nobach to adopt Resolution 2025-08, recommending approval of the requested Conditional Use Permit. The motion was seconded by Commissioner Naatz. A voice vote was conducted, and the motion carried by a vote of 3:2, with Chair Johnson and Commissioner Fox dissenting.

B. TRACT – Conditional Use Permit: Planned Unit Development.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 8:54 p.m.

Joyce Meyers, 6730 296th Street East, Cannon Falls, requested clarification of pending State legislation that would regulate the zoning of data centers. She suggested allowing residents to provide additional comments during Planning Commission discussions, noting that these could be very pertinent to the discussion. Ms. Meyers also referenced the testing process for the generators and expressed concerns about noise levels.

Nora Fulton, 33079 County 24 Boulevard, Cannon Falls, expressed concerns about approving only 60% of the development agreement provisions, as the remaining items would depend upon the operator. She also noted that once water resources are depleted, they can never be replenished.

A member of the audience requested clarification of the PUD overlay request. City Administrator Radermacher provided information regarding the request for a PUD, which would place additional restrictions on setbacks and regulate buildings in terms of design standards and heights. It was noted that buffer zones would be recommended by the Planning Commission, but could be altered by the City Council.

Brant Bell, 28365 Rochester Boulevard, Randolph, reiterated that a 200-foot setback is not acceptable. He provided a comparison of the noise level that would be generated, stating that this would be like living 200 feet away from Highway 52 at peak traffic levels, 24 hours per day.

It was stated that Randolph Township did not hold public meetings to review the proposal.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 9:05 p.m. (See additional discussion.)

c. Discussion.

Commissioner Nobach referenced conversations he had with Randolph Township representatives. He stated that, per his recollection, there were no negative comments.

Chair Johnson referenced the proposed PUD standards. She reiterated comments that she made during the work session.

Chair Johnson stated that she could not understand why the maximum building height for accessory buildings should be increased from 45 feet to 50 feet. She asked about the maximum height for fencing in the I-2 zoning district.

License & Permit Technician Carlson and City Administrator Radermacher provided additional information. Chair Johnson stated her opinion that there should be more discussion of the PUD standards by the Planning Commission, prior to providing a recommendation to the City Council.

Setback requirements were further discussed. The pending State legislation was discussed.

Commissioner Nobach requested clarification that any violations of MCPA noise standards could be enforced by revoking the CUP. Administrator Radermacher affirmed that the conditions of the CUP would cover ordinance standards and State regulations.

Commissioner Nobach stated that he is comfortable with the due diligence conducted by City staff. He recommended moving the process forward.

Commissioner Naatz referenced discussion of noise mitigation strategies and generator testing. He suggested asking about the 24/7 noise baseline for the data center. Commissioner Fox stated his understanding that the generators would be for emergency use only.

Kristin Dean clarified that the purpose of the back-up generators would be to power the data center if the power goes down.

Commissioner Douglas asked whether the City is being asked to approve a PUD concept plan. He stated that more information would be needed to provide a recommendation relating to the development stage or the final stage PUD plan. City Administrator Radermacher commented that there is uncertainty about how the site would be developed, based on end-users. He stated that, based on the nature of the development, the City is being asked to approve a PUD concept and development stage at this time.

A motion was made by Commissioner Nobach to adopt Resolution 2025-09, recommending approval of the Planned Unit Development (stage 1 concept). The motion failed due to the lack of a second.

Chair Johnson asked about Findings of Fact to support denial of the PUD request. City Attorney Ryan provided guidance relating to the proper procedure.

A motion was made by Commissioner Douglas to deny the PUD request, stating that there is not enough information to support preliminary approval of the PUD. The motion was seconded by Commissioner Fox. Findings of Fact to support the denial were discussed.

Jake Steen, an attorney from Larkin Hoffman representing Tract, requested an opportunity to provide additional information. He suggested a continuance of the Public Hearing, as opposed to a denial of the PUD, to allow time to gather additional information. Commissioner Douglas referenced the many public comments. He stated that residents need information that will help alleviate their concerns. Mr. Steen commented that many of the concerns have been addressed through the AUAR process. He suggested working with the City's engineering consultants to highlight how concerns have been studied and addressed.

Commissioner Douglas referenced comments regarding water resources. Administrator Radermacher cited information from the water study indicating that the City's water appropriation from the DNR would not be exceeded by the proposed data center use and that water usage by the data center would not impact any private wells in terms of quality or quantity. Administrator Radermacher noted that water usage would be spelled out in the development agreement.

The option to continue the Public Hearing to the next regular Planning Commission meeting was discussed. At this point Commissioner Fox withdrew his second of the motion to deny the PUD, and Commissioner Douglas withdrew his motion to deny the PUD.

A motion was made by Commissioner Fox, seconded by Commissioner Naatz, to continue the Public Hearing to the next regular Planning Commission meeting. A voice vote was conducted, and the motion carried by a vote of 4:1, with Commissioner Nobach dissenting.

C. TRACT – Variances to Certain Provisions of the Final Plan Stage Under Section 152.153 (J)d to Defer Submission of Final Architectural Drawings until the Site Plan Review Stage for Each Phase of Development, to Defer Submission of Final Engineering Plans and Specifications for Streets, Drainage, Utilities and Other Public Improvements until the Site Plan Review Stage for Each Phase, and to Extend the One (1) Year Construction Commencement Requirement for Accommodate the Long-Term, Phased Buildout of the Project.

City Administrator Radermacher suggested opening and conducting the Public Hearing for this item, and then continuing it to the next regular Planning Commission meeting.

License & Permit Technician Carlson provided background information regarding the variance requests.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 9:36 p.m.

License & Permit Technician Carlson read comments that were submitted by Randolph Township resident Emily Schoenfelder, who expressed opposition to trading irreplaceable natural resources and farmland for a facility that would provide few local jobs, limited economic return, and ongoing environmental risks.

Nora Fulton, 33079 County 24 Boulevard, Cannon Falls, discussed noise concerns relating to windmills in southern Minnesota.

Joyce Meyers, 6730 296th Street East, Cannon Falls, commented that Tract is assuming no risk relating to the proposal, noting that the residents of the area are assuming a large amount of risk. She suggested that Tract make design adjustments that would mitigate resident concerns.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 9:38 p.m. (See additional discussion.)

c. Discussion.

A motion was made by Commissioner Fox, to continue the Public Hearing and discussion of Resolution 2025-10 to the next regular Planning Commission meeting. The motion was seconded by Commissioner Douglas, a voice vote was conducted, and the motion carried unanimously.

D. TRACT – Preliminary Plat to Create Two Developable Lots as well as an Outlot that will be Dedicated to the City for the Construction of a Water Storage Tower, and to Facilitate the Preliminary Design and Construction of Off-Site Water and Waste Water Utilities Needed to Serve the Site.

City Administrator Radermacher provided background information.

a. Open Hearing.

Chair Johnson opened the Public Hearing for this item at 9:41 p.m.

Mike Buselmeier, 6658 296th Street East, Cannon Falls, requested clarification of the need for two developable lots. Administrator Radermacher indicated that the data center would be marketed to accommodate the construction of multiple buildings on the site.

Mr. Buselmeier suggested the scheduling of a public meeting and information session, during which the proposal would be reviewed in detail with residents and an opportunity provided for questions and answers. He stated that opportunities for public dialogue have been missing from the process.

Brant Bell, 28365 Rochester Boulevard, Randolph, commented regarding the proposed water tower. He stated that there are a lot of missing details. He stated that the City is being asked to approve an open-ended plan in good faith. He commented that the City is being asked to follow Tract's plan, but Tract is not willing to follow the City's plan.

Ann Bezdichek Buselmeier, 6658 296th Street East, Cannon Falls, commented that there is so much information to review. She stated that decisions would need to be made quickly to meet the aggressive timeline. She recommended slowing down the process, stating that this affects the citizens, the community, the environment, and the future. She suggested a moratorium on new development and the scheduling of a forum so that citizens can ask questions and talk for longer than three minutes.

Jerry Nelson, 34440 County 14 Boulevard, Cannon Falls, commented that there are a lot of questions and decisions to be made. He asked about the reason for the rush. He suggested getting the correct information, listening to the voices of the people, and doing the right thing.

No one else spoke during the Public Hearing.

b. Close Hearing.

Chair Johnson closed the Public Hearing at 9:49 p.m. (See additional discussion.)

c. Discussion.

Commissioner Nobach asked to speak with Randolph Township residents after the meeting about their concerns.

City Administrator Radermacher recommended continuing this Public Hearing to the next regular Planning Commission meeting as well.

A motion was made by Commissioner Naatz, seconded by Commissioner Fox, to continue the Public Hearing and discussion of Resolution 2025-11 to the next regular Planning Commission meeting. A voice vote was conducted, and the motion carried unanimously.

7. ADJOURN

Chair Johnson and Commissioner Nobach thanked everyone for their respectful participation.

A motion was made by Commissioner Nobach, seconded by Commissioner Naatz and unanimously carried, to adjourn the meeting. The meeting adjourned at 9:52 p.m.

TO: CANNON FALLS PLANNING COMMISSION
FROM: IZZY CARLSON, LICENSE AND PERMIT TECHNICIAN
**SUBJECT: CONSIDERATION OF A CONDITIONAL PLANNED UNIT
DEVELOPMENT APPLICATION FOR TRACT**
DATE: OCTOBER 13, 2025

BACKGROUND

Tract is applying for a Conditional Use permit to establish a Planned Unit Development in order to create the horizontal and vertical development standards that must be met for the future site plans, building permits, and other required applications within Tract's proposed development. A public hearing was held on September 8th, 2025, but Planning Commission decided to table the discussion on the item until October 13th in order to gather more information about the proposed project.

Tract's Narrative states:

The three stages of the PUD process (Concept, Development, and Final), as set forth under Section 152 of the Code require various elements of the design to be prepared for evaluation by the City. However, as noted above, this first phase of entitlements (Rezoning, CUP, PUD) is needed in order for Tract to move forward with executing the agreement with the utility company to procure power for the site. Due to the timeline involved to procure power, and the considerable financial investment needed, this early phase of entitlements cannot include all of those detailed site elements. Note that all of the site details will be provided through the Site Plan phase and the City will have full authority to ensure compliance at that time. To the extent any specific item required under the City Code is not provided at this time, Tract is seeking flexibility under City Code Sections 152.153(H)(2)(k) and 152.153(I)(2)(m).

The PUD will address the following items: setbacks, landscape buffers, landscaping, architectural design, screening, building height, fences, electric utility lines, sound, parking, substations, lighting, and maximum number of structures per lot.

Staff recommend referencing Exhibit B for tables that detail the standards of the I-2 district and the deviations requested through the PUD. There are a number of standards that increase the restrictions of the use of the property, primarily these are increasing the distance of the setbacks, lighting landscape standards, and building design standards. There are also standards that are being requested to be more permissive: building height, number of principal and accessory structures, parking standards, fence height and location, and not requiring conditional use permits for structures integral to the principal use, but with additional requirements for their housing, screening and fencing.

Due to the large nature of the development and lengthy timeline for completion, the requested deviations for the PUD are reasonable, and generally increase the restrictions on the site to increase setbacks, improve screening through natural buffers, and promote design standards that may be more aesthetically appealing than the utilitarian designs typically found in the minimum standards of and Industrial District. The more permissive items, generally allow for greater building and fence heights to promote density on the interior of the development and increased security to the property, parking standards that are more reflective of the actual workforce for the operations than a square footage calculation in the historical standards, and alleviating requirements for additional permission for items integral to the operations of the facility.

Potentially oversimplifying the requests, it appears the applicant is asking for exceptions related to building density and functions, because they are increasing setbacks around the exterior of the site in order to mitigate negative impacts to the enjoyment of the properties to adjacent to the site, and requiring elements like landscaping designs, natural buffers with increased plantings, and building designs to ensure the development is more aesthetically pleasing for those living and working near the property, and those passing by on either side of the property.

The following exhibits are enclosed to further describe the proposal:

1. Development Applications
2. Cannon Falls Tech Park Narrative
3. Exhibit B
4. Final PUD Plans
5. City Code Section 152.153
6. Resolution 2025-09, Resolution Approving Conditional Use Permit for Planned Unit Development

STAFF RECOMMENDATION

Staff recommends the approval of the Conditional Use Permit for a Planned Unit Development.

REQUESTED PLANNING COMMISSION ACTION

Motion to approve the Conditional Use Permit for a Planned Unit Development for Tract.



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 28701 Rochester Blvd, Cannon Falls, 55009

Legal Description of Property: See attached legal description and subdivisions

Owner of Record: Name: James C. Simon

Daytime Phone: (612) 817-0939

Address: 29744 Heather Lane

Cannon Falls, MN 55009

Applicant (if other
than owner)

Trisha Sieh, Kimley-Horn, on behalf of MNLCO Dakota

Name: County Two, LLC, a Delaware limited liability company

Notary Stamp

Daytime Phone: 651-643-0470

Address: 11995 Singletree Lane, Suite 225

Eden Prairie, MN 55344

E-Mail Address: Trisha.Sieh@Kimley-Horn.com

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	☐	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: _____

Date Submission Deemed to be Complete: _____

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

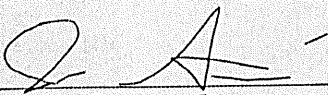
Proposed project is requesting associated Rezoning, PUD, CUP, Variance

and Preliminary Plat. The request is outlined in detail in the attached narrative.

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.**

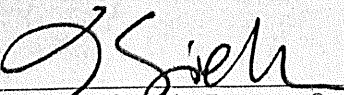
APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city 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: Aug 13, 2025



Applicant (if not the Property Owner)

Date: Aug 19, 2025



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 9229 295th St. E, Cannon Falls, MN 55009

Legal Description of Property: See attached legal description and subdivisions

Owner of Record: Name: Randall E. McCoy

Daytime Phone: 1-507-271-0683

Address: 26182 Inga Avenue South

Cannon Falls, MN 55009

Applicant (if other
than owner)

Name: Trisha Sieh, Kimley-Horn, on behalf of MNLCO Dakota

County Two, LLC, a Delaware limited liability company

Notary Stamp

Daytime Phone: 651-643-0470

Address: 11995 Singletree Lane, Suite 225

Eden Prairie, MN 55344

E-Mail Address: Trisha.Sieh@Kimley-Horn.com

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	☐	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: _____

Date Submission Deemed to be Complete: _____

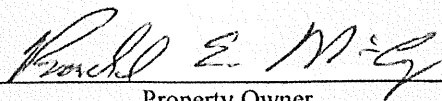
Give detailed description of project and reason for conditional use or variance, if applicable:

Proposed project is requesting associated Rezoning, PUD, CUP, Variance
and Preliminary Plat. The request is outlined in detail in the attached narrative.

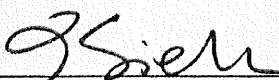
SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed 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: 8/12/25


Applicant (if not the Property Owner)

Date: 8/19/2025

Jon Radermacher
City Administrator
City of Cannon Falls
918 River Road
Cannon Falls, MN 55009

August 20, 2025

Dear Mr. Radermacher,

Kimley-Horn, on behalf of MNLCO Dakota County Two, LLC, and MNLCO Dakota County Three, LLC (collectively "Tract"), is submitting the following land use applications, concurrently, for an approximately 253 acre site ("Property") located just east of U.S. Route 52, southwest of Rochester Blvd/County 29 Blvd, and north of the CHI and Northwestern Railroad in Randolph Township, Minnesota (Dakota County) and Cannon Falls ("City"), Minnesota (Goodhue County) to facilitate the development of a master planned data center campus to be known as "Cannon Falls Technology Park" (the "Project"). The majority of the Property is located in Randolph Township ("Township") but will be annexed into the City pursuant to the joint resolution adopted by the City and Township on August 19, 2025.

Land Use Applications

The following applications are requested at this time:

1. Rezoning from Urban Reserve to I-2, General Industrial Zoning District ("I-2"). Urban Reserve is the zoning that is now applied to the property subject to the Annexation approved by City Council on August 19, 2025.
2. Conditional Use Permit for Data Centers, Data Center Substations, and accessory uses and as identified under the Section 152.02 and Section 152.688(M) of the Cannon Falls Municipal Code ("Code") and a CUP to allow for an increase in building height.
3. Conditional Planned Unit Development as identified under Section 152.151(A) of the Code. This process will include the establishment of the Development Agreement.
4. Variances to certain provisions of the Final Plan Stage under Section 152.153(J)d as further specified below.
5. Preliminary Plat to create two developable lots as well as an outlet that will be dedicated to the City for the construction of a water storage tower, and to facilitate the preliminary design and construction of off-site water and waste water utilities needed to serve the site.

Project Overview and Impacts

It is important to note that the applications referenced above are intended to establish the framework for a future data center campus, which shall be developed in a phased approach. At this stage of entitlements, a detailed site plan is not proposed. The future site plan will be comprised of all the detailed design elements which will be in accordance with the PUD performance standards, the Conditional Use Permit performance standards, and all other applicable municipal requirements. When all processes, including the site plan, are taken together, the City will have assurances that all applicable regulatory requirements are met either prior to the approval of a site plan, prior to the issuance of a building permit, prior to the issuance of a Certificate of Occupancy, or prior to other pertinent triggers as identified under the Code or other agency requirement.



Data Centers are critical digital infrastructure and the cornerstone to 21st century economic growth. As businesses, governments, and individual consumers increasingly rely on cloud computing and digital services, the demand for reliable, secure data processing and storage has grown exponentially. As our economy becomes increasingly digital, the demand for data centers — the backbone of everything from health care records to online education — has never been greater. Communities that embrace this infrastructure position themselves as innovation-forward and future-ready.

Data Centers offer substantial economic development benefits while generating minimal impact compared to other land uses. Data centers provide high-quality jobs, generate significant tax revenue and fuel industries that communities rely on every day. This project will establish Cannon Falls as a leading area in the state and mid-west region of the country for high tech information technology companies. This reputation will help attract other companies which will seek to locate near high-tech facilities.

The capital investment in a master planned campus of this scale typically reaches hundreds of millions of dollars and often exceeds over a billion dollars as the project is developed. Thus, the tax generation from data centers is significant.

- a. Potential improvements that could receive the tax allocation could include, but are not limited to:
 - i. Emergency Services
 - Improve or construct new facilities such as fire and police stations
 - Purchase of new technology
 - Training programs for first responders
 - ii. Infrastructure
 - Water and sewer upgrades
 - Road improvements
 - iii. Community Facilities
 - New parks
 - Improve park features such as play equipment, seating, shelters, and restrooms
 - Trail improvements and new trails
 - ii. School District Improvements
 - New sports equipment and facilities
 - Capital improvements
 - Increase in teacher salary

- Investments in new technology and STEM based programs

Data center development creates thousands of well-paying construction jobs during the buildout phase, followed by long-term, high-skilled positions in IT, engineering and facility operations. For every direct job in a data center, studies show that approximately six indirect jobs are created in the local economy — from electricians and maintenance workers to local businesses that serve the growing workforce. These jobs can all be filled by the local workforce. While there are management and technical roles where a college degree is preferred, many of the positions can be filled by people who do not have a degree, attended trade schools, or are veterans. Cumulatively, the permanent jobs are high-salary, skilled jobs with current salaries averaging over \$100,000 annually. This campus, after construction, is anticipated to create approximately 275 new high-quality, well-paying jobs.

In summary, the proposed campus, to be located in an area planned for Industrial development, will result in a significant investment in the City's economic growth trajectory, bringing good paying jobs, high tax revenue, and considerable support for the existing and future businesses in Cannon Falls.

Project Phasing and Requested Applications

The data center campus is planned to be developed in several phases. Data center development is unique, compared to many other types of industrial development, in that data centers must first have power supplied to the site before any data center building can operate. The procurement of power is established through separate agreements with the utility company. It is envisioned that one utility-owned substation will need to be built in order to power both phases of the data center campus. From the time that the agreements are fully executed with the utility provider, it is estimated to take approximately five years to construct and energize the substation for the first phase of data center buildings. Thus, the strict application of many of the Code requirements established under the various processes identified simply cannot be met within the time frames identified. Due to the unique multi-year/multi-phase nature of the project, Tract is seeking a variance to Code Section 152.153(J) to allow for construction in accordance with the phased development proposed. This phase of entitlements process will establish the performance criteria that will be met during the site plan and building permit submittals for each of the subsequent development phases.

We anticipate that the data center substation will be completed approximately five years following the execution of the utility agreements; however, development of the site will commence prior to that energization date. Tract intends that construction for the off-site water and waste-water infrastructure to serve the site commence within 4 years, and the final operator of the Project, whether a Tract affiliate or another end user, will procure site plan approval, building permits, other relative local, state, and federal permits necessary to commence construction of the site. The intent is to time the substation energization with the completion of the first data center building. Thus, there is a *significant* level of detailed planning efforts and financial investment that must be facilitated to bring the development of this campus to fruition.

The initial entitlements applications, as applied for herein, create the development framework for the future construction of the campus. A future site plan or site plans will be processed which will show all of the internal horizontal and vertical improvements. In addition to the land use applications currently requested, the following approvals would be required prior to construction of the Project:

- Final Plat to secure the full civil design details for the off-site water and wastewater infrastructure and formally create the two developable lots and one water storage tower outlot to be dedicated to the City. Right-of-way along Minnesota State Trunk Highway No. 52 and Goodhue County Road 29 will also be formally dedicated at this time.
- Utility permits, grading permits, and other applicable permits to construct the public water and wastewater infrastructure that will serve the site.
- Site Plans for each phase, which will demonstrate compliance with all performance standards and conditions applicable under the Code.

- Building permits for each specific data center building and accessory buildings (administrative, guard houses, etc.)
- Construction permits, grading permits, MS4 permits, and other applicable permits for oversight of the internal horizontal improvements (internal roads, stormwater, water utilities, wastewater utilities, and other improvements)
- Certificate of occupancy once buildings are completed and relative horizontal improvements are completed.

Land Use Applications Requested

1. Rezoning from Urban Reserve to I-2, General Industrial District

With the recent approval of the joint resolution for Annexation, the subject property will automatically become zoned Urban Reserve (UR). Tract requests that the property be rezoned to I-2. The rezoning request satisfies all of the required findings under Section 152.057 of the Code, as follows:

- (A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

The proposed I-2 District is consistent with the Cannon Falls Comprehensive Plan, which identifies the Property as having a Land Use Designation of "Industrial". In reviewing the Land Use Map of the City, it is apparent that the City envisioned industrial and more intensive uses to be located to the north of downtown. The Property also lies within the City's "Future Urban Expansion Area". According to the Comprehensive Plan, the objective of the Industrial Land Use designation is to accommodate "Areas for large-scale industrial businesses that provide jobs for Cannon Falls and the surrounding area". LU23 states that "Large areas of presently agricultural uses on the north side of town between Hwys. 20 and 52 should be reserved for eventual development of industrial uses". The Project would serve as a catalyst to support and attract businesses which rely on high-speed internet and cloud-based technologies. Property taxes generated from this Project could be applied to the City's revenue streams to finance improvements to schools, infrastructure upgrades, police and fire services, health services, libraries, road maintenance and other City services, which the community members will benefit from. Thus, a data center project of this scope would significantly further the County's economic development objectives and generate increased tax revenues and deliver local high-paying, high-tech jobs. The proposed development supports the City's economic development goals by creating an estimated 275 permanent employment positions. These full-time positions are high paying jobs, generally skilled trades, or engineering in nature. According to the U.S. Bureau of Labor Statistics, in May of 2024, the median annual wage for the information technology category was \$105,990, which was higher than the median annual wage for all occupations of \$49,500 and higher than the current median wage in Goodhue County of \$82,749. The proposed development can be the foundation of a broader technology ecosystem strategic plan setting up this area of Cannon Falls as a technology corridor.

- (B) The proposed use is or will be compatible with present and future land uses of the area;

The proposed use is compatible with the surrounding industrial land uses. Regarding the residential uses to the north, as evidenced by the proposed PUD, an increased building setback along with a 200-foot landscape buffer will create much greater separation from these two uses. Additional PUD standards related landscape screening, building design, lighting, and noise will further mitigate impacts to these adjacent land uses.

- (C) The proposed use conforms with all performance standards contained in this chapter;

As noted above, the applications under consideration are being processed to establish the development framework for the future data center campus. Additional applications, such as a site plan and building permits, will need to demonstrate compliance with all applicable performance standards, including the CUP and PUD performance standards. Thus, in regards to the CUP performance criteria, please note the following:

- a. A Traffic Impact Analysis (TIA) has been submitted to demonstrate that the adjacent roadways can accommodate the traffic volume proposed from the project, and any future improvements that are warranted from the project will be constructed and financed by the Developer in accordance with the terms that will be set forth in the Development Agreement. The data center campus will generate much less traffic at full build-out than most other types of industrial development, such as logistics and warehousing facilities and manufacturing plants.
 - b. The internal design elements such as the access and parking plan, pedestrian circulation standards, off-street parking and loading, drainage systems, architectural appearance, and signage will be subject to review and approval at the site plan stage in order to demonstrate there are no external conflicts. This site plan will need to be approved, along with other applicable applications, before any construction can commence on the site.
 - c. All applicable federal, state, or county laws or regulations will be complied with in accordance with the applicable agencies review and approval processes.
- (D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

The City conducted separate water and wastewater system evaluations and determined that there is adequate water and wastewater system capacity to serve this site. The evaluations identified certain improvements that will need to be made if future phases of the project exceed certain thresholds for water usage or sewer discharge. The exact water usage and sewer discharge will be identified by the operator at site plan, but the Development Agreement will establish limits & guardrails for water and wastewater usage to protect the City's resources. The main improvement identified in the water system evaluation was the addition of a new water storage tower near the Project. The existing North Reservoir, constructed in 1972, is nearing the end of its useful life, so decommissioning the reservoir after constructing a new 1 MG water tower would provide additional storage while minimizing future maintenance costs, improve system reliability, and enhance instantaneous and peak hourly flows to this area of the City. Tract has agreed to dedicate a portion of the Property to the City for the location of this future water tower.

Public water and sewer main extending over a mile in length, will be constructed along County 29 Blvd and Rochester Blvd in order to serve this site and to serve future growth in this area, at the Developer's cost.

Additionally, an irrigation well exists on the property today, but it would need to be permitted through the Department of Natural Resources ("DNR") if the Developer wanted to utilize the existing groundwater appropriations for backup cooling purposes. The joint resolution for Annexation specifies that the well is only allowed for back-up or emergency uses, which will significantly reduce the groundwater usage for this area and provide additional relief to the aquifer.

- (E) Traffic generation by the proposed use is within capabilities of streets serving the property.

A Traffic Impact Analysis, prepared by Kimley-Horn and dated May 2025. The study found that the existing street network surrounding the property is adequate to serve this use and that the surrounding intersections are anticipated to operate acceptably with minimal improvements.

Depending on the overall building area proposed, a right-turn and left turn-lane at the site access along Rochester Blvd and a south-bound right turn-lane at the access point along County 29 Blvd may be warranted. Should these improvements be warranted, they will be constructed by the developer or future operator of the site. This obligation will be set forth in the Development Agreement.

2. Conditional Use Permit for Data Centers, Data Center Substations, Overhead Transmission Lines & Building Height

The recently approved text amendment to the Cannon Falls Zoning Ordinance establishes “data centers” and “data center substations” as a conditional use in the I-2 Zoning District. In order for the data center, data center substations, and all related accessory uses to be constructed on the site, a Conditional Use Permit must be approved subject to Criteria set forth in Section 152.072 of the Code. Additionally, the applicant requests a CUP to allow the maximum height of the primary structures to be increased from 45-feet to 65-feet.

Required Findings: Data Center and Data Center Substation

The application meets the requirements of City Code Section 152.072 CUP Criteria, as follows:

- (A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

As noted above, the uses requested under the proposed CUP are in general alignment with the goals and policies of the Comprehensive Plan. The Cannon Falls Comprehensive Plan identifies the subject property as having a Land Use Designation of “Industrial”. In reviewing the Land Use Map of the City, it is apparent that the City envisioned industrial and more intensive uses to be located to the north of downtown. The subject property also lies within the City’s “Future Urban Expansion Area”. According to the Comprehensive Plan, the objective of the Industrial Land Use designation is “Areas for large-scale industrial businesses that provide jobs for Cannon Falls and the surrounding area”. LU23 states that “Large areas of presently agricultural uses on the north side of town between Hwys. 20 and 52 should be reserved for eventual development of industrial uses”.

- (B) The proposed use is or will be compatible with present and future land uses of the area;

The proposed data center and substation uses are compatible with present and future surrounding industrial land uses. A CUP is requested to allow for the maximum building height to be increased from 50-feet to 65-feet to the top of the roof, exclusive of elevators shafts and screen materials for roof-mounted equipment. This increase in height is requested in order to ensure a more flexible building design and enable alternate scenarios for development. In order to off-set the visual appearance of the data centers from the residential uses to the north, an increased building setback along with a 200-foot landscape buffer are proposed under the PUD which will create much greater separation from these two uses. Additional PUD standards related landscape screening, building design, lighting, and noise will further mitigate impacts to these adjacent land uses and are discussed in detail in Section 3 below.

- (C) The proposed use conforms with all performance standards contained in this code;

In accordance with Section 152.073 of the Code, certain general performance standards may be applicable. Note that during the site plan review process, the application will need to demonstrate compliance with these performance criteria. Many of these criteria are also integrated into the PUD, as further discussed below, to further ensure compliance at the site plan stage.

- (D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity;

As noted above, the City conducted water and wastewater system evaluations and determined that there is adequate system capacity to serve this site. A new public water and sewer main extending over a mile in length, will be constructed along County 29 Blvd and Rochester Blvd in order to serve this site and to serve future growth in this area, at the Developer's cost.

- (E) Traffic generation by the proposed use is within capabilities of streets serving the property.

As noted above, a Traffic Impact Analysis was prepared and found that the existing street network surrounding the property is adequate to serve this use and that the surrounding intersections are anticipated to operate acceptably. Any future road improvements required to be constructed, based on future warrants, will be constructed and paid for by the Developer. This obligation is set forth in the Development Agreement.

Required Findings: Height

Section 152.207 specifies that no structure shall exceed the maximum height requirement of the applicable zoning district provisions except by conditional use permit. The applicant notes the following in *italics* in regards to meeting the specified criteria to allow for an increased height:

- 1) The site is capable of accommodating the increased intensity of use;
 - a. *The subject property is 253 acres and bordered by Hwy. 52, Rochester Blvd., the CHI railroad and residential uses to the north. The subject property is located in an area planned for industrial growth. The increased height allowance will enable the site additional flexibility in the ultimate build-out of the property. Allowing a maximum building height of 65-feet does not necessarily mean that all buildings will be built to 65-feet. Rather, it allows a range of building design options to maximize the potential of the site. Note that the height of the building is measured to the top of the roof and this CUP request requests that screening for roof-mounted equipment and elevator shafts be exempt from the maximum height.*
- 2) The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets;
 - a. *The increased height should not cause an increase in traffic beyond the capacity of the surrounding streets. The TIA, submitted with this application, was prepared under an assumption that all data center buildings would be a total aggregate of 1,500,000 square feet. Based on that design assumption, the TIA did find that the existing streets could accommodate the additional traffic with minimal improvements required. If additional traffic is introduced and warrants additional turn lane improvements at the site entrances, then the Developer would install these improvements to protect the wellbeing and safety of the residents.*
 - b. Public utilities and services are adequate;
 - c. *As noted in various sections of the narrative, public utilities and services will be constructed to adequately serve the site.*
- 3) For each additional story over three stories or for each additional ten feet above 35 feet, front and side yard setback requirements shall be increased by 5%;
 - a. *The table below demonstrates the setbacks required under the Municipal Code compared to the setbacks proposed under the PUD and shows the significant increase in setbacks proposed to further mitigate any potential views of the taller buildings.*

Municipal Code		PUD Standards			
Minimum setbacks	Feet	Proposed Residential	Proposed Non-Residential	Increase in Feet	% Increase
Front	40	250	150	110 - 210	375% - 625%
Rear Abutting Non-Residential	30		150	120	500%
Rear abutting Residential	40	250		210	625%
Side	20		150	130	750%
Side abutting a public ROW	40		150	110	375%
Side abutting a residential District	30	250		220	833%
Adjacent to Railroad	NA		100	NA	NA

- 4) The performance standards and criteria of §§ [152.070](#) through [152.074](#) of this chapter are considered and satisfied.

a. *At the time of the site plan review, it will need to be demonstrated that all applicable performance criteria are addressed and satisfied.*

Performance Standards: Essential Services

Regarding the substation and the overhead transmission lines, Section 152.388 establishes Performance Standards for these “Essential Services,” which are satisfied as follows:

- (A) All distribution lines shall be underground.

Data centers are typically fed power from the Utility’s transmission system directly to the data center site. Depending on the utility, transmission voltage is typically 69kV or greater. Transmission lines are typically installed overhead for safety and cost effectiveness. Permanent distribution lines on data center campuses are typically installed underground at 34.5 kV). Temporary overhead power distribution lines for construction power will likely be installed above-ground. It has not been determined how construction power will be constructed or served. Temporary lines provide power for the construction of buildings and the support of building operations. These lines shall remain in use until the permanent underground service from the on-site substation is operational, and building construction is completed. The temporary distribution equipment may be rerouted to serve additional construction sites or removed altogether by the electric utility. The transition from the transmission system is a switching station/substation. The switching station / substation is an integral use associated with the data center operations. Thus, based on the energy distribution and transmission lines that are needed to serve a data center campus, Tract is seeking flexibility under the PUD to allow overhead power transmission lines which are greater than 69kV to be installed above ground.

- (B) Outdoor storage of materials or equipment shall be prohibited.

Note that substations are inherently un-enclosed. Additionally, construction equipment and materials are typically stored in an outdoor area such as a laydown yard during construction. Other than the materials and infrastructure associated with the substation or for construction, no other materials or equipment will be stored outside.

- (C) All poles and similar type structures shall be placed in the public right-of-way or utility easement unless approved as an interim use permit subject to §§ [152.085](#) through [152.089](#) of this chapter.

The transmission lines will be in public ROW or a utility easement. However, internal, private distribution lines will not be located in public ROW but may be located in private easements to serve both campuses and the substation.

- (D) All facilities shall be landscaped and screened to the extent practical and applicable pursuant to §§ [152.275](#) through [152.281](#) of this chapter.

The facilities will be landscaped and screened, to the greatest extent practicable, subject to review and approval by the City and in accordance with any PUC requirements.

- (E) The size and number of accessory buildings are to be minimized to the extent possible and are to house only equipment directly related to the operation of the facility in question.

The size and number of accessory buildings will be minimized to the extent possible and will house only equipment or personnel directly related to the operation of the facility in question.

- (F) The architectural appearance of all structures and buildings shall be in harmony with the primary uses within the vicinity of the site.

Substations and utility lines are not subject to architectural requirements and therefore this criteria is not applicable.

Performance Standards: Data Centers/Data Center Substations

The recently adopted amendment to the City Ordinance, added performance criteria to be met for the construction of data centers and “electric power transforming and/or switching station[s] that provide electrical services to a Data Center and may include electric generation, distribution, switchyard, and transmission facilities. Note the response to each criteria in *italics* below:

- 1) Public sanitary sewer, water, and storm sewer services with adequate infrastructure and capacity are or will be available to serve the Data Center as determined by the City Engineer;

a. *Public sanitary and water services will be installed to serve the site. Sanitary, water, storm services internal to the site will be privately owned and maintained.*

- 2) Water, wastewater, and stormwater systems approved as to design and capacity by the City Engineer shall be installed;

As noted above, the City conducted water and wastewater system evaluations and determined that there is adequate system capacity to serve this site. A new water and sewer main extending over a mile in length, will be constructed along County 29 Blvd and Rochester Blvd in order to serve this site and to serve future growth in this area. Private stormwater and detention systems will be installed onsite to comply with NPDES, MS4, and any other applicable permits/standards.

- 3) All applicable State Public Utilities Commission, Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction;

a. *The applicable state and regulatory requirements will be met in accordance with that specific agency's standards and permitting processes. This regulatory compliance requirement will commence during the site plan process and applicable regulatory*

oversight will be administered through construction and the life of the project, depending on the standard.

- 4) All mechanical equipment and electrical equipment, other than telecommunications equipment serving the Data Center, is housed in mechanical yards that are fenced and screened in accordance with City Code;
 - a. *This condition will be met subject to the site plan review and other agency oversight processes and procedures.*
- 5) Except as provided in this section, outdoor storage of equipment related to operation of the Data Center must be landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with City Code;
 - a. *The future site plan will be prepared to demonstrate compliance with these screening standards. Note that the PUD proposes additional landscape screening measures to mitigate the views from the abutting residential properties to the north (see discussion in the PUD section below).*
- 6) The Data Center is fully enclosed by a fence as approved by the City;
 - a. *A perimeter fence will be installed along with more interior security fencing. All fence details will be reviewed and approved through the site plan process.*
- 7) Vehicular access points shall create a minimum of conflict with traffic movement and shall be subject to approval of the City Engineer;
 - a. *The access points will be located in a manner that meets City and MNDOT standards. The access points will be reviewed and approved through the site plan process.*
- 8) All exterior lighting shall be in compliance with § 152.187 of this chapter and a comprehensive lighting plan approved by the City. The maximum site illumination shall not exceed four-tenths foot candle at ground level when measured at any boundary line of the property; except that temporary construction lighting and lighting on access roads at the property boundary shall be exempt;
 - a. *A comprehensive lighting plan will be provided with the site plan to demonstrate compliance with this criteria. It is only at the time of site plan that the actual locations and fixture types of all lighting, both pole mounted and building mounted, can be provided.*
- 9) The site contains adequate parking as determined by the City;
 - a. *A parking plan will be provided with the site plan to demonstrate compliance with this condition.*
- 10) Provisions acceptable to the City are made to control and mitigate noise, light, air and water pollution so as to not unreasonably disturb or interfere with surrounding property owners' use and enjoyment of their property;
 - a. *During the site plan review process, the applicant and the City will work together to identify the appropriate mitigation measures, as informed by a sound study and lighting study. Per the proposed PUD, additional mitigation measures, above the standard code requirements to address noise and light will be identified and implemented. Further, all development will comply with applicable state and federal air and water quality standards and regulations. The Developer will be required to meet these standards through the State and local permitting procedures.*
- 11) Notwithstanding anything to the contrary in the City Code, the requirements of City Code § 152.688(M) apply to Data Centers located within planned unit developments; and
 - a. *Noted.*

- 12) The City, when evaluating a formal request for a conditional use permit pertaining to a specific site prior to approval, upon finding that the general welfare and public betterment can be served as well or better, may add to, modify or expand the conditions set forth herein.

- a. *Noted.*

(N) Data Center Substation, provided that:

- 1) All applicable State Public Utilities Commission, Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction;

- a. *The applicable state and regulatory requirements will be met in accordance with that specific agency's standards and permitting processes. This regulatory compliance requirement will commence during the site plan process and applicable regulatory oversight will be administered through construction and the life of the project, depending on the standard.*

- 2) All Data Center Substations are located on the same site as the Data Center that it serves;

- a. *The data center substation will be located within the area encompassed by the PUD. The utility provider may require the substation to be on a separate lot, but such lot will be located within the boundaries of the PUD.*

- 3) The number of Data Center Substations serving a Data Center are limited to those necessary for operating the Data Center and associated structures;

- a. *Noted.*

- 4) The requirements in §§ 152.385 through 152.389 are satisfied to the City's satisfaction;

- a. *Compliance with these provisions will be met subject to the applicable regulations and timing*

- 5) Provisions acceptable to the City are made to control and minimize noise, light, air and water pollution so as to not unreasonably disturb or interfere with surrounding property owners' use and enjoyment of their property;

- a. *During the site plan review process, the applicant and the City will work together to identify the appropriate mitigation measures, as informed by a sound study and lighting study. Per the proposed PUD, additional mitigation measures, above the standard code requirements to address noise and light will be identified and implemented. Further, all development will comply with applicable state and federal air and water quality standards and regulations. The Developer will be required to meet these standards through the State and local permitting procedures.*

- 6) Notwithstanding anything to the contrary in the City Code, the requirements of City Code § 152.688(N) apply to Data Center Substations located within planned unit developments; and,

- a. *Noted*

- 7) The City, when evaluating a formal request for a conditional use permit pertaining to a specific site prior to approval, upon finding that the general welfare and public betterment can be served as well or better, may add to, modify or expand the conditions set forth herein.

- a. *Noted*

3. Conditional Use Permit: Planned Unit Development

Because data centers and data center substations are established as a Conditional Use in the I-2 Zoning District under Sections 152.02 and 152.688(M), a Conditional Planned Unit Development application, as established under Section 152.151(A) of the Code is requested. The result of the PUD will further establish and solidify all vertical and horizontal development standards which must be demonstrated to be met under the future site plan, building permits, and other required applications.

The three stages of the PUD process (Concept, Development, and Final), as set forth under Section 152 of the Code require various elements of the design to be prepared for evaluation by the City. However, as noted above, this first phase of entitlements (Rezoning, CUP, PUD) are needed in order for Tract to move forward with executing the agreement with the utility company to procure power for the site. Due to the timeline involved to procure power, and the considerable financial investment needed, this early phase of entitlements cannot include all of those detailed site elements. Note that all of the site details will be provided through the Site Plan phase and the City will have full authority to ensure compliance at that time. To the extent any specific item required under the City Code is not provided at this time, Tract is seeking flexibility under City Code Sections 152.153(H)(2)(k) and 152.153(I)(2)(m).

Section 152.152 of the Code establishes General Requirements and Standards for a PUD. The standards are being addressed as provided below:

- (A) Ownership: The Owners of each parcel have signed the applicable PUD application forms.
- (B) Comprehensive Plan Consistency: As noted in the sections above, the subject property has been identified for "Industrial" uses since the Comprehensive Plan was last updated in 2003. Thus, the City as envisioned this area for future industrial growth for over two decades. With the exception of the property to the north, the site is mostly surrounded by other types of industrial uses. The industrial land use is consistent with the City's Comprehensive Plan, particularly regarding:
 - Providing economic growth and diversity for the City while not overtaxing city infrastructure;
 - Locating within a "modern industrial park on the north end of the city";
 - Creating good-paying jobs to keep residents within the City of Cannon Falls and/or attract talent from neighboring communities for work; and,
 - Visually appealing industrial development with screened outdoor storage or equipment.
- (C) (D) & (E) Public or Common Open Space and Related Requirements: Public and /or common open space is not planned for this data center campus and therefore these provisions are not applicable.
- (F) Density: The Comprehensive Plan does not establish a maximum density for Industrial uses. The remaining provisions under this section are applicable only to residential development.
- (G) Utilities: All water, sewer, gas, and fiber utilities will be installed underground in a joint trench whenever possible.
- (H) Utility connections: Applicant agrees that for water connections, shut off valves must be located in a way that each unit's service may be shut off by the city, in addition to the normally supplied shut off at the street. Additionally, applicant agrees that adequate provisions will be made to allow for the adequate cleaning and maintenance of manholes. All maintenance and cleaning will be the responsibility of the property owner.
 - a. If the Applicant chooses to use the onsite well for backup or emergency use, then proper isolation valves will be installed so there is no cross contamination between the municipal system and onsite well.

- (I) Roadways: Internal public and private roadway design will be determined during the site plan review process.
- (J) Landscaping: A detailed landscape plan will be provided at the site plan stage of development. A 200' natural buffer adjacent to the northern property line is shown on the PUD. A 50- natural buffer is proposed around the remaining perimeter of the site where there are no conflicting electrical easements. Additional landscaping beyond the City's minimum standards may be installed in the northern natural buffers to provide additional screening. The proposed PUD includes additional landscape standards to be met with a future site plan application (see more detail below).
- (K) Development Agreement: The Developer would like to enter into a Development Agreement prior to approval of the Final PUD and prior to approval of the Preliminary Plat.
- (L) Setbacks: The PUD proposes setbacks greater than those required by the underlying zoning district:
 - a. Northern Property Line / Residential: 250 Building Setback for structures up to a maximum height of 65-feet. Note that previously, it was proposed that buildings be allowed up to 80-feet in height. Based on community and council feedback received to date, the applicant proposes to reduce the overall building height to 65-feet, exclusive of the screening needed for roof-mounted equipment such a parapet walls, and for elevator shafts.
 - b. Adjacent to Non-Residential Uses: 150-feet
 - c. Adjacent to Railroads: 100-feet
 - d. Adjacent to Rochester Blvd, County 29 Blvd, & Highway 52: 150-feet
 - e. Internal Lot Lines: 0-feet or in accordance with applicable building and fire code standards.

152.153 Procedures for Processing a Planned Unit Development

Stages of the PUD: The applicant requests that the Concept and Development stage plan of the PUD be processed concurrently, and that the Final PUD follow soon after with the Final PUD submittal requirements being deferred to site plan or other applicable process. Note the chart provided on the PUD plans, and attached as Exhibit A demonstrates when site details will be provided and thus identifies specific requests for the "Exclusion" of specific detailed information at this stage of the entitlements process and which is being deferred to later stages in the entitlements processes.

A General Concept Plan showing a conceptual site plan with locations of data center buildings, administrative buildings, access points, perimeter landscape / natural buffers and other site elements is provided. However, full design details will be provided at the site plan stage. Such application for site plan will need to demonstrate that all applicable PUD performance criteria, CUP performance criteria and conditions, and all other applicable Code requirements. The location of the buildings, internal access, stormwater measures, etc. will be somewhat different than shown on the concept plan, but all improvements are subject to all applicable regulatory requirements. The Development Agreement will set forth all applicable future requirements to be considered under review of a site plan.

As noted, the site will be constructed in phases. A phasing schedule is provided under this application for PUD review in order to inform the terms of the PUD agreement and / or Development Agreement, whichever is applicable (Exhibit A).

A community meeting was held at City Hall on April 29, 2025. The community meeting was well attended. Several key development standards have been modified based on feedback from the community meeting, including but not limited to, reducing the maximum building height from 80-feet to 65-feet and increasing the landscape buffer along the northern property line.

The "Cannon Falls Technology Park PUD" has been prepared to establish the framework for future horizontal (e.g., site grading, landscaping, site circulation, water & wastewater connections) and vertical (e.g., building designs, screening, etc.) development of the site. The Concept plan is provided to show a conceptual layout of the site with two campuses, including potential building designs, locations, access points, and other characteristics. Note the property could be a single or two campus development. This Concept Plan stage is combined with the Development Stage plan. As noted in many sections of this narrative, demonstrating compliance with all applicable development standards will be subject to review and approval of a site plan and any other applicable permitting requirements. Sheet 2 of the PUD lists all the additional PUD regulatory requirements, which includes flexibility deviations under the PUD from the development standards as set forth in the underlying I-2 Zoning Designation. These requests for flexibility are summarized as follows:

- **Setbacks:**
 - a. Adjacent to Residential Uses: 250-feet (210'-220' increase from Code requirements)
 - b. Adjacent to Non-Residential Uses: 150-feet (110' – 130' increase)
 - c. Adjacent to CHI & Northwestern Railroad: 100-feet
 - d. Internal Property Line: 0-feet or the minimum required by the applicable Cannon Falls Building Code.
 - e. Adjacent to the Water Storage Tower Parcel: 10-feet
- **Landscape Buffers:** The Code requires a minimum 20-foot greenbelt planting strip to help screen industrial development. The PUD proposes a 200-foot landscape buffer adjacent to the residences to the north and a 50-foot landscape buffer adjacent to all other perimeter property lines where there are no conflicting electrical easements. To ensure enhanced screening from the residences to the north, the PUD requires a minimum of 261 trees be planted (71 deciduous and 190 evergreen trees). This increase in landscaping is a direct reflection of the landscape provision established in the Orderly Annexation Agreement between the City and Randolph Township. Additional language requires that all other minimum landscape requirements be met in these buffer areas.
- **Landscaping:** The PUD requires a detailed planting plan be submitted with each site plan application and demonstrate compliance with the minimum landscape standards as set forth in the Code. The PUD also requires drought tolerant, native plants be used with a diversity of coniferous and deciduous trees. To facilitate additional screening measures, the PUD notes that landscape berms may be constructed up to a height of 10-feet, but taller berms may be constructed subject to administrative approval by the City.
- **Architectural Design:** In order to ensure higher quality design for the proposed data center buildings, the PUD proposes additional architectural design standards. These standards require variation in building materials and building articulation. Conceptual design imagery is provided with the Concept Plan. However, please note that this imagery reflects the intent of the design, but is not the actual building design for future development. The design of each building will be subject to review and approval of the site plan.
- **Screening:** Measures to screen roof mounted and ground mounted mechanical equipment are included in the PUD.
- **Building Height:** As noted in the CUP section above, an increase in the maximum building height is proposed which would allow buildings up to 65-feet, not inclusive of roof mounted equipment, parapet or screen walls, or elevator shafts. While this is an increase in building height, the significant increase in building setbacks is proposed to offset the increased height

- Fences: Standards for perimeter and security fencing are proposed in the PUD.
- Electric Utility Lines: As noted, it is requested that temporary overhead power distribution lines for construction power and transmission lines greater than 69 kV be allowed to be installed above-ground.
- Sound: It is recognized that the community has concerns around sound that is generated from data centers. Note that much of the sound concerns stem from earlier generation data centers. More modern technology has been and is being integrated into the exterior mechanical equipment serving the data centers. To ensure that sound levels do not exceed the State regulatory requirements, the PUD includes regulations that require a sound study be provided prior to the approval of a site plan. The PUD also requires additional sound attenuation measures be implemented in the site plan such as physical improvements around any ground mounted equipment. Note that the adjacent highway already generates a fairly high level of background noise adjacent to the site.
- Parking: Parking requirements for data centers are unique and do not fit neatly into a parking category since most of the building is comprised of data halls. Thus, the PUD specifies that minimum parking should be established at 1 parking space / 1,000 sf of office space and further allows for a parking study to establish the final parking required under the site plan review process.
- Substations: As noted, a substation to serve just this data center campus is necessary. The PUD exempts substations from the design requirements established for the I-2 Zoning District considering that those design requirements are intended for building structures and no utility infrastructure.
- Lighting: The Code has fairly robust lighting standards already established, which center on reducing glare and light pollution on neighboring properties. The PUD proposes additional lighting standards which include a lower height for pole mounted fixtures (25' down to 18'), a maximum height on building mounted fixtures (35'), prohibiting the uplighting of buildings and the lighting of signage.
- Maximum Number of Structures per Lot: Because each campus will be built with multiple buildings, the PUD establishes that no more than ten buildings will be allowed per lot. This limitation applies to data center buildings, administrative buildings, guard houses and any other accessory building structures.

4. Variances

Tract is seeking a variance from the following provisions of City Code Section 152.153(J) – Final Plan Stage, due to the multi-year, phased nature of the proposed data center campus development. All detailed plans for structures, engineering, and site specifics will be submitted at the Site plan review stage. The requested variances are to City Code Section 152.153(J), as follows:

1. Section 152.153(J)(b): Final Plans, Structures, which requires “Final architectural drawings of all structures” at the Final Plan Stage.

Variance Requested: Tract is seeking to defer submission of final architectural drawings until the Site plan review stage for each phase of development.

2. Section 152.153(J)(c): Final Engineering Plans, which requires “Final engineering plans and specifications for streets, drainage, utilities and other public improvements” at the Final Plan Stage.

Variance Requested: Tract is seeking to defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase.

3. Section 152.153(J)(g) and 152.153(J)(5): Limitation on Final Plan Approval requires that “Within one year after the approval of a final plan for PUD... construction shall commence... Failure to commence construction... shall automatically render void the PUD permit...”

Variance Requested: Tract is seeking to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project. Construction shall be deemed to have commenced upon the City's initiation of construction of the Public Improvements, which are designed by and paid for by the applicant. Specifically, Tract will complete design and funding of the City's construction of public water and sanitary sewer improvements within four (4) years from the date of Final Plan approval. This coordinated effort between the Applicant and the City satisfies the requirement that construction has commenced under the applicable code provisions.

These variance requests meet the required findings under Code Section 152.103, as follows:

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

This finding is met, as the scale and complexity of the Property and the Project, which will include multiple buildings and infrastructure systems over 250+ acres, necessitates a phased development approach that will occur over several years. Requiring full architectural and engineering plans at the Final Plan stage for the full 250+ acres would impose a hardship by forcing premature submissions that are not feasible at this time and would inevitably change by the time construction commences. The parcel does not have immediate access to City sewer and water today. The infrastructure necessary for improvements to a site of this size, including more than a mile of sewer and water main extensions, as well as power transmission lines, will likely take several years. Given the unique nature of the site, including, size, topography, and geographic location, requiring construction to commence within one year is not only a hardship but is not feasible given the planning and engineering required.

- B. The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

This finding is met, as the proposed development is a master-planned, data center campus with specialized infrastructure and a phased construction timeline on a parcel of land that is more than 250 acres. Given the unique nature of the parcel's size and distance from critical infrastructure that is necessary to develop the Project, requiring submittal of final plans at this time and requiring construction to commence within one year is not only a hardship but is not feasible given the planning and engineering required. These unique characteristics are not typical of other properties in the zoning district, making the requested variance uniquely applicable to this parcel.

- C. The purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

This finding is met, as the variance is requested to align procedural requirements with the practical realities of a multi-year, phased development. It is not driven exclusively by a financial hardship but by the need to accommodate the Project's complexity and timeline. To the contrary, Tract intends to expend considerable financial resources once the Project is approved in order to commence construction within the requested four (4) years.

- D. The alleged difficulty or hardship is caused by this chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

This finding is met, as the hardship results from the ordinance's requirement to submit final plans and commence construction within one year, which may work for other smaller-scale projects, but is not designed for a large multi-year, multi-phase project. This timeline is incompatible with the large scale nature of the Project and was not created by the applicant.

- E. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

This finding is met, as the project includes extensive landscape buffers, screening, and infrastructure planning to ensure compatibility with surrounding uses, particularly to the residential development to the north. A 200-foot buffer has been negotiated with the Township, ensuring that a natural vegetative and screened landscaped buffer area will separate the Project from the adjacent properties. The variance will not negatively impact public welfare or neighboring properties.

- F. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire or endanger the public safety.

This finding is met, as the variance does not affect building placement or density in a way that would impair light or air. Traffic and safety impacts will be addressed through the site plan review process, which will require sound and lighting studies, and the Project includes measures to mitigate noise, lighting, and utility impacts.

- G. The variance is the minimum action required to eliminate the hardship.

This finding is met, as the requested variance still requires the submittal of all information necessary and required under the City Code, but simply allows the applicant to defer submission of final plans until the site plan review stage, which aligns with the phased nature of the project. This is the least deviation necessary to accommodate the development timeline.

- H. The variance does not involve a use that is not allowed within the respective zoning district.

This finding is met, as data centers, data center substations and associated infrastructure are conditional uses within the I-2 district. The variance pertains only to the timing and procedural requirements of plan submission and construction commencement.

5. Preliminary Plat

A Preliminary Plat application is being submitted for review and consideration to begin the platting process that will create two developable lots, dedicate right-of-way along Minnesota State Trunk Highway No. 52 and Goodhue County Road 29, and dedicate an outlot to the City for the construction of a municipal water storage tower. This application also facilitates the preliminary design of the off-site water and waste water utilities needed to serve the Project. The Preliminary Plat meets the City's requirements in terms of providing preliminary designs for off-site water and wastewater, and meets City's requirements for the minimum dimensions of each lot. The Final Plat will be processed under separate application following approval of the Preliminary Plat.

We respectfully request that these entitlement requests be presented at the next available Planning Commission meeting for consideration. If you have any questions or concerns, please contact me at (612) 315-1272.

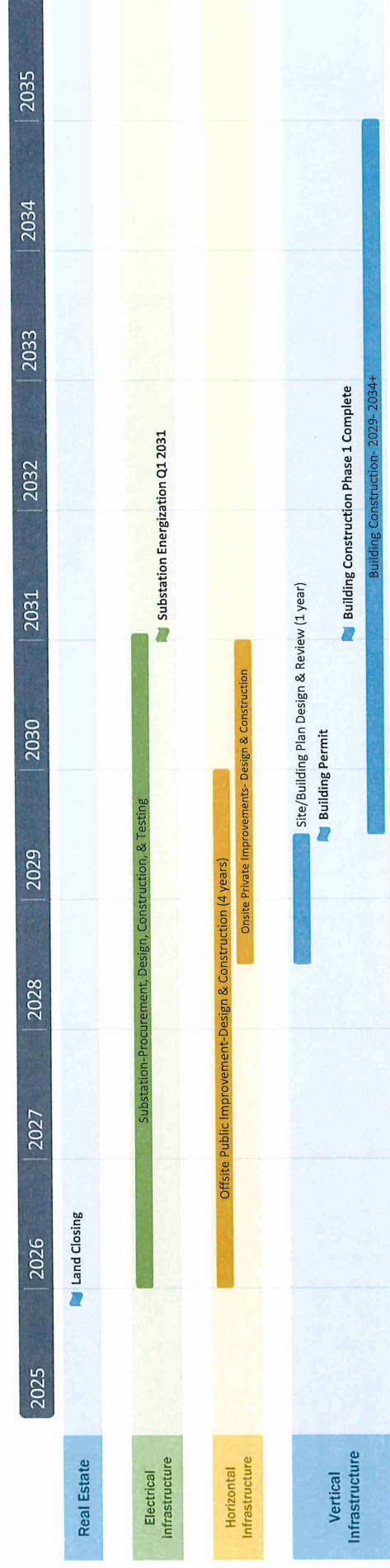
Sincerely,



Trish Sieh, P.E.
Project Manager

Cannon Falls Technology Park Phasing Plan

Exhibit A



Tract Cannot Fall Entitlement Submittal Matrix						Schematic 1 Recurring CUP / Concept PUD / Development Stage / Preliminary Plat
						Schematic 2 Post Close
						Final Plan PUD / Development Agreement
						Final Plat
						Delivered to Site Plan
						Delivered to Site Plan (Variance Requested)
						FUTURE OPERATOR Site Plan
	REPORT FIELDS :	Schematic 1	Schematic 2	BY TRACT	Post Closing	
	Annotated (previously filed)	X				
	Reverting to 12- Application & Fee					
	Detailed written and graphic material fully explaining proposed project, including:					
	-Project Description					
	-Project Map					
	-Narrative Descriptions					
	-General Information about Project Premises					
	-Concept Drawings					
	-Schedule					
	Development Stage Plan PUD Application & Fee (completed w/ Concept Stage)					
	60% Site Plan					
	80% Architectural Plans					
	80% Landscape Plans					
	80% Erosion Control Plans					
	80% Excavation Control Plans					
	Lighting Plan					
	Compliance with Performance Criteria					
	"Excuses" for Application Elements					
	Final Plan PUD Application					
	Final Site Plan					
	Final Architectural Plans					
	Final Landscape Plans					
	Final Drainage & Grading Plans					
	Final Erosion Control Plans					
	Lighting Plan					
	Compliance with Performance Criteria					
	Variance for Duration for Improvements					
	Preliminary Utility Plan					
	Plan for Final Approval					
	Compliance with Conditions					
	Compliance with Performance Standards					
	Compliance with Criteria for Decision					
	Preliminary Plat Application					
	Certificate of Survey					
	Resource Inventory					
	Preliminary Plat					
	Preliminary Grading, Damage & EC Plan (internal to the site)					
	Preliminary Utility Plan					
	Determination of Requirement of Environmental Review					
	Phasing Plan					
	Documentation/Information on Examinations					
	Landscape & Screening Plans					
	Traffic Study					
	Utility Extension Timing					
	"Excuse" for substantial requirements in narrative					
	Final Plat Application					
	Final Plat					
	Final Office Utility Plans					
	Park Dedication					
	Tree Preservation					
	Development Agreement					
	Final Plat Application					
	Allow for extension to 152.039(A), CUP expiration to be extended 5 years with the ability for subsequent extensions					
	Allow for extension to 152.039(B) for consultation to commence 5 years after approval of the Final PUD plan					
	Allow for extension to 152.153(J) (B) consultation to commence 5 years after approval of final PUD plan					

CANNON FALLS TECHNOLOGY PARK

SECTION 6 & 7, TOWNSHIP 112N, RANGE 17W
CANNON FALLS, GOODHUE COUNTY & DAKOTA COUNTY, MN

VICINITY
N.T.S.

 SITE

BENCHMARKS	
SITE BENCHMARKS: (LOCATIONS SHOWN ON SURVEY)	
SBM #1: TOP OF MINNESOTA DEPARTMENT OF TRANSPORTATION ELEVATION MONUMENT 1806 F.	
ELEVATION=849.17	
SBM #2: TOP OF MINNESOTA DEPARTMENT OF TRANSPORTATION ELEVATION MONUMENT 1805 C.	
ELEVATION=880.90	



**Know what's below.
Call before you dig.**

FINAL PUD PLANS
PREPARED FOR
TRACT
N FALLS
MN

ET NUMBER
C1.0

PRELIMINARY - NOT FOR CONSTRUCTION

DEVELOPMENT STANDARDS: TRACT CANNON FALLS TECHNOLOGY PARK

- [illegible]

7. FENCES

- [illegible]

PRELIMINARY - NOT FOR CONSTRUCTION

[illegible]

[illegible][illegible]

CANNON FALLS
TECHNOLOGY PARK
PREPARED FOR
TRACT
CANNON FALLS

EXISTING
CONDITIONS

161276000	DATE	09/29/2025	SCALE AS SHOWN
			DISPENSED BY SJS
			ANAL
			CHECKED BY TDS
	DATE: 02/29/2025	1111	LAB. NO. 45008

Kimley»Horn
2025 KIMLEY-HORN AND ASSOCIATES, INC.
11995 ECHO LANE, SUITE 225, EDEN PRAIRIE, MN 55344
PHONE: (612) 315-1272
WWW.KIMLEY-HORN.COM

SURVEY NOTES

1. The orientation of this bearing system is based on the Dakota County coordinate grid (NAD 83 25-2311 4503).
2. The legal description and easement information used in the preparation of this survey is based on the following documents: Dakota County Ordinance No. 207-0001, Supplement No. 1, dated May 1, 2005, and Dakota County Ordinance No. 207-0001, Supplement No. 1, dated May 1, 2005.
3. The surveyed property is situated south to Mill Street, Highway No. 65, Dakota County State Aid Highway No. 65, and Dakota County Road No. 26, all having public right of way.
4. No evidence of easements, burial grounds, or graveyards was observed in the process of conducting the survey.
5. This survey shows only those boundaries existing during the field survey. Easement structures and other features, not shown, may exist and may be subject to legal proceedings and may not be shown.

LEGAL DESCRIPTION

[illegible]

EXISTING CONDITIONS LEGEND

- | | | |
|--|-----------------------|---------------------|
| | MANKOLE | UNDERGROUND MANHOLE |
| | CATCH BASIN | CLEAN OUT |
| | GATE VALVE | |
| | HYDRANT | |
| | AIR CONDITIONER | |
| | ELECTRIC BOX | |
| | UTILITY POLE | |
| | POWER POLE WITH LIGHT | |
| | LIGHT | |
| | WATER METER | |
| | COMMUNICATION BOX | |
| | FIBER OPTIC SIGN | |
| | PHONE SIGN | |
| | SIGN | |
| | CHAIN LINK FENCE | |
| | WOOD FENCE | |
| | SANITARY SEWER | |
| | STORM DRAIN | |
| | WATER MAIN | |
| | UNDERGROUND ELECTRIC | |
| | UNDERGROUND GAS | |
| | EXISTING CONTOUR LINE | |
| | BITUMINOUS SURFACE | |
| | CONCRETE SURFACE | |
| | GRAVEL SURFACE | |
| | DIMER SURFACE | |



LAND USE PLAN

Kimley-Horn

[illegible]

LEGEND

- PROPOSED PROPERTY-TO-WAY USE
- PROPOSED PHYSICAL BUILDING SETBACK LINE
- EXISTING RIGHT OF WAY EASEMENT
- ELECTRICAL TRANSMISSION EASEMENT
- EXISTING WETLAND
- NATURAL BUFFER
- DEVELOPABLE AREA
- PROPOSED WATER TANK LOT
- PROPOSED ACCESS LOCATION

BUILDING DATA	
MAXIMUM BUILDING HEIGHT	65 FT
PARKING SUMMARY	
REQUIRED PARKING	1 PER 1,000 SF OF OFFICE
TOTAL PROPOSED PARKING	TBD

LAND USE PLAN NOTES

- PLANS ARE FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.
HAUL AND CONSTRUCTION TRAFFIC ROUTES ADJACENT TO THE SITE WILL INCLUDE THE FOLLOWING ROADWAYS:
- MN HWY 52
- ROCHESTER BLVD (CSAH 86)



§ 152.153 PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

(A) *Stages of PUD.* The processing steps for a PUD are intended to provide for an orderly development and progression of the plan, with the greatest expenditure of developmental funds being made only after the city has had ample opportunity for informed decisions as to the acceptability of the various segments of the whole as the plan affects the public interest. The various steps represent separate applications for purpose of review, compliant with M.S. § 15.99, as it may be amended from time to time, outlined in detail in the following sections:

(1) *Pre-application staff meeting.* Preliminary discussions between the applicant and city staff;

(2) *General concept plan application.* Consideration of overall concept and plan;

(3) *Development stage plan application.* One or more detailed plans as part of the whole final plan; and

(4) *Final plan application.* The summary of the entire concept and each development stage plan in an integrated complete and final plan.

(B) *Pre-application meeting.* Prior to filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a city staff meeting. At the pre-application meeting, the applicant shall be prepared to generally describe the proposal for a PUD. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.

(C) *Neighborhood meeting.* The city may recommend the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to submitting a formal concept application.

(D) *Application.* The person applying for a planned unit development shall fill out and submit to the Zoning Administrator an official application form together with a fee per the city's fee schedule. The request for planned unit development shall be placed on the agendas of the Planning Commission according to the city's deadline and meeting schedule.

(E) *Planned unit development/rezoning.* Planned unit development/rezoning application shall be posted and advertised in accordance with §§ 152.035 through 152.043 of this chapter at time of development stage PUD.

(F) *Planned unit development/conditional use permit.* Planned unit development/conditional use permit applications shall be posted and advertised in accordance with §§ 152.035 through 152.043 of this chapter at time of development stage PUD.

(G) *Public hearings.* Public hearings shall be held at the PUD development stage.

(H) *General concept plan.*

(1) *Purpose.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing the basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for public hearing so that the proposal may be publicly considered at an early stage.

(2) *General concept plan submission information.*

(a) *General information.*

1. *Owner.* The landowner's name, address and telephone number and his or her interest in the subject property;

2. *Applicant.* The applicant's name, address and telephone number if different from the landowner. The applicant may designate an agent to be contacted by the city, who may speak for the applicant;

3. *Consultants.* The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor; and

4. *Title of applicant.* Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require to show the status of title or control of the subject property.

(b) *Present status of premises and adjacent properties.*

1. *Description.* The address and legal description of the subject property. A survey is required;

2. *Zoning.* The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property; and

3. *Map.* A single reproducible map or aerial photograph at a scale of not less than one inch equals 100 feet, depicting the existing development of the subject property and all land within 100 feet thereof and showing the precise location of existing streets, property lines, utilities, easements and wetlands.

(c) *Narrative description.* A written statement generally describing the proposed PUD and the market which it is intended to serve, showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.

(d) *Site conditions.*

1. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of one inch equals 100 feet or less shall be submitted and shall contain the following:

- a. Survey showing lot dimensions and existing easements and utilities;
- b. Contours; minimum two-foot intervals;
- c. Location, type and extent of tree cover;
- d. Slope analysis;
- e. Location and extent of waterbodies, wetlands and streams and floodplains within 300 feet of the subject property;
- f. Existing drainage patterns;
- g. Vistas and significant views; and
- h. Soil conditions as they affect development.

2. All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

(e) *Concept drawing.* Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.

(f) *Number of units.* A statement of the estimated total number of dwelling and/or other units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

1. Area devoted to residential uses;
2. Area devoted to residential use by building or structure or use type;
3. Area devoted to common open space;
4. Area devoted to public open space;
5. Approximate area devoted to streets;
6. Approximate area and potential floor area devoted to commercial uses; and
7. Approximate area and potential floor area devoted to industrial or office uses.

(g) *Staged development.* When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each stage and the overall chronology of development to be followed from stage to stage.

(h) *Common areas.* When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of open space or service facilities. If it is proposed that open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of the entity shall be submitted during the development stage.

(i) *Covenants.* General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

(j) *Market feasibility.* Where deemed necessary, a market feasibility study including an analysis of the proposal's economic impact on the city.

(k) *Exclusion of information.* The Planning Commission may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

(l) *Inclusion of information.* The Planning Commission may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

(3) *Schedule.*

- (a) Developer meets with city staff to discuss the proposed development.
- (b) Developer submits the necessary data as required in division (H)(2) above at least 30 days prior to Planning Commission meeting.
- (c) A technical staff report shall be prepared on the proposed development and distributed to the Planning

Commission and the applicant prior to the meeting.

(d) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.

(e) Planning Commission makes a recommendation to the City Council on the general concept plan.

(f) City Council reviews all recommendations and approves/denies application(s).

(4) *Optional submission of development stage plan.* In cases of single stage PUDs or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, the applicant may, at his or her option, submit development stage plans for the proposed PUD simultaneously with the submission of the general concept plan. In that case, the applicant shall comply with all provisions of the ordinance applicable to submission of the development stage plan. The Planning Commission and City Council shall consider the plans simultaneously and shall grant or deny development stage plan approval in accordance with the provisions of this chapter.

(5) *Effect of concept approval.* PUD concept approval only provides direction for the applicant to proceed to PUD development stage submission. The concept plan approval does not convey any development rights or privileges to the applicants.

(l) *Development stage.* Development stage submissions shall depict and outline the proposed implementation of the PUD general concept stage. Information from the general concept stage may be included for background and to provide a basis for the submitted plan.

(1) *Application.* Requests for PUD development stage as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee as provided for by the City Council resolution. This fee shall not be refunded. The application shall also be accompanied by ten copies of detailed written and graphic materials fully explaining the proposed change, development or use and a list of affected property owners within 350 feet of the subject property obtained from the current tax rolls provided by the county offices.

(2) *Submission information.* The PUD development stage submission information shall include:

(a) *Zoning required.* Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan;

(b) *Site plan/preliminary plat.* Drawn to a scale of one inch equals 100 feet or less, containing the following information:

1. *Project name.* Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the county where the subject property is situated);

2. *Survey.* Property boundary lines and dimensions of the property and any significant topographical or physical features of the property. An accurate legal description of the entire area within the PUD;

3. *Preliminary plat.* Preliminary plat, if applicable, shall comply with all the performance standards of the city subdivision regulations and this chapter;

4. *Buildings.* The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area or proposed buildings and existing buildings which will remain, if any;

5. *Traffic circulation.* Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;

6. *Common areas.* Location, designation and total area of all common open space;

7. *Public open space.* Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities; and

8. *Locate existing structures.* The location, use and size of structures and other land uses on adjacent properties within 100 feet of the property boundaries.

(c) *Residential tabulation.* A tabulation indicating the number of residential dwelling units by number of bedrooms and expected population/housing profile;

(d) *Areas of use.* A tabulation indicating the approximate gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drug store, dry cleaning, supermarket);

(e) *Architectural plans.* Preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings and architectural guidelines for future development phases;

(f) *Landscape plan.* A detailed landscaping plan including the type, size and quantity of all existing and proposed plantings;

(g) *Grading and drainage plan.* Preliminary grading and drainage plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;

(h) *Erosion control.* A soil erosion control plan clearly illustrating erosion control measures to be used during construction;

(i) *Document changes.* A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any document, plan or data;

(j) *Preliminary plat.* A preliminary plat conforming to the city subdivision regulations;

(k) *Lighting plan.* A plan illustrating site lighting along with a photometric plan;

(l) *Additional data.* Additional information as the Zoning Administrator, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof; and

(m) *Excuse for submittal.* The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this section which it finds to be unnecessary for the consideration of the specific proposal for PUD approval.

(3) *Schedule/review.*

(a) *Meeting.* The developer meets with city staff to discuss specific development plans.

(b) *Filing of application.* The applicant shall file the development stage application within six months of concept plan review, together with all supporting data and filing fee, as established by City Council ordinance.

(c) *Staff review/technical assistance reports.* Upon receipt of an application for a PUD development stage, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.

(d) *Other agency review.* When appropriate, the Zoning Administrator shall forward the PUD development stage application to other special review agencies such as the Department of Natural Resources, soil conservation services, highway departments or other affected agencies.

(e) *Hearing.* The Zoning Administrator, upon verification of a complete application, shall instruct the City Administrator to set a public hearing for the next regular meeting of the Planning Commission. The Planning Commission shall conduct the hearing and make recommendations to the City Council. Notice of the hearing shall be published in the official newspaper at least ten days prior to the hearing and written notification of the hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question.

(f) *Failure to receive notice.* Failure of a property owner to receive the notice shall not invalidate any proceedings as set forth within this chapter.

(g) *Request for additional information.* The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, the information to be declared necessary to established performance conditions in relation to all pertinent sections of this chapter.

(h) *Appearance.* The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.

(i) *Planning Commission review.* Within 60 days of receiving a complete application, unless extended by the city, the Planning Commission shall review the reports and plans and submit its written report and recommendations to the Council and applicant. The report shall contain the findings of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan. Should any changes be found to exist, the Planning Commission shall comment with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the concept plan and with respect to the compliance of the development stage plan with the provisions of this chapter and all other applicable federal, state and local codes and ordinances. If the Planning Commission shall find conformity or any changes merit approval and the Planning Commission shall further find the development stage plan to be in all other respects completed and in compliance with this chapter and other applicable federal, state and local codes and ordinances, it shall recommend denial of approval. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.

(j) *City Council action.* Within 60 days of receipt of a complete application, unless the review period is extended in accordance with M.S. § 15.99, as it may be amended from time to time, the City Council shall grant approval, resubmit the plan to the Planning Commission for further consideration of specified items or deny approval of the plan.

(k) *PUD agreement.* The Zoning Administrator shall instruct the City Attorney to draw up a PUD agreement which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor of the city, City Administrator and the applicant within 30 days of City Council approval of the development stage plan. Where the development stage plan is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its action. In all cases, a certified copy of the document evidencing City Council action shall be promptly delivered to the applicant by the Zoning Administrator.

(4) *Limitation on development plan approval.* Unless a final plan covering the area designated in the development stage plan as the first stage of the PUD has been filed within six months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this chapter and/or an approved development stage plan, the approval shall expire. Upon application by the applicant, the City Council may at its discretion extend for not more than six months, the filing deadline for any final plan when, for good cause shown, the extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has received final plan approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

(J) *Final plan.*

(1) *Purpose.* The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD. The final plan is intended only to add detail to and to put in final form, the information contained in the general concept plan and the development stage plan and shall conform to the development stage plan in all respects.

(2) *Final plan submission information.* After review of a general concept plan for the PUD and approval of a development stage plan for a section or sections of the proposed PUD, the applicant will submit the following material for review by the city staff prior to issuance of a building permit:

(a) *Recording proof.* Documents establishing the recording of any easement or other documents required by the city prior to the sale of any land or dwelling unit included in the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility;

(b) *Final plans, structures.* Final architectural drawings of all structures;

(c) *Final engineering plans.* Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of the improvements and financial guarantees for the completion of the improvements;

(d) *Other plans.* Any other plans, agreements or specifications necessary for the city staff to review the proposed construction. All work shall be in conformance with the Building Code of the city;

(e) *Recording of final plan.* Within 60 days of its approval, the applicant, or at its election, the city shall cause the final plan, or portions thereof as are appropriate, to be recorded with the County Recorder or Registrar of Titles, at the expense of the applicant. Certified copies of all relevant recorded documents shall be furnished to the city;

(f) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved final plan and development agreement have been recorded, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan or intermediate development stage plan provided, however, that no permit shall be issued unless the appropriate official is first satisfied that all requirements which are applicable to the permit sought, have been satisfied; and

(g) *Limitation on final plan approval.* Within one year after the approval of a final plan for PUD, or the shorter time as may be established by the approved development schedule, construction shall commence in accordance with the approved plan. Failure to commence construction within the period shall, unless an extension has been granted and hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning regulations and other zoning provisions, applicable in the district in which it is located. In that case, the Council shall adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other provisions that would otherwise be applicable.

(3) *Schedule.*

(a) Upon approval of the development stage plan and within the time established by division (I)(3) above of this section, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by division (J)(2) above of this section for the entire PUD or for one or more stages. This application will be considered at the next regularly scheduled Planning Commission meeting.

(b) The findings and recommendations of the Planning Commission shall be forwarded to the City Council for consideration. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.

(c) Within 60 days of receipt of a complete PUD final plan application, unless the review period is extended in accordance with M.S. § 15.99, as it may be amended from time to time, and receipt of the findings and recommendations of the Planning Commission, the City Council shall grant approval or denial of the request.

(d) The applicant shall cause the final plan, or portions thereof as are appropriate, to be recorded with the County Registrar. The applicant shall provide the city with a signed copy verifying county recording within 40 days of the date of approval.

(4) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the Zoning

Administrator that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable ordinances of the city, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances in which are applicable to the permit sought, have been satisfied.

(5) *Limitation on final plan approval.* Within one year after the approval of a final plan for PUD, or shorter time as may be established by the approved development schedule, construction shall commence in accordance with the approved plan. Failure to commence construction within the period shall, unless an extension has been granted and hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning regulations and other ordinances, applicable in the district in which it is located. In that case, the City Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this section may, at the discretion of the City Council, be extended for not more than one year by ordinance or resolution duly adopted.

(6) *Inspections during development.*

(a) *Compliance with overall plan.* Following final plan approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development within the approved development schedule.

(b) *City Council notification.* If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, he or she shall immediately notify the City Council. Within 30 days of the notice, the City Council shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take steps as it deems necessary to compel compliance with the final plans as approved; or shall require the landowner or applicant to seek an amendment of the final plan.

(Prior Code, § 11-10-4) (Ord. 258, passed 5-4-2006)

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

PLANNING COMMISSION 2025-09

TRACT PLANNED UNIT DEVELOPMENT

WHEREAS, Tract (“**Applicant**”), intends to develop a parcel or parcels of land lying within the City and legally described on the attached **Exhibit A** (the “**Property**”); and,

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission; and,

WHEREAS, on September 8th, 2025, the Planning Commission of the City of Cannon Falls held a public hearing and considered the Applicant’s application for the PUD, recommending approval.

NOW, THEREFORE, the Planning Commission of the City of Cannon Falls makes the following:

FINDINGS

1. The Applicant is requesting a Planned Unit Development for the purpose of establishing vertical and horizontal development standards that must be met under future site plan, building permits, and other required applications (the “Proposed Use”).
2. The Property is currently zoned I-2, General Industrial
3. City Code Section 152.688(M) and 152.688(N) allows Data Centers and Data Center Substations in the I-2 Zone subject to the following conditions.

(M) Data Centers, provided that:

(1) Public or private sanitary sewer, water, and storm sewer services with adequate infrastructure and capacity are or will be available to serve the Data Center as determined by the City Engineer;

(2) Water, wastewater, and stormwater systems approved as to design and capacity by the City Engineer shall be installed;

(3) All applicable State Public Utilities Commission, Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City’s satisfaction;

(4) All mechanical equipment and electrical equipment, other than telecommunications equipment serving the Data Center, is housed in mechanical yards that are fenced and screened in accordance with City Code;

(5) Except as provided in this section, outdoor storage of equipment related to operation of the Data Center must be landscaped, fenced and screened

from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with City Code;

(6) The Data Center is fully enclosed by a fence as approved by the City

(7) Vehicular access points shall create a minimum of conflict with traffic movement and shall be subject to approval of the City Engineer;

(8) All exterior lighting shall be in compliance with § 152.187 of this chapter and a comprehensive lighting plan approved by the City. The maximum site illumination shall not exceed four-tenths foot candle at ground level when measured at any boundary line of the property; except that temporary construction lighting and lighting on access roads at the property boundary shall be exempt;

(9) The site contains adequate parking as determined by the City;

(10) Provisions acceptable to the City are made to control and mitigate noise, light, air and water pollution so as to not unreasonably disturb or interfere with surrounding property owners' use and enjoyment of their property;

(11) Notwithstanding anything to the contrary in the City Code, the requirements of City Code § 152.688(M) apply to Data Centers located within planned unit developments; and

(12) The City, when evaluating a formal request for a conditional use permit pertaining to a specific site prior to approval, upon finding that the general welfare and public betterment can be served as well or better, may add to, modify or expand the conditions set forth herein.

(N) Data Center Substation, provided that:

(1) All applicable State Public Utilities Commission, Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction;

(2) All Data Center Substations are located on the same or contiguous site as the Data Center that it serves;

(3) The number of Data Center Substations serving a Data Center are limited to those necessary for operating the Data Center;

(4) The requirements in §§ 152.385 through 152.389 are satisfied to the City's satisfaction;

(5) Provisions acceptable to the City are made to control and minimize noise, light, air and water pollution so as to not unreasonably disturb or interfere with surrounding property owners' use and enjoyment of their property;

(6) Notwithstanding anything to the contrary in the City Code, the requirements of City Code § 152.688(N) apply to Data Center Substations located within planned unit developments; and

(7) The City, when evaluating a formal request for a conditional use permit pertaining to a specific site prior to approval, upon finding that the general welfare and public betterment can be served as well or better, may add to, modify or expand the conditions set forth herein.

4. Section 152.152 of the Code establishes General Requirements and Standards for a PUD. The standards are being addressed as provided below:

- The industrial land use is consistent with the City's Comprehensive Plan
- Public and /or common open space is not planned for this data center campus and therefore these provisions are not applicable.
- The Comprehensive Plan does not establish a maximum density for Industrial uses.
- All water, sewer, gas, and fiber utilities will be installed underground in a joint trench whenever possible.
- Applicant agrees that for water connections, shut off valves must be located in a way that each unit's service may be shut off by the city, in addition to the normally supplied shut off at the street. Additionally, applicant agrees that adequate provisions will be made to allow for the adequate cleaning and maintenance of manholes. All maintenance and cleaning will be the responsibility of the property owner.
 - If the Applicant chooses to use the onsite well for backup or emergency use, then proper isolation valves will be installed so there is no cross contamination between the municipal system and onsite well.
- Internal public and private roadway design will be determined during the site plan review process.
- A detailed landscape plan will be provided at the site plan stage of development. A 200' natural buffer adjacent to the northern property line is shown on the PUD. A 50- natural buffer is proposed around the remaining perimeter of the site where there are no conflicting electrical easements. Additional landscaping beyond the City's minimum standards may be installed in the northern natural buffers to provide additional screening.
- The Developer would like to enter into a Development Agreement prior to approval of the Final PUD and prior to approval of the Preliminary Plat.
- The PUD proposes setbacks greater than those required by the underlying zoning district:
 - Northern Property Line / Residential: 250 Building Setback for structures up to a maximum height of 65-feet. Note that previously, it was proposed that buildings be allowed up to 80- feet in height. Based on community and council feedback received to date, the applicant proposes to reduce the overall building height to 65-feet, exclusive of the screening needed for roof-mounted equipment such a parapet walls, and for elevator shafts.
 - Adjacent to Non-Residential Uses: 150-feet
 - Adjacent to Railroads: 100-feet

- Adjacent to Rochester Blvd, County 29 Blvd, & Highway 52: 150-feet
- Internal Lot Lines: 0-feet or in accordance with applicable building and fire code standards.

5. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

6. The time limit for a decision on the Applicant's application will not expire until November 6th, 2025

7. The proposed subdivision of Property is governed by City Code Chapter 151.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Cannon Falls and based upon the information received and the above Findings:

1. The Planning Commission of the City of Cannon Falls does hereby approve the requested PUD.

ADOPTED by the City of Cannon Falls this 13th day of October, 2025

Diane Johnson, Planning Commission Chair

ATTEST: _____
Jon Radermacher, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Parcel 1:

That part of the Southwest Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying east of the easterly right of way line of Trunk Highway No. 52.

TOGETHER WITH

Parcel 2:

That part of the Southeast Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying south of County Road No. 86.

EXCEPTING

That part of the above described property being described as:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning
Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of the following described property:

That part of Government Lot 10 in Section 6, Township 112 North, Range 17 West in Goodhue County and State of Minnesota lying West of the centerline of Old Highway 52, and more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 10; running thence South 20 chains to the Southwest corner of said Lot 10; thence East 22 chains and 50 links to St. Paul Road; thence North 46 degrees West 29 chains to the North line of said Lot 10; thence West 1 chain and 50 links to place of beginning, excepting therefrom the following:

Beginning at a point on the South line of said Government Lot 10, 22 chains and 50 links East of the Southwest corner thereof on the Westerly line of St. Paul Road; thence North 46 degrees West along said line for 18.6 chains to center line of former State Highway 52; thence Southeasterly along said center line for 11.4 chains, more or less, to the South line of Government Lot 10; thence East along said South line 7.3 chains, more or less, to place of beginning.

Being described as:

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

Goodhue County, Minnesota
Abstract Property

TO: CANNON FALLS PLANNING COMMISSION
FROM: IZZY CARLSON, LICENSE AND PERMIT TECHNICIAN
SUBJECT: CONSIDERATION OF VARIANCES REQUESTED BY TRACT
DATE: OCTOBER 13, 2025

BACKGROUND

Tract is seeking a variance from the following provisions of City Code Section 152.153(J) Final Plan, due to the multi-year development process.

Requested Variances from City Code Section 152.153(J):

1. Tract is seeking to defer submission of final architectural drawings until the Site plan review stage for each phase of development
2. Tract is seeking to defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase.
3. Tract is seeking to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project. Construction shall be deemed to have commenced upon the City's initiation of construction of the Public Improvements, which are designed by and paid for by the applicant. Specifically, Tract will complete design and funding of the City's construction of public water and sanitary sewer improvements within four (4) years from the date of Final Plan approval. This coordinated effort between the Applicant and the City satisfies the requirement that construction has commenced under the applicable code provisions.

On September 8th, Planning Commission held a public hearing to discuss the variances; Planning Commission decided to table the discussion of the item until the October 13th meeting in order to gather more information on the item from Tract.

The following exhibits are enclosed to further describe the proposal:

1. City Code Section 152.153(J)
2. Resolution 2025-10, Resolution Approving Variances to City Code Section 152.153(J).

STAFF RECOMMENDATION

Staff recommends the approval of the requested variances to City Code Section 152.153(J).

REQUESTED PLANNING COMMISSION ACTION

Motion to approve Tract's variances to City Code Section 152.153(J).

(4) *Limitation on development plan approval.* Unless a final plan covering the area designated in the development stage plan as the first stage of the PUD has been filed within six months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this chapter and/or an approved development stage plan, the approval shall expire. Upon application by the applicant, the City Council may at its discretion extend for not more than six months, the filing deadline for any final plan when, for good cause shown, the extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has received final plan approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

(J) Final plan.

(1) *Purpose.* The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD. The final plan is intended only to add detail to and to put in final form, the information contained in the general concept plan and the development stage plan and shall conform to the development stage plan in all respects.

(2) *Final plan submission information.* After review of a general concept plan for the PUD and approval of a development stage plan for a section or sections of the proposed PUD, the applicant will submit the following material for review by the city staff prior to issuance of a building permit:

(a) *Recording proof.* Documents establishing the recording of any easement or other documents required by the city prior to the sale of any land or dwelling unit included in the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility;

(b) *Final plans, structures.* Final architectural drawings of all structures;

(c) *Final engineering plans.* Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of the improvements and financial guarantees for the completion of the improvements;

(d) *Other plans.* Any other plans, agreements or specifications necessary for the city staff to review the proposed construction. All work shall be in conformance with the Building Code of the city;

(e) *Recording of final plan.* Within 60 days of its approval, the applicant, or at its election, the city shall cause the final plan, or portions thereof as are appropriate, to be recorded with the County Recorder or Registrar of Titles, at the expense of the applicant. Certified copies of all relevant recorded documents shall be furnished to the city;

(f) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved final plan and development agreement have been recorded, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan or intermediate development stage plan provided, however, that no permit shall be issued unless the appropriate official is first satisfied that all requirements which are applicable to the permit sought, have been satisfied; and

(g) *Limitation on final plan approval.* Within one year after the approval of a final plan for PUD, or the shorter time as may be established by the approved development schedule, construction shall commence in accordance with the approved plan. Failure to commence construction within the period shall, unless an extension has been granted and hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning regulations and other zoning provisions, applicable in the district in which it is located. In that case, the Council shall adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other provisions that would otherwise be applicable.

(3) Schedule.

(a) Upon approval of the development stage plan and within the time established by division (I)(3) above of this section, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by division (J)(2) above of this section for the entire PUD or for one or more stages. This application will be considered at the next regularly scheduled Planning Commission meeting.

(b) The findings and recommendations of the Planning Commission shall be forwarded to the City Council for consideration. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.

(c) Within 60 days of receipt of a complete PUD final plan application, unless the review period is extended in accordance with M.S. § 15.99, as it may be amended from time to time, and receipt of the findings and recommendations of the Planning Commission, the City Council shall grant approval or denial of the request.

(d) The applicant shall cause the final plan, or portions thereof as are appropriate, to be recorded with the County Registrar. The applicant shall provide the city with a signed copy verifying county recording within 40 days of the date of approval.

(4) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the Zoning

Administrator that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable ordinances of the city, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances in which are applicable to the permit sought, have been satisfied.

(5) *Limitation on final plan approval.* Within one year after the approval of a final plan for PUD, or shorter time as may be established by the approved development schedule, construction shall commence in accordance with the approved plan. Failure to commence construction within the period shall, unless an extension has been granted and hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning regulations and other ordinances, applicable in the district in which it is located. In that case, the City Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this section may, at the discretion of the City Council, be extended for not more than one year by ordinance or resolution duly adopted.

(6) *Inspections during development.*

(a) *Compliance with overall plan.* Following final plan approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development within the approved development schedule.

(b) *City Council notification.* If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, he or she shall immediately notify the City Council. Within 30 days of the notice, the City Council shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take steps as it deems necessary to compel compliance with the final plans as approved; or shall require the landowner or applicant to seek an amendment of the final plan.

(Prior Code, § 11-10-4) (Ord. 258, passed 5-4-2006)

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

PLANNING COMMISSION 2025-10

**RESOLUTION APPROVING VARIANCES FROM CITY CODE SECTION 152.153(J)
FOR TRACT**

WHEREAS, Tract (“Applicant”) is the applicant for a Variance for Cannon Falls Technology Park for the following adjustments:

- To defer submission of final architectural drawings until the Site plan review stage for each phase of development
- To defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase.
- To extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.

(“The Variance”) located in the City of Cannon Falls legally described on the attached Exhibit A (the “Property”);

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and

WHEREAS, on September 8th, 2025, the Planning Commission held a public hearing and considered the Applicant’s Variance application, recommending tabling the discussion to the next Planning Commission Meeting; and

NOW, THEREFORE, the Planning Commission of the City of Cannon Falls makes the following:

FINDINGS

1. The Applicant is requesting a Variance from City Code § 152.153(J), which requires final plans and final engineering plans to be submitted for review by city staff prior to the issuance of a building permit and requires construction to commence within one year after the approval of the final plan for PUD. The Applicant is seeking a Variance from this section of the code due to the multi-year, phased nature of the data center campus development.

2. The Property is part of the Cannon Falls Technology Park. The Variance would apply to the land legally described in Exhibit A.

3. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

4. The granting of variances within the City is governed both by the City Code and State Statutes.

5. Minn. Stat. § 462.357, subd. 6 allows variances only when they are in harmony with the general purposes and intent of the City Code and consistent with the City's comprehensive plan. Further, the Applicant must establish that there are practical difficulties in complying with city ordinance.

6. City Code § 152.100 states:

The purpose of this subchapter is to provide for deviations from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant the variances only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

7. City Code § 152.103 states:

The Board of Adjustment and Appeals shall not approve any variance request unless it finds failure to grant the variance will result in undue hardship on the applicant, and, as may be applicable, all of the following criteria have been met.

(A) Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

(B) The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(C) The purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

(D) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

(E) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

(F) Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

(G) The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(H) The purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

(I) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

(J) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

(K) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire or endanger the public safety

(L) The variance is the minimum action required to eliminate the hardship.

(M) The variance does not involve a use that is not allowed within the respective zoning district.

8. The Variance request is in harmony with the general purpose and intent of the City Code and is consistent with the comprehensive plan. The Variance to deviate from City Code section 152.153(J) is in line with the standards set forth by the Cannon Falls City Code and the Minnesota League of Cities.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls and based upon the information received and the above Findings:

1. The City Council of the City of Cannon Falls does hereby approve the attached resolution, approving the Variance request for Tract to defer final plan submission, final engineering plans submission, and to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.

ADOPTED by the City of Cannon Falls this 13th day of October, 2025

Diane Johnson, Planning Commission Chair

ATTEST: _____
Jon Radermacher, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Parcel 1:

That part of the Southwest Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying east of the easterly right of way line of Trunk Highway No. 52.

TOGETHER WITH

Parcel 2:

That part of the Southeast Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying south of County Road No. 86.

EXCEPTING

That part of the above described property being described as:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning

Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of the following described property:

That part of Government Lot 10 in Section 6, Township 112 North, Range 17 West in Goodhue County and State of Minnesota lying West of the centerline of Old Highway 52, and more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 10; running thence South 20 chains to the Southwest corner of said Lot 10; thence East 22 chains and 50 links to St. Paul Road; thence North 46 degrees West 29 chains to the North line of said Lot 10; thence West 1 chain and 50 links to place of beginning, excepting therefrom the following:

Beginning at a point on the South line of said Government Lot 10, 22 chains and 50 links East of the Southwest corner thereof on the Westerly line of St. Paul Road; thence North 46 degrees West along said line for 18.6 chains to center line of former State Highway 52; thence Southeasterly along said center line for 11.4 chains, more or less, to the South line of Government Lot 10; thence East along said South line 7.3 chains, more or less, to place of beginning.

Being described as:

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

Goodhue County, Minnesota
Abstract Property

TO: CANNON FALLS PLANNING COMMISSION
FROM: IZZY CARLSON, LICENSE AND PERMIT TECHNICIAN
SUBJECT: APPLICATION FOR TRACT, CANNON FALLS TECHNOLOGY PARK
PRELIMINARY PLAT
DATE: OCTOBER 13, 2025

BACKGROUND

On September 8th, 2025, a public hearing was held to consider a request by Tract for a preliminary plat for the Cannon Falls Technology Park. The PIDs for the Cannon Falls Technology Park Preliminary Plat are PIDs # 310010051010, # 310010085010, # 310010090011, # 310120001012, # 525100100. Planning Commission decided to table the discussion on the item until October 13th in order to gather more information about the proposed project.

Proposed Legal Description of the Preliminary Plat:

Parcel 1:

That part of the Southwest Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying east of the easterly right of way line of Trunk Highway No. 52.

TOGETHER WITH

Parcel 2:

That part of the Southeast Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying south of County Road No. 86.

EXCEPTING

That part of the above described property being described as:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning

Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of the following described property:

That part of Government Lot 10 in Section 6, Township 112 North, Range 17 West in Goodhue County and State of Minnesota lying West of the centerline of Old Highway 52, and more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 10; running thence South 20 chains to the Southwest corner of said Lot 10; thence East 22 chains and 50 links to St. Paul Road; thence North 46 degrees West 29 chains to the North line of said Lot 10; thence West 1 chain and 50 links to place of beginning, excepting therefrom the following:

Beginning at a point on the South line of said Government Lot 10, 22 chains and 50 links East of the Southwest corner thereof on the Westerly line of St. Paul Road; thence North 46 degrees West along said line for 18.6 chains to center line of former State Highway 52; thence Southeasterly along said center line for 11.4 chains, more or less, to the South line of Government Lot 10; thence East along said South line 7.3 chains, more or less, to place of beginning.

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Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

Goodhue County, Minnesota
Abstract Property

The following exhibits are enclosed to further describe the proposal:

1. Preliminary Plat
2. ALTA North Land Title Survey
3. ALTA South Land Title Survey
4. Review Letters from WHKS and Dakota County Plat Commission
5. Resolution 2025-11, Resolution Approving the Cannon Falls Technology Park Preliminary Plat

STAFF RECOMMENDATION

Staff recommends the approval of the Cannon Falls Technology Park Preliminary Plat.

REQUESTED PLANNING COMMISSION

Motion to approve Resolution 2025-11 to approve the Cannon Falls Technology Park Preliminary Plat.

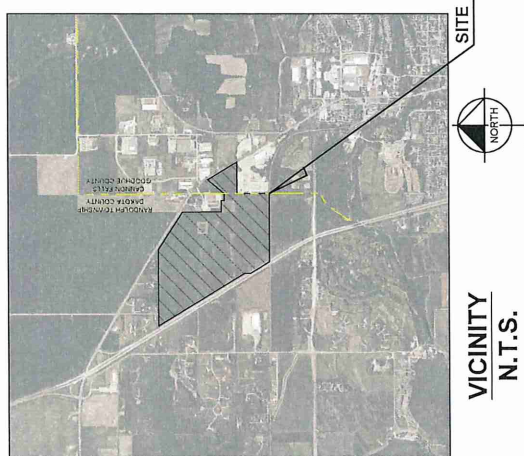
PRELIMINARY PLAT PLANS
FOR
CANNON FALLS TECHNOLOGY PARK
SECTION 6 & 7, TOWNSHIP 112N, RANGE 17W
CANNON FALLS, GOODHUE COUNTY, MN
& DAKOTA COUNTY

PROJECT TEAM:

ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
Kimley»Horn
PREPARED BY: TRISH D. SIEH
11985 SINGLETREE LANE, SUITE 225
EDEN PRAIRIE, MN 55344
TELEPHONE (612) 315-1272

OWNER / DEVELOPER
TRACT
tract
3200 CHERRY CREEK S DRIVE,
SUITE 700, DENVER, CO 80209
TELEPHONE: (303) 276-7850
CONTACT: KRISTIN DEAN

SURVEYOR
EGAN, FIELD & NOWAK, INC.
475 OLD HIGHWAY 8 NORTHWEST
NEW BRIGHTON, MN 55112
CONTACT: STEVEN HOUGH, L.S.
TEL: (612) 468-3300
EMAIL: SHOUGH@EFNSURVEY.COM



Sheet List Table	
Sheet Number	Sheet Title
C1.0	COVER SHEET
C2.0	PRELIMINARY PLAT EXHIBIT
EX-1	CERT OF NORTH SURVEY
EX-2	CERT OF NORTH SURVEY
EX-3	CERT OF SOUTH SURVEY
EX-4	CERT OF SOUTH SURVEY

CANNON FALLS TRACT
PREPARED FOR
PRELIMINARY PLAT

CANNON FALLS TRACT
PREPARED FOR
PRELIMINARY PLAT

COVER SHEET

COVER SHEET

NO. REVISIONS DATE BY

NO. REVISIONS DATE BY

11985 SINGLETREE LANE, SUITE 225, EDEN PRAIRIE, MN 55344
WWW.KIMLEY-HORN.COM
Kimley»Horn
2025 KIMLEY-HORN AND ASSOCIATES, INC.

11985 SINGLETREE LANE, SUITE 225, EDEN PRAIRIE, MN 55344
WWW.KIMLEY-HORN.COM
Kimley»Horn
2025 KIMLEY-HORN AND ASSOCIATES, INC.

DATE: 09/22/2025
DRAWN BY: JLS
CHECKED BY: JLS
SCALE: AS SHOWN
DATE: 09/22/2025
PROJECT: RPA PROJECT
DESCRIPTION: PREPARED FOR THE STATE OF MINNESOTA TO BE USED IN THE LAYING OUT THE STATE OF MINNESOTA
DRAWN BY: JLS
CHECKED BY: JLS
DATE: 09/22/2025
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PRELIMINARY - NOT FOR CONSTRUCTION

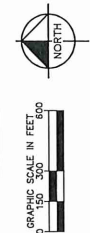
PRELIMINARY - NOT FOR CONSTRUCTION

Know what's below.
Call before you dig.

811

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WWW.KIMLEY-HORN.COM
Kimley»Horn
2025 KIMLEY-HORN AND ASSOCIATES, INC.

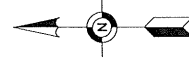
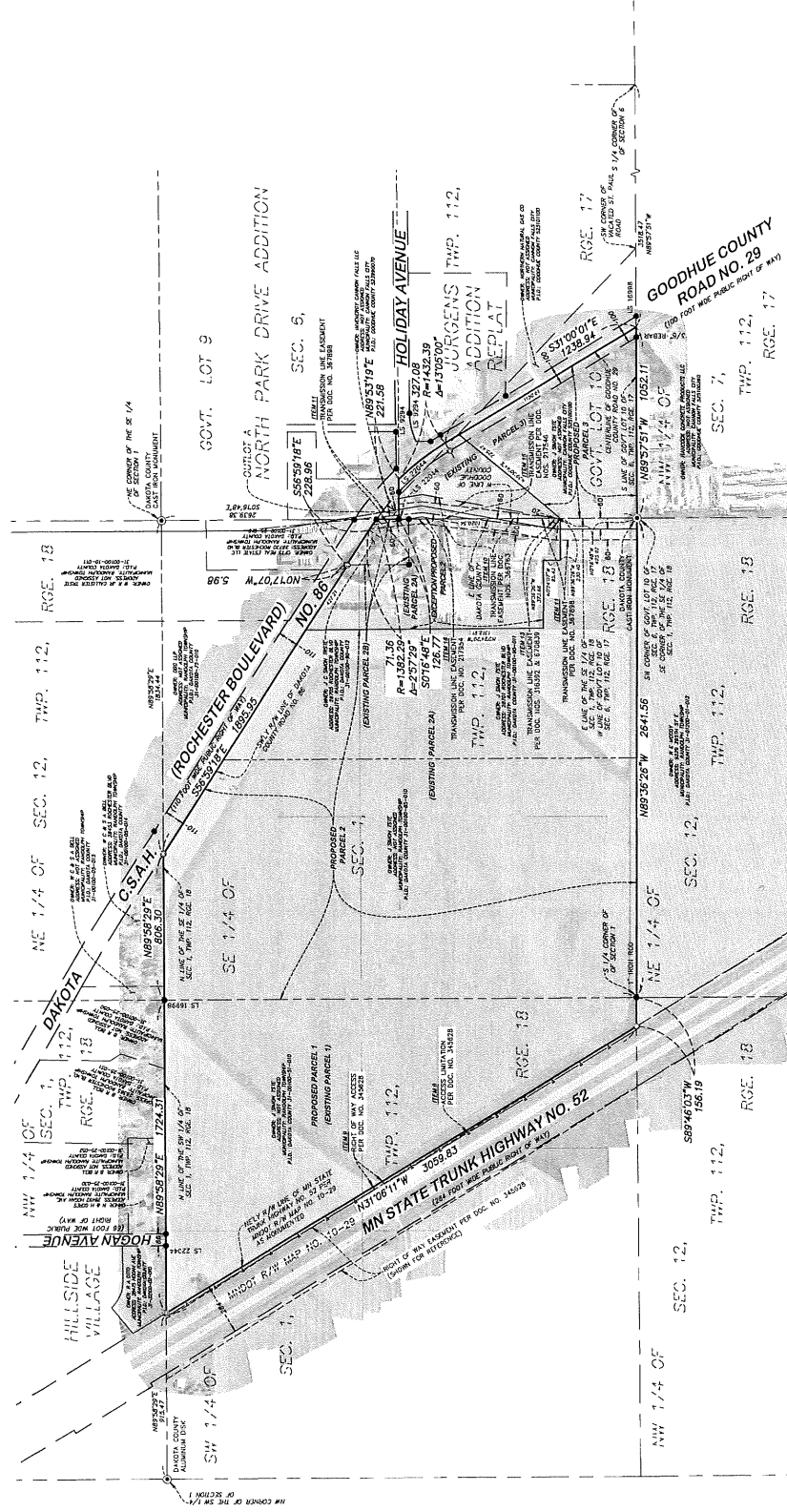
11985 SINGLETREE LANE, SUITE 225, EDEN PRAIRIE, MN 55344
WWW.KIMLEY-HORN.COM
Kimley»Horn
2025 KIMLEY-HORN AND ASSOCIATES, INC.



100

Exhibit.dwg August 19, 2025 - 7:05pm

ALTA/NSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



- ☒ FOUND CAST IRON MONUMENT
☐ FOUND OPEN 1/2" IRON MONUMENT
 UNLESS OTHERWISE NOTED
 NAL ☐ FOUND NAIL
☐ SET IRON MONUMENT MARKED
 WITH LICENSE NUMBER 54850

FIELD BOOK	PAGE	FIELDWORK DATE	NO.	DATE	DESCRIPTION
			01	15/05/16	Revised title commitment.
			02	25/05/13	Attorney's comments.
			03	25/07/07	Revised title commitment.
DRAWING NAME:					
42257 - A - North 2A					
JCB NO. 42257					
BATCH					
FILE NO. 2142					
SFC					

ALTA/NSPS
LAND TITLE SURVEY

SURVEY FOR:
Kimley - Horn & Associates, Inc.

PROPERTY ADDRESS:
28701 Rock
Cannon Falls

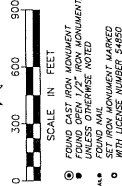
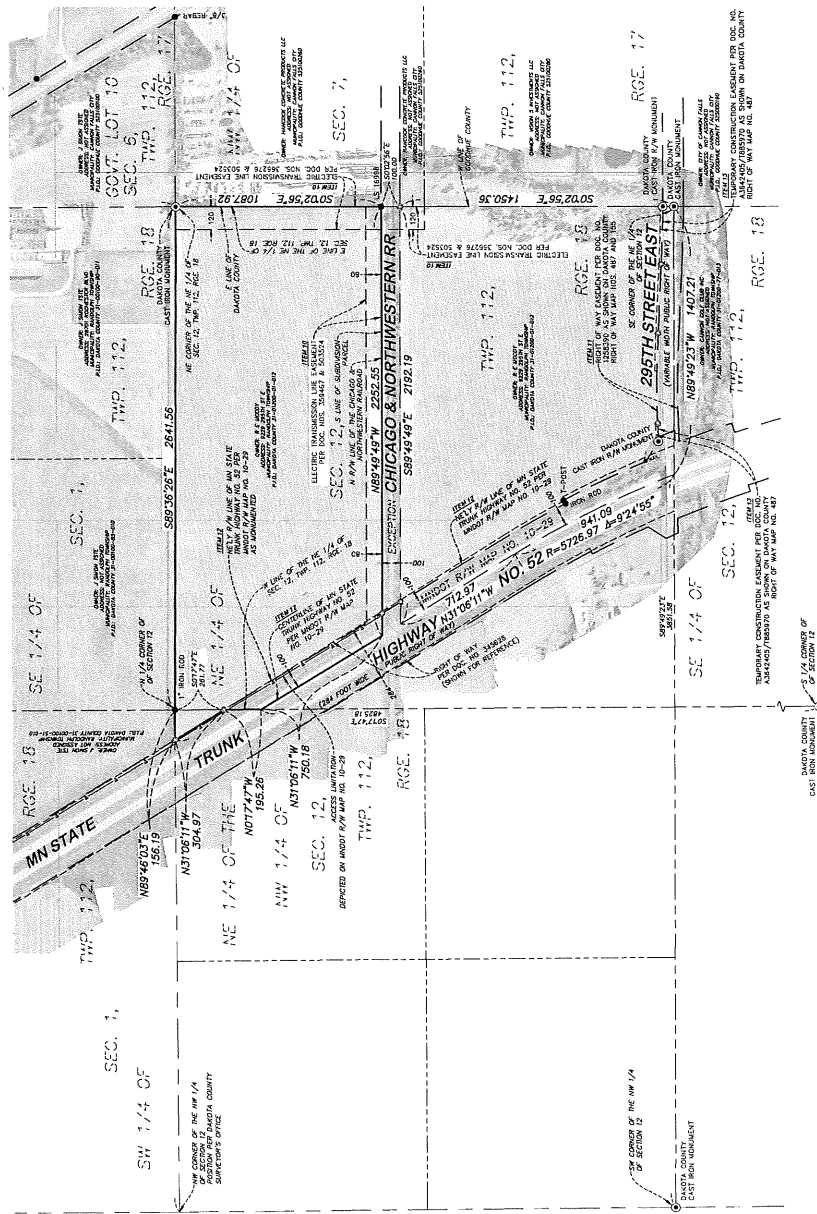
PROPERTY ADDRESS:



EFN
Egan, Field & Nowak, Inc.

and surveyors since 1872

ALTANSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



475 Old Highway B NW, Suite 200
NE Cannon Falls, MN 55009
PHONE (621) 446-5300
WWW.EFSURVEY.COM
Egan, Field & Nowak, Inc.
Land Surveyors Since 1972

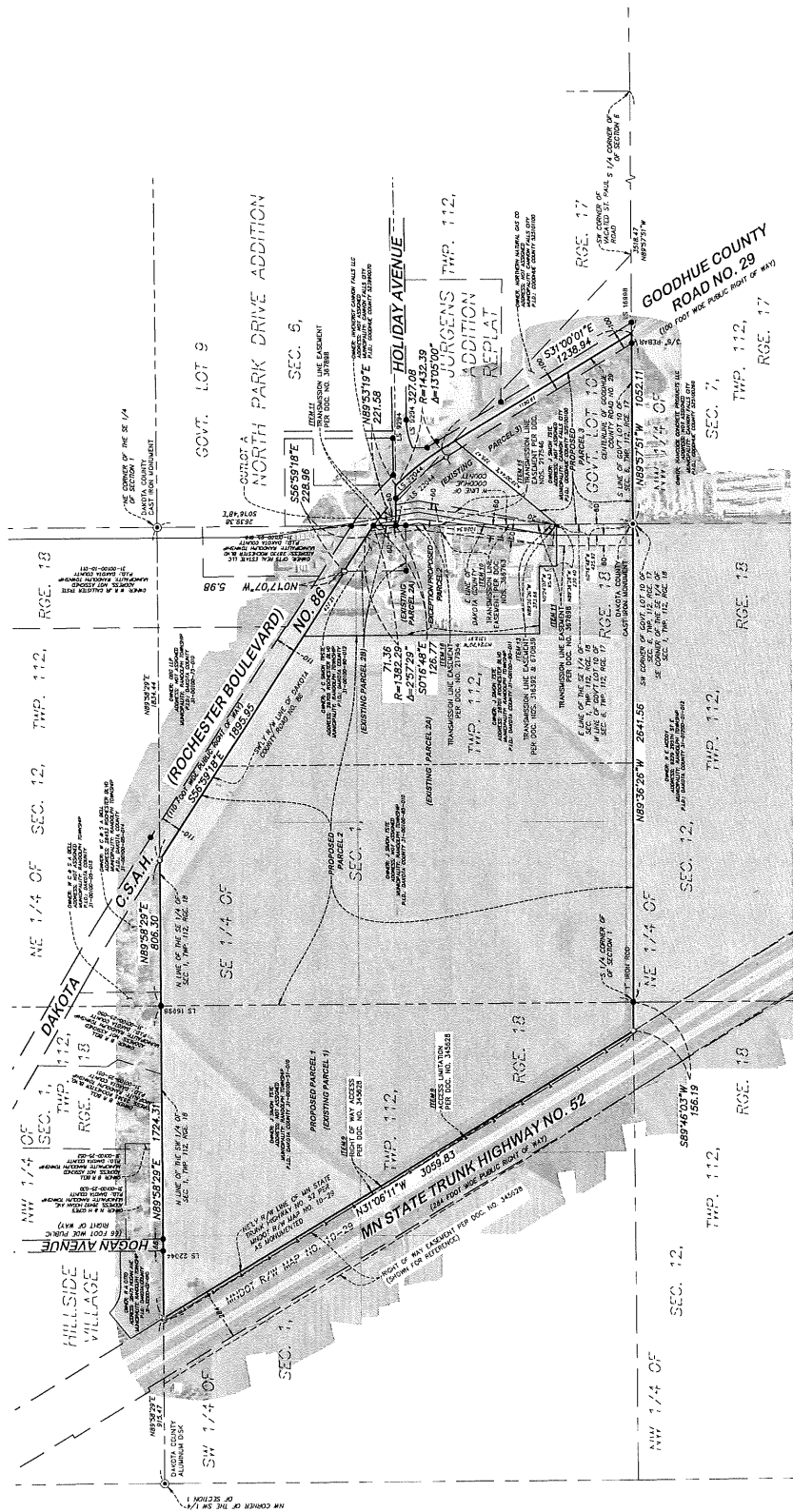
PROPERTY ADDRESS:
9229 295th Street East
Cannon Falls, Minnesota 55009

SURVEY FOR:
Kimley - Horn & Associates, Inc.

ALTA/NSPS LAND TITLE SURVEY

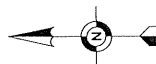
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		FILE NO.	2112		

ALTA/NPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



0 300 600 900
SCALE IN FEET

● FOUND CAST IRON MONUMENT
● FOUND OPEN 1/2" IRON MONUMENT,
UNLESS OTHERWISE NOTED
AL FOUND NAIL
○ SET IRON MONUMENT MARKED
WITH LICENSE NUMBER 54850



FIELD BOOK	PAGE	FIELDWORK OF	REVISIONS	
			NO.	DATE DESCRIPTION
DRAWN BY:			01	22/06/16 Revised title commitment.
DRAWING NAME:		CL	02	22/06/16 Attorney comments.
4257 A.T.A.NR.18.249			03	05/07/07 Revised title commitment.
CHECKED			04	22/06/16 Attorney comments.
JOB NO. 4257				
FILE NO. 2143				

ALTA/NSPS
LAND TITLE SURVEY

SURVEY FOR:
Kimley - Horn & Associates, Inc.

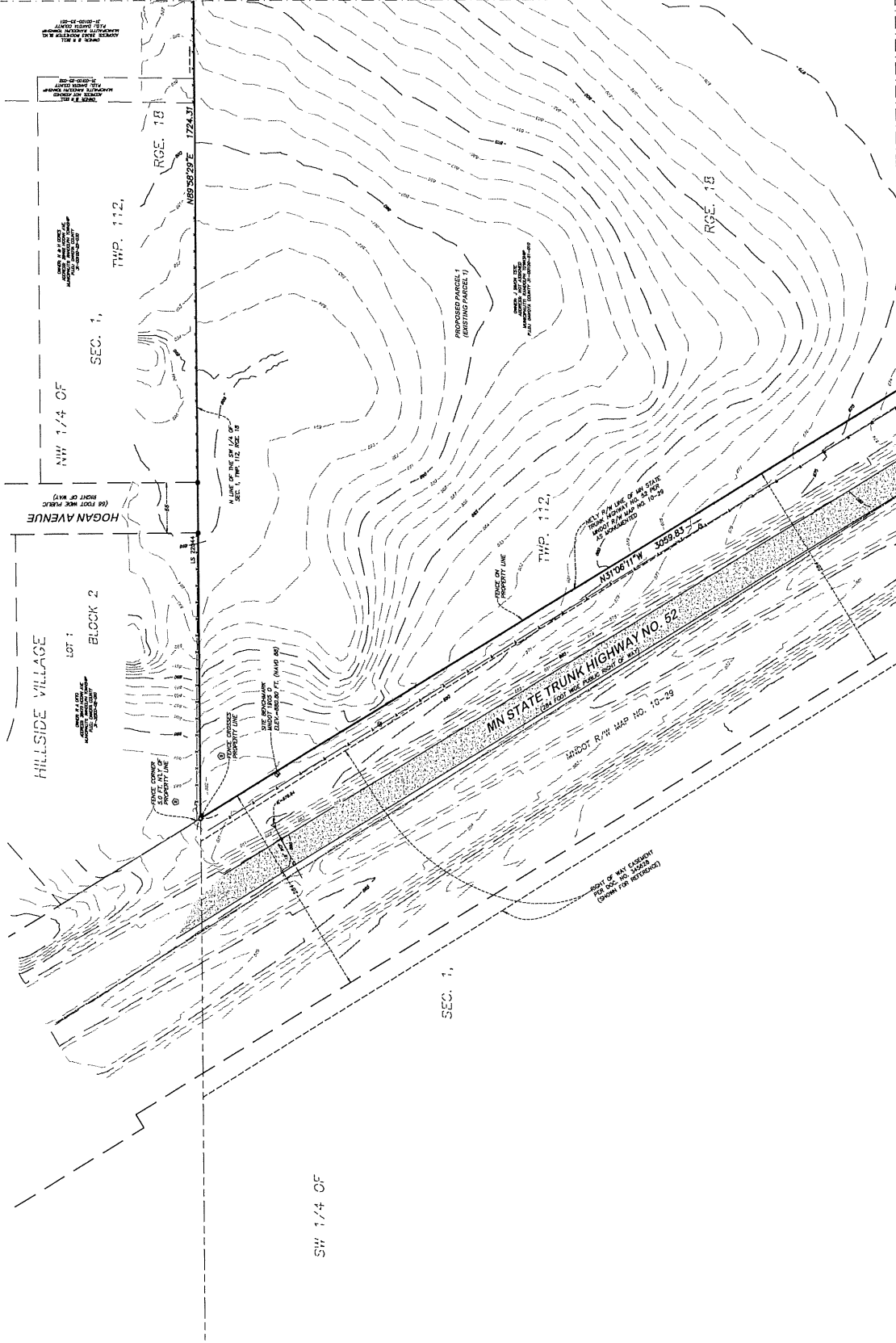
PROPERTY ADDRESS:
28701 Rochester Boulevard
Cannon Falls, Minnesota 55009



475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
WWW.EFNSURVEY.COM

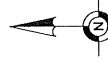
SHEET 2 OF 12

ALTANSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



LEGEND:

- BENCHMARK
- CROWN OF MANHOLE
- △ FLARED END SECTION
- END OF SECTION
- UTILITY POLE
- COMMUNICATION BOX
- FIBER OPTIC BOX
- RETAINING WALL
- WIRE FENCE
- STORM SEWER
- DRAINAGE DITCH
- EXISTING CENTER LINE
- RETAINING SURFACE
- CONCRETE SURFACE
- GRAVEL SURFACE
- ASPHALT SURFACE
- IRON CROSSBOW W/ DATE
- IRON SEAPHORE
- POSSIBLE ENCROACHMENT ITEM



- FOUND CAST IRON MONUMENT
- FOUND CAST IRON MONUMENT
- SET IRON MONUMENT MARKED
- WITH LUGSIDE NUMBER 14005

PROPERTY ADDRESS:
28701 Rochester Boulevard
Cannon Falls, Minnesota 55009

SURVEY FOR:
Kimley - Horn & Associates, Inc.

ALTANSPS
LAND TITLE SURVEY

FIELD BOOK	PAGE	FIELDWORK	NO.	DATE	DESCRIPTION
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CHECKED:			03	25/05/23	AltanSPS comments.
BY:			04	25/05/23	AltanSPS comments.
JOB NO.	42257				
FILE NO.	243				

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Cannon Falls, Minnesota 55601
PHONE: (612) 465-5300
WWW.EFNSURVEY.COM
Egon, Field & Nowak, Inc.
Land surveyors since 1972

FIELD BOOK	PAGE	FIELDWORK	REVISIONS	DATE	DESCRIPTION
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		NO. 100			

FIELD BOOK PAGE FIELDWORK REVISIONS DATE DESCRIPTION
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 NO. 12
 NO. 13
 NO. 14
 NO. 15
 NO. 16
 NO. 17
 NO. 18
 NO. 19
 NO. 20

SURVEY FOR:	PROPERTY ADDRESS:
-------------	-------------------

Kimley - Horn & Associates, Inc.

PROPERTY ADDRESS:

28701 Rochester Boulevard
Cannon Falls, Minnesota 55009

Egon. Field & Nowak, Inc.
 land surveyors since 1872

EFN

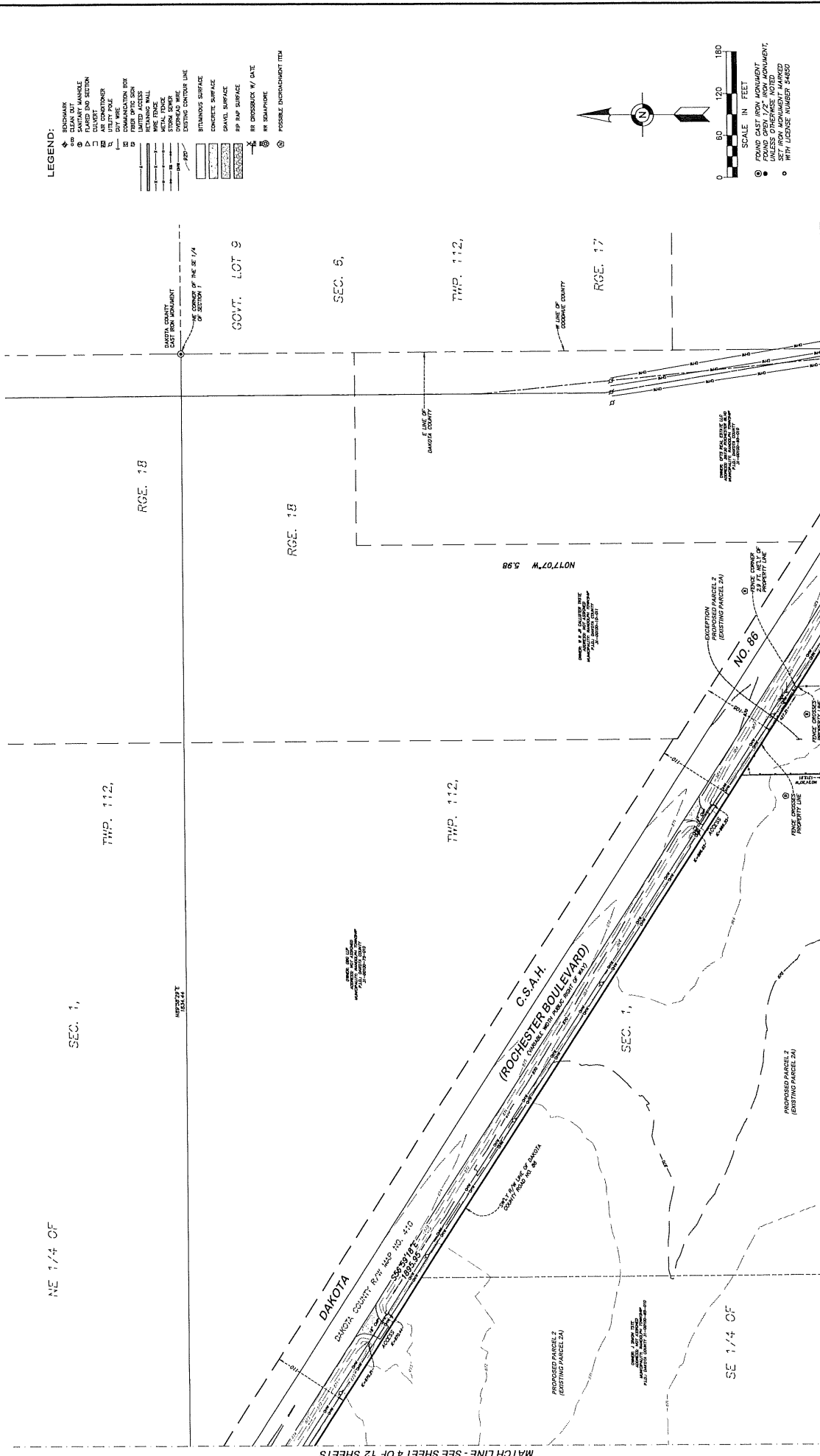
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 New Brighton, Minnesota 55112
 PHONE: (612) 446-3300
 WWW.EFNSURVEY.COM

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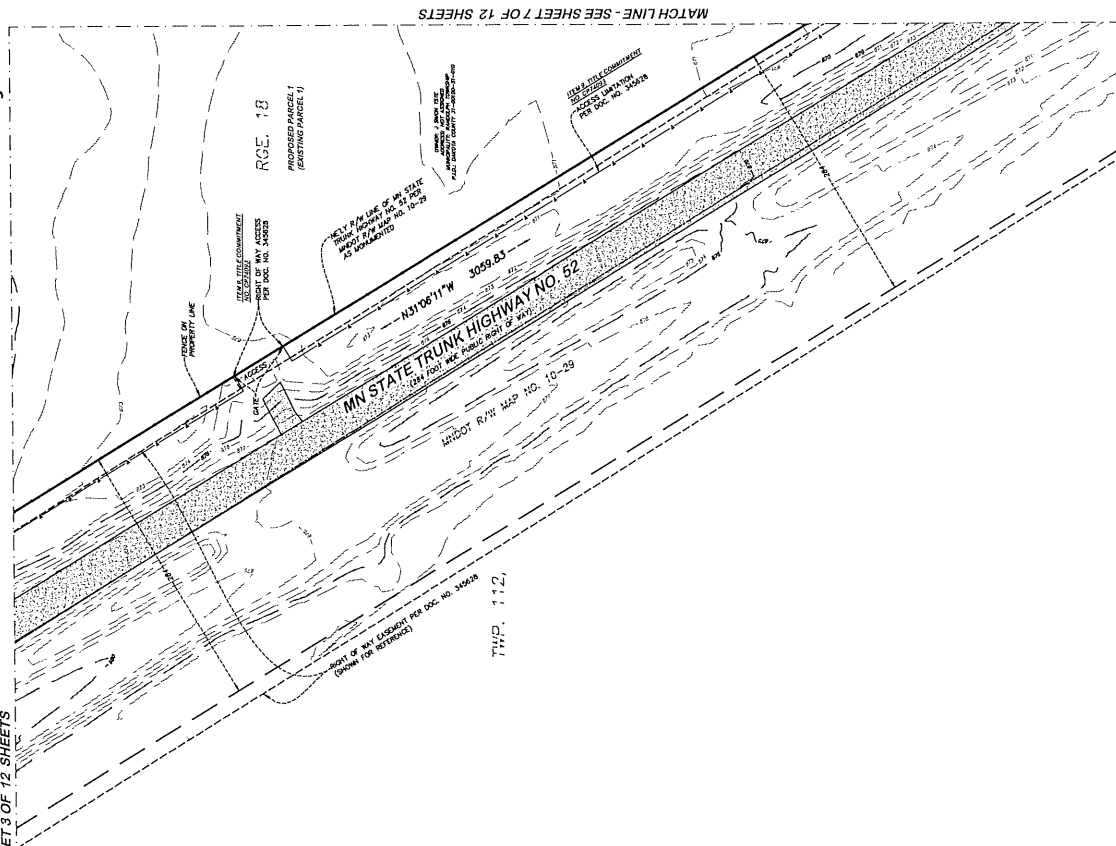
SHEET 4 OF 12

SHEET 4 OF 12

ALTA/NSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.

[illegible]

MATCH LINE - SEE SHEET 3 OF 12 SHEETS



1/4/05

- [illegible]



0 60 120 180
SCALE IN FEET

● FOUND CAST IRON MONUMENT
● FOUND OPEN 1/2" IRON MONUMENT,
UNLESS OTHERWISE NOTED
○ SET IRON MONUMENT MARKED
○ WITH LICENSE NUMBER 54850

FIELD BOOK		PAGE	FIELDWORK	REVIEWS	
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DRAWING NAME:			DRAWN BY:		
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JOB NO. 42253			DATE:	22/05/18	Revised title commitment.
FILE NO. 2143			CHECKED	25/07/07	Revised title commitment.
			DATE:	25/05/18	Attorney comments.
			FILE NO.		

SURVEY FOR:

PROPERTY ADDRESS:

Kimley - Horn & Associates, Inc.

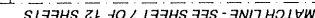
28701 Rochester Boulevard
Cannon Falls, Minnesota 55009



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475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
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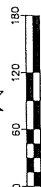
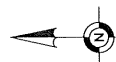
SHEET 6 OF 12

MATCH LINE - SEE SHEET 5 OF 12 SHEETS



LEGEND:

- | | | | |
|-----|-------------------------|----|-------------------------|
| 100 | BENCHMARK | 10 | CLEAN OUT |
| 101 | SANITARY MANHOLE | 11 | CONCRETE SURFACE |
| 102 | SEWER MAIN AND SECTION | 12 | GRAVEL SURFACE |
| 103 | SEWER CLEANOUT | 13 | RIP RAP SURFACE |
| 104 | AIR CONDITIONER | 14 | IRON CROSSBOLT / W/ NUT |
| 105 | UTILITY POLE | 15 | IRON SCRAPPIRE |
| 106 | TELEPHONE | 16 | POSSIBLE INCREMENT ITEM |
| 107 | COMMUNICATION BOX | 17 | |
| 108 | FIBER OPTIC SIGN | 18 | |
| 109 | UNITED ACCESS | 19 | |
| 110 | WIRE FENCE | 20 | |
| 111 | METAL FENCE | 21 | |
| 112 | STEEL FENCE | 22 | |
| 113 | WOOD FENCE | 23 | |
| 114 | EXISTING CONTOUR LINE | 24 | |
| 115 | BITUMINOUS SURFACE | 25 | |
| 116 | CONCRETE SURFACE | 26 | |
| 117 | GRAVEL SURFACE | 27 | |
| 118 | RIP RAP SURFACE | 28 | |
| 119 | IRON CROSSBOLT / W/ NUT | 29 | |
| 120 | IRON SCRAPPIRE | 30 | |
| 121 | POSSIBLE INCREMENT ITEM | 31 | |



SCALE IN FEET

● FOUND CAST IRON MONUMENT
● FOUND OPEN 1/2" IRON MONUMENT,
UNLESS OTHERWISE NOTED
○ SET IRON MONUMENT MARKED
WITH LICENSE NUMBER 548950

FIELD BOOK	PAGE	FIELDWORK DATE	DRAWN BY:	NO.	DATE	DESCRIPTION
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					02/25/06/21 Attorney comments.	
					03/25/07/07 Revised title commitment.	
					04/25/09/05 Attorney comments.	
					CHECKED	
					DATE: _____	
					SIGNATURE: _____	
					JOB NO. 12257	
					FILE NO. 74A3	

ALTA/NSPS
LAND TITLE SURVEY

SURVEY FOR:	PROPERTY ADDRESS:
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Kimley - Horn & Associates, Inc.

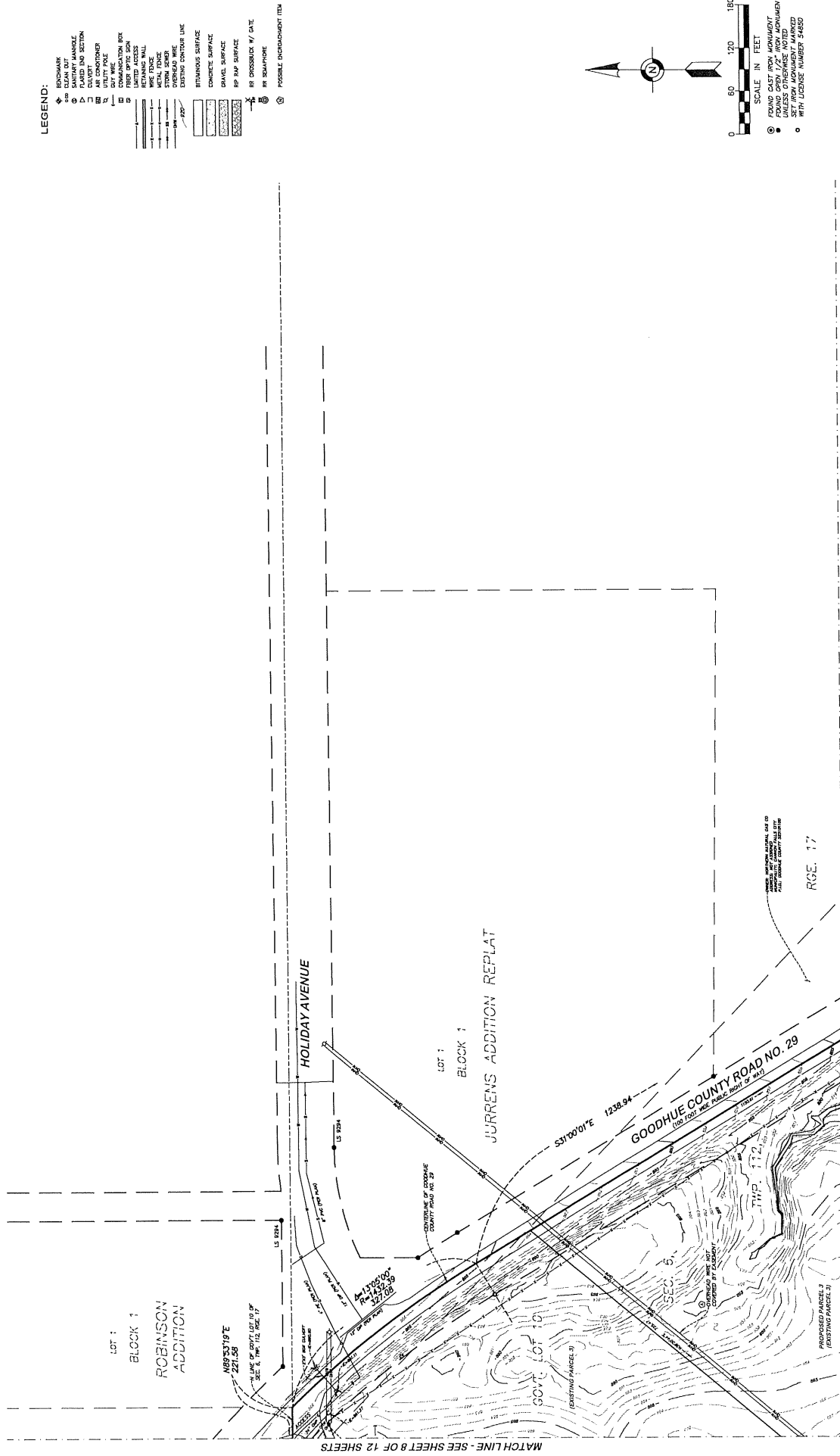
PROPERTY ADDRESS:
28701 Rochester Boulevard
Cannon Falls, Minnesota 55009



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Eagan Field & Nowak, Inc.
475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
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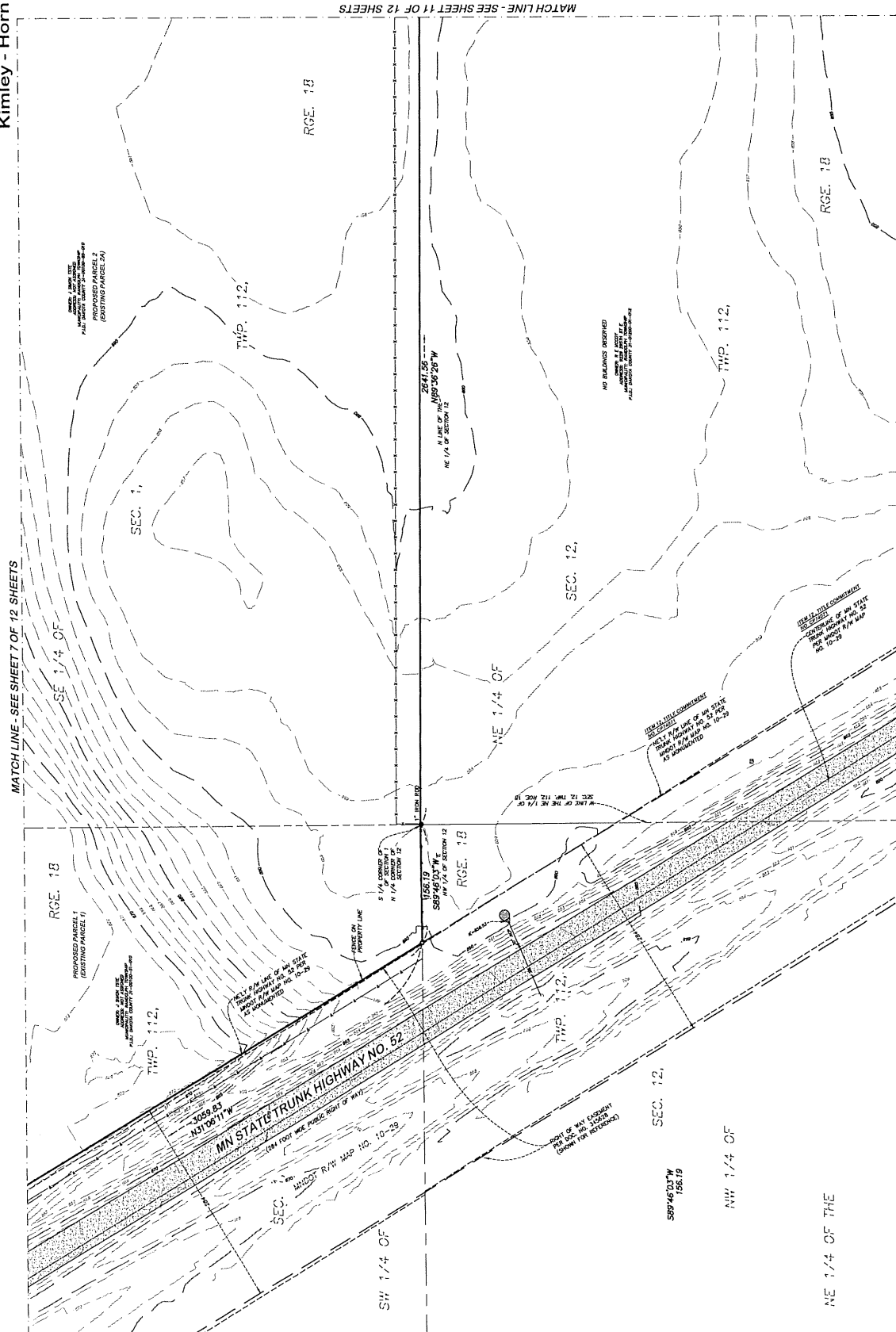
SECRET 800-13

ALTANSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



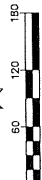
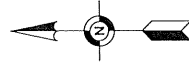
FIELD BOOK		PAGE	FIELDWORK CHIEF:	REVISIONS		SURVEY FOR:		PROPERTY ADDRESS:		475 Old Highway 8 NW, Suite 200 New Brighton, Minnesota 55122 PHONE: (612) 462-3300 WWW.ENSURVEY.COM Egan, Field & Nowak, Inc. LAND SURVEYORS SINCE 1872			
			BY:	NO.	DATE	DESCRIPTION	ALTA/NSPS LAND TITLE SURVEY					Kimley - Horn & Associates, Inc.	28701 Rochester Boulevard Cannon Falls, Minnesota 55009
			DRAWN BY:	01	05/05/15	Revised title commitment.							
				02	05/05/15	Attorney comments.							
				03	05/07/07	Revised title commitment.							
				04	05/09/05	Attorney comments.							
DRAWING NAME:				CHECKED			ALTA/NSPS LAND TITLE SURVEY					Kimley - Horn & Associates, Inc.	28701 Rochester Boulevard Cannon Falls, Minnesota 55009
JOB NO. 47257				BY:									
JOB NO. 47257				FILE NO. 2143									
JOB NO. 47257				FILE NO. 2143									

MATCH LINE - SEE SHEET 7 OF 12 SHEETS



LEGEND:

10. REINFORCE
 11. CLEAN OUT
 12. SANITARY MANHOLE
 13. FLUID DRAIN SECTION
 14. AIR CONDITIONER
 15. UTILITY POLE
 16. COMMUNICATION BOX
 17. FIBER OPTIC SON
 18. LIMITED ACCESS
 19. METAL FENCE
 20. STORM DRAIN
 21. DRAINAGE DITCH
 22. DRAINAGE CONTAINMENT LINE
 23. RETAINMENT SURFACE
 24. CONCRETE SURFACE
 25. GRAVEL SURFACE
 26. RIP RAP SURFACE
 27. SEE CROSSROAD W/ GATE
 28. SEE SCRAPYARD
29. POSSIBLE IMPROVEMENT ITEM



SCALE IN FEET

SURVEY FOR:	PROPERTY ADDRESS:
-------------	-------------------

28701 Rochester Boulevard
Cannon Falls, Minnesota 55009

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Egan, Field & Nowak, Inc.
and survivors since 1972

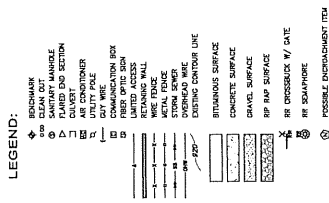
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New Brighton, Minnesota 55112
PHONE: (612) 466-5300
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2017-10-17

FIELD BOOK	PAGE	FIELDWORK	REVISONS		
CHIEF:			NO.	DATE	DESCRIPTION
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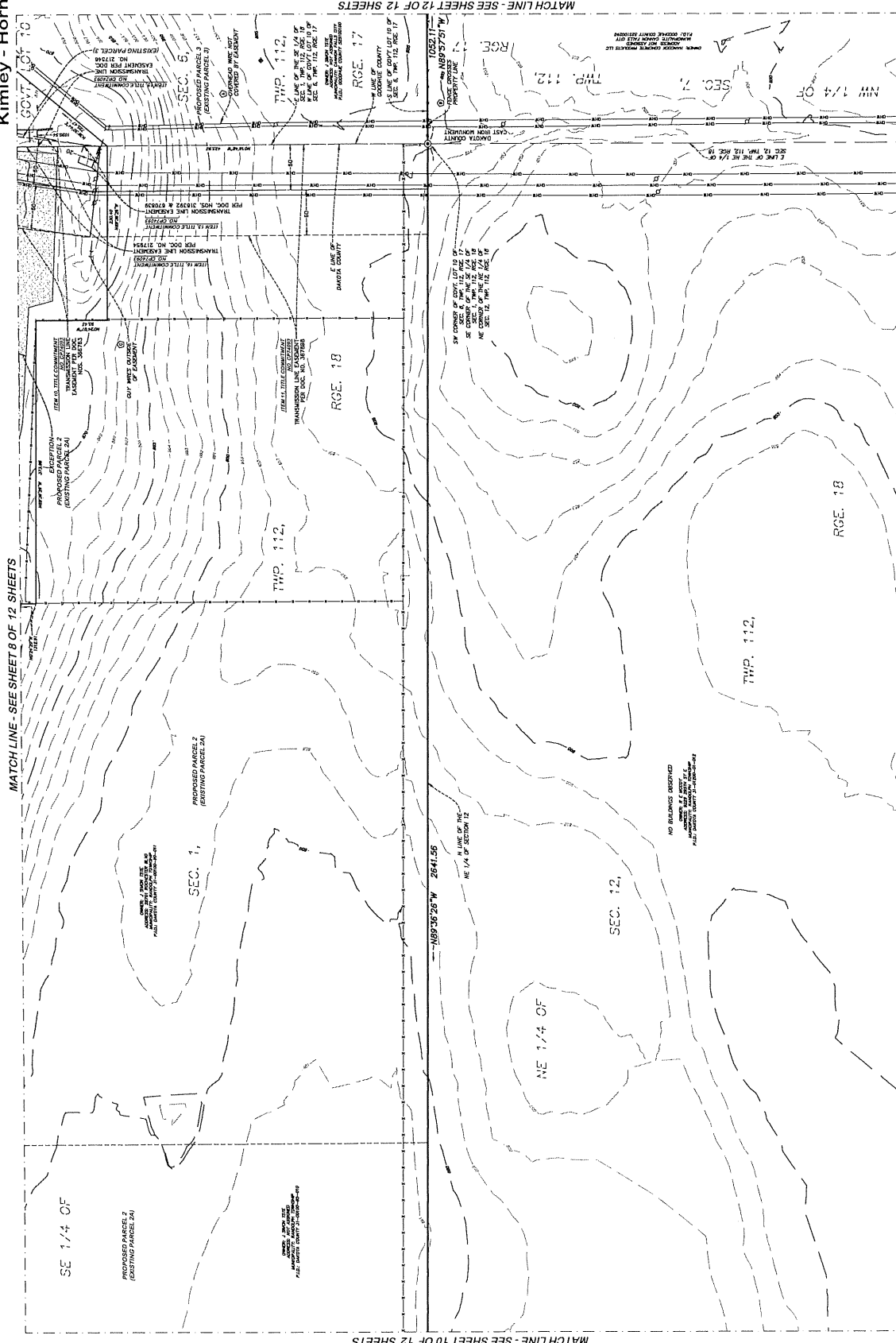
MATCH LINE - SEE SHEET 8 OF 12 SHEETS

GOVT/LOT 10



SCALE IN FEET

● FOUND CAST IRON MONUMENT
● FOUND OPEN 1/2" IRON MONUMENT
● UNLESS OTHERWISE NOTED
● SET IRON MONUMENT MARKED
● WITH LICENSE NUMBER 54850



FIELD BOOK	PAGE	FIELDWORK INFORMATION	REVISIONS
		DATE	DESCRIPTION
		07/26/05/15	Revised title commitment.
		09/28/05/23	Attorney comments.
		01/28/07/07	Revised title commitment.
		04/22/09/09	Attorney comments.
DRAWN BY:			
CHECKED BY:			
FILE NO. 2143			

SURVEY FOR:

Kimley - Horn & Associates, Inc.

PROPERTY ADDRESS:

28701 Rochester Boulevard
Cannon Falls, Minnesota 55009



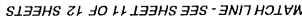
Egan, Field & Nowak, Inc.
Land surveyors since 1872

EFN

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New Brighton, Minnesota 55112
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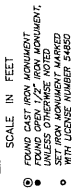
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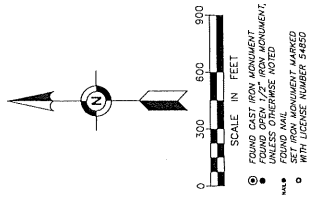
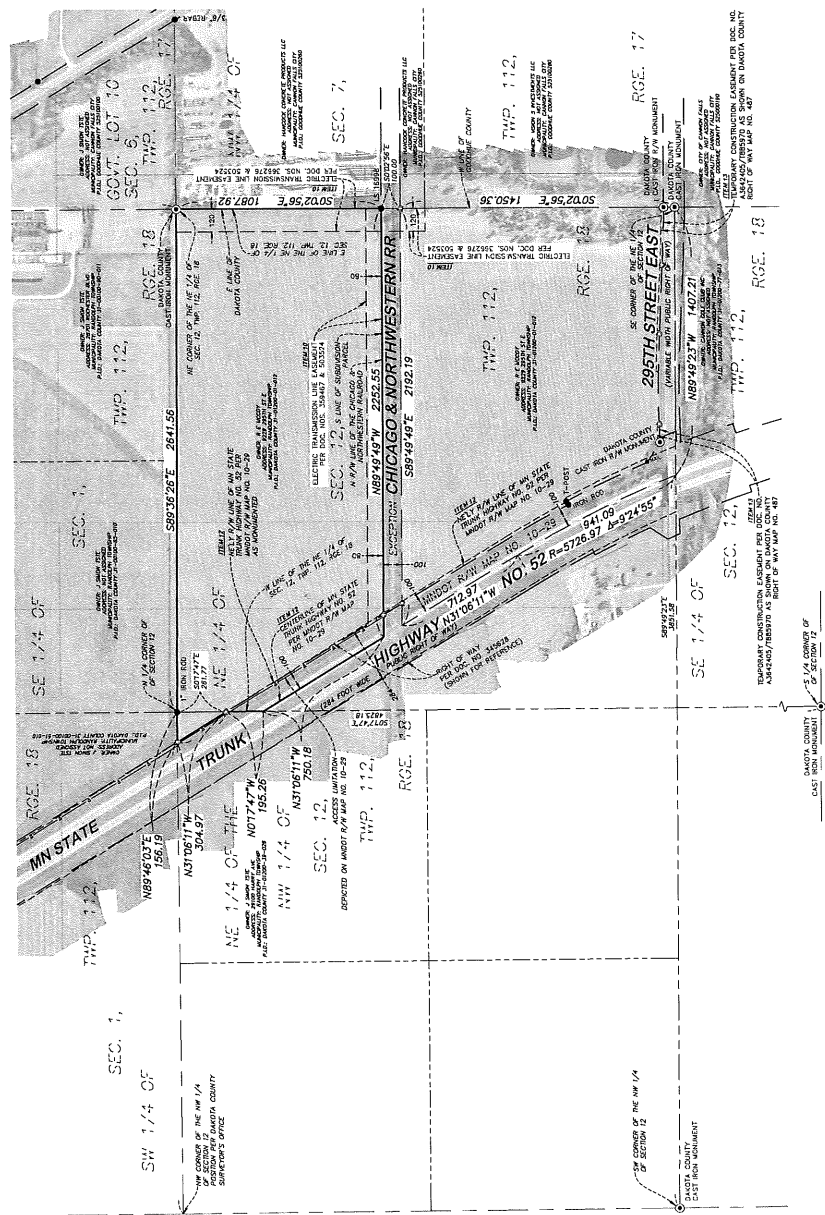


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SHEET 12 OF 12

ALT/NSPS LAND TITLE SURVEY FOR:
Kimley - Horn & Associates, Inc.



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New Brighton, Minnesota 55122
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LAND SURVEYORS SINCE 1872

PROPERTY ADDRESS:
9229 295th Street East
Cannon Falls, Minnesota 55009

SURVEY FOR:
Kimley - Horn & Associates, Inc.

ALT/NSPS
LAND TITLE SURVEY

FIELD BOOK		PAGE		REVISIONS	
NO.	DATE	BY	DESCRIPTION	NO.	DATE
1	12/11/22	Chief	Chief comments	1	12/11/22
2	12/25/23	Chief	Revised title commitment	2	12/25/23
3	01/08/24	Chief	Revised title commitment	3	01/08/24
4	01/08/24	Chief	Revised title commitment	4	01/08/24
5	01/08/24	Chief	Revised title commitment	5	01/08/24
6	01/08/24	Chief	Revised title commitment	6	01/08/24
7	01/08/24	Chief	Revised title commitment	7	01/08/24
8	01/08/24	Chief	Revised title commitment	8	01/08/24
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FILE NO. 2143

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FIELD BOOK	PAGE	FIELDWORK SHEET OF	REVISIONS
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JOB NO. 4257		CHECKED BY:	3 29/07/12 Attorney comments
FILE NO. 2143		SFH	04 22/09/12 Reissue title commitment.

WEY FOR: Kimley - Horn & Associates, Inc.

PROPERTY ADDRESS: 9229 295th Street East
Cannon Falls, Minnesota 55009

E&N
 Egan, Field & Nowak, Inc.
 land surveyors since 1872

475 Old Highway 8 NW, Suite 200
 New Brighton, Minnesota 55122
 Phone: (612) 466-3300
 WWW.EFNSURVEY.COM
 COMPANY ID: 3324 By Egan, Field & Nowak, Inc.

SHEET 4 OF 8

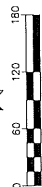
SHEET 4 OF 8

MATCH LINE - SEE SHEET 3 OF 8 SHEETS



MATCH LINE - SEE SHEET 7 OF 8 SHEETS

PAGE 18

[illegible]

SCALE IN FEET

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			2	25/02/09	Revised this comment.
			3	25/07/07	Added this comment.
			4	25/02/03	Revised this comment.
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			FILED		
			JOG NO. 42257		
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SURVEY FOR:

Kimley - Horn & Associates, Inc.

PROPERTY ADDRESS:

9229 295th Street East
Cannon Falls, Minnesota 55009

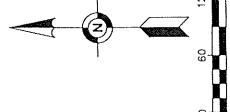


75 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
WWW.EFNSURVEY.COM

Egan, Field & Nowak, Inc.
land surveyors since 1872

SHEET 5 OF 8

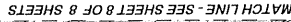
MATCH LINE - SEE SHEET 4 OF 8 SHEETS

[illegible]

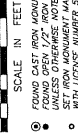
FOUND CAST IRON MONUMENT
FOUND OPEN 1/2" IRON MONUMENT,
UNLESS OTHERWISE NOTED
SET IRON MONUMENT MARKED
WITH LICENSE NUMBER 64850

[illegible]

MATCH LINE - SEE SHEET 5 OF 8 SHEETS



-



REVISIONS

SURVEY FOR:

PROPERTY ADDRESS:

PROPERTY ADDRESS:

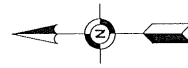


MATCH LINE - SEE SHEET 6 OF 8 SHEETS



LEGEND:

- [illegible]



0 60 120 180
SCALE IN FEET

● FOUND CAST IRON MONUMENT
● FOUND OPEN 1/2" IRON MONUMENT,
UNLESS OTHERWISE NOTED
○ SET IRON MONUMENT MARKED
○ SET LICENSE NUMBER 54850

FIELD BOOK	PAGE	FIELDWORK CHIEF:	REVIEWS			
			NO.	DATE	DESCRIPTION	
DRAWING NAME: 42257, 42258, 42259, 4230 CUM. NO. 42257			DRAWN BY:	1	24/1/73	Client comments.
			CHECKED	2	22/02/93	Review this comment.
			BY:	3	25/01/07	Attended comments.
				4	25/09/78	Revised this comment.

ALTA/NSPS
LAND TITLE SURVEY

SURVEY FOR:
Kimley - Horn & Associates, Inc.

MY ADDRESS:
9229 295th Street East
Cannon Falls, Minnesota 55009

PROPERTY ADDRESS:



Egan, Field & Nowak, Inc.
Good surveyors since 1872

EFN

475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
WWW.EFNSURVEY.COM

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SHEET 8 OF 8

2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Fax: 507.288.2675
Email: rochester@whks.com
Website: www.whks.com



September 3, 2025

Mr. Jon Radermacher
City Administrator
City of Cannon Falls
918 River Road
Cannon Falls, MN 55009

RE: Cannon Falls, MN
Cannon Falls Technology Park
Review of Preliminary Plat

Dear Jon:

We have reviewed the preliminary plat for the referenced project, as requested. We offer the following comments on the submitted plat.

1. Zoning items and development fees that apply to this site should be discussed with the City Administrator.
2. A general development plan has been included in the submittal package.
3. The pre-application meeting requirement per section 151.077 (A) and (B) of the ordinance has been met through a series of meetings.
4. The City has coordinated the preliminary plat review with Goodhue and Dakota Counties. Their review comments, when received, will need to be incorporated into the final plat and plan submittals.
5. In the Property Summary table on Sheet C2.0, the acreage shown for Lot 1, Lot 2, and right-of-way exceed the existing acreage shown in the table. Outlot A needs to be accounted for and included in the table.
6. Buffers, setbacks, and buildable acreage for both Lots were not shown on the preliminary plat but this information was included in the overall submittal and satisfies the submittal requirements.
7. On the call-out for Outlot A (Sheet C.02), delete "proposed". Use a larger font similar to that used for Lots 1 and 2.
8. A *Landscape and Screening Plan* (151.076(H)(5)) will be required for the final plat and plan submittal.
9. The *Preliminary Grading, Drainage, and Erosion Control Plan* (151.076(E)) and the *Preliminary Utility Plan* (151.076(F)) have been submitted under a separate plan set. Preliminary review comments have previously been provided and have been addressed.

10. The *Phasing Plan* (151.076(H)(2)) is described in the separate Narrative document.

We recommend approval of the preliminary plat conditional upon the above items being addressed.

Please contact us if you have any questions.

Sincerely,

WHKS & co.



William Angerman, P.E.
Cannon Falls Consulting City Engineer

Cc: Izzy Carlson, City of Cannon Falls
Jed Petersen, City of Cannon Falls
Trish Sieh, Kimley-Horn and Associates, Inc
Kristin Dean, Tract
Jess Greenwood, Goodhue County
Todd Tollefson, Dakota County
Kurt Wayne, MnDOT
Cameron Muhic, MnDOT



Dakota County Surveyor's Office

Western Service Center • 14955 Galaxie Avenue • Apple Valley, MN 55124
952.891-7087 • Fax 952.891-7127 • www.co.dakota.mn.us

September 11, 2025

Randolph Township
PO Box 87
Randolph, MN 55065

Re: **CANNON FALLS TECHNOLOGY PARK**

The Dakota County Plat Commission met on September 10, 2025, to consider the preliminary plat of the above referenced plat. The plat is adjacent to CSAH 86 (Rochester Blvd.) and is therefore subject to the Dakota County Contiguous Plat Ordinance.

The proposed site includes two lots for light industrial use, which includes property in both Dakota and Goodhue Counties. The right-of-way guidelines for a two-lane rural roadway are 55 feet of half right of way. The access spacing guidelines are ¼ mile for full access locations that would allow one full access for this site along CSAH 86 in Dakota County. The proposed site includes one full access on the northern portion of the property with one emergency access location on southern portion along CSAH 86 in Dakota County. In addition, there is a proposed access along the county road in Goodhue County. As noted, access to Outlot A should include an internal access to the full access rather than direct access to CSAH 86.

As discussed, the proposed property (currently located in Randolph Township) in Dakota County is going through an annexation to the city of Cannon Falls. The city is expected to have the final annexation completed in the next 30 days.

County Transportation staff stated that a TIA (Traffic Impact Study) may be required for the assessment of the construction traffic for a future data center site.

Restricted access should be shown along all of CSAH 86 in Dakota County except the access opening on north. The emergency access will be allowed with a conditional use permit. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars

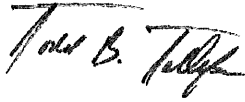
The Plat Commission has approved the preliminary plat provided that the described conditions are met. The Ordinance requires submittal of a final plat for review by the Plat Commission before a recommendation is made to the County Board of Commissioners.

Traffic volumes on CSAH 86 are 2,400 ADT and are anticipated to be 2,600 ADT by the year 2040.

No work shall commence in the County right of way until a permit is obtained from the County Transportation Department and no permit will be issued until the plat has been filed with the County Recorder's Office. The Plat Commission does not review or approve the actual engineering design of proposed accesses or other improvements to be made in the right of way. Nothing herein is intended to restrict or limit Dakota County's rights with regards to Dakota County rights of way or property. The Plat Commission highly recommends early contact with the Transportation Department to discuss the permitting process which reviews the design and may require construction of highway improvements, including, but not limited to, turn lanes, drainage features, limitations on intersecting street widths,

medians, etc. Please contact TJ Bentley regarding permitting questions at (952) 891-7115 or Todd Tollefson regarding Plat Commission or Plat Ordinance questions at (952) 891-7070.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd B. Tollefson". The signature is stylized with a large, sweeping initial "T" and a cursive "B".

Todd B. Tollefson
Secretary, Plat Commission

c: Bill Angerman (WHKS)



CANNON FALLS Since 1876
BEACON

Printer's AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

9/8 TRACT Notice

City of Cannon Falls

Jean Hoeft, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Cannon Falls Beacon, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, or 331A.07, and other applicable laws, as amended.

(B) The printed Notice, which is attached, was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive issue(s); it was published on:

Thursday, August 28, 2025

Printed below is a copy of the lowercase alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: _____

Title: Customer Service Representative

Subscribed and sworn to before me on this 28th day of August, 2025.

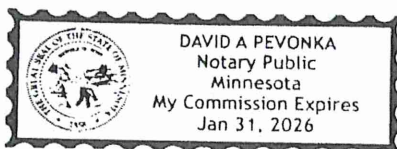
Notary Public: _____

Printed Name: _____

David A. Pevonka

My Commission Expires: _____

Jan 31, 2026



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota, will meet at 6:30 p.m. in the City Council Chambers of City Hall, on September 8th, 2025, to hold five public hearings related to a development application submitted by Kimley-Horn, on behalf of MNLCO Dakota County Two, LLC, and MNLCO Dakota County Three, LLC (collectively "Tract"). They are submitting following land use applications, concurrently, for an approximately 253 acre site ("Property") located just east of U.S. Route 52, southwest of Rochester Blvd/County 29 Blvd, and north of the CHI and Northwestern Railroad in Randolph Township, Minnesota (Dakota County) and Cannon Falls ("City"), Minnesota (Goodhue County) to facilitate the development of a master planned data center campus to be known as "Cannon Falls Technology Park" (the "Project"). The majority of the Property is located in Randolph Township ("Township") but will be annexed into the City pursuant to the joint resolution adopted by the City and Township on August 19, 2025.

The following public hearings will be conducted:

1. Rezoning from Urban Reserve to I-2, General Industrial Zoning District ("I-2"). Urban Reserve is the zoning that is now applied to the property subject to the Annexation approved by City Council on August 19, 2025.
2. Conditional Use Permit for Data Centers, Data Center Substations, and accessory uses and as identified under the Section 152.02 and Section 152.688(M) of the Cannon Falls Municipal Code ("Code") and a CUP to allow for an increase in building height.
3. Conditional Use Permit: Planned Unit Development.
4. Variances to certain provisions of the Final Plan Stage under Section 152.153(J)d to defer submission of final architectural drawings until the Site plan review stage for each phase of development, to defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase, and to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.
5. Preliminary Plat to create two developable lots as well as an outlot that will be dedicated to the City for the construction of a water storage tower, and to facilitate the preliminary design and construction of off-site water and waste water utilities needed to serve the site.

Legal Description:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 28 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.38 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1362.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning.

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

More detailed information relating to the application 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.

Izzy Carlson
License and Permit Technician
507-263-9308
(Aug. 28, 2025) 271901

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota, will meet at 6:30 p.m. in the City Council Chambers of City Hall, on September 8th, 2025, to hold five public hearings related to a development application submitted by Kimley-Horn, on behalf of MNLCO Dakota County Two, LLC, and MNLCO Dakota County Three, LLC (collectively "Tract"). They are submitting following land use applications, concurrently, for an approximately 253 acre site ("Property") located just east of U.S. Route 52, southwest of Rochester Blvd/County 29 Blvd, and north of the CHI and Northwestern Railroad in Randolph Township, Minnesota (Dakota County) and Cannon Falls ("City"), Minnesota (Goodhue County) to facilitate the development of a master planned data center campus to be known as "Cannon Falls Technology Park" (the "Project"). The majority of the Property is located in Randolph Township ("Township") but will be annexed into the City pursuant to the joint resolution adopted by the City and Township on August 19, 2025.

The following public hearings will be conducted:

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2. Conditional Use Permit for Data Centers, Data Center Substations, and accessory uses and as identified under the Section 152.02 and Section 152.688(M) of the Cannon Falls Municipal Code ("Code") and a CUP to allow for an increase in building height.
3. Conditional Use Permit: Planned Unit Development.
4. Variances to certain provisions of the Final Plan Stage under Section 152.153(J)d to defer submission of final architectural drawings until the Site plan review stage for each phase of development, to defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase, and to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.
5. Preliminary Plat to create two developable lots as well as an outlot that will be dedicated to the City for the construction of a water storage tower, and to facilitate the preliminary design and construction of off-site water and waste water utilities needed to serve the site.

Legal Description:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence

southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

More detailed information relating to the application 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.

Izzy Carlson
License and Permit Technician

507-263-9308

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

PLANNING COMMISSION 2025-11

PRELIMINARY PLAT FOR CANNON FALLS TECHNOLOGY PARK

WHEREAS, Tract (“Applicant”) intends to develop a parcel or parcels of land lying within the City and legally described on the attached Exhibit A (the “Property”); and,

WHEREAS, the Planning Commission conducted a hearing on September 8th, 2025 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the granting of the Preliminary Plat is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, in conformance with the City of Cannon Falls Comprehensive Plan; and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission; and,

WHEREAS, The Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the application for a Preliminary Plat, upon the following conditions, be approved.

1. In the Property Summary table on Sheet C2.0 of the Preliminary Plat, the acreage shown for Lot 1, Lot 2, and right-of-way exceed the existing acreage shown in the table. Outlot A needs to be accounted for and included in the table.
2. On the call-out for Outlot A (Sheet C.02), delete “proposed”. Use a larger font similar to that used for Lots 1 and 2.
3. A Landscape and Screening Plan (151.076(H)(5)) will be required for the final plat and plan submittal.
4. Restricted access should be shown along all of CSAH 86 in Dakota County except the access opening on north. The emergency access will be allowed with a conditional use permit. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.
5. No work shall commence in the County right of way until a permit is obtained from the County Transportation Department and no permit will be issued until the plat has been filed with the County Recorder’s Office.
6. TIA (Traffic Impact Study) may be required for the assessment of the construction traffic for a future data center site.
7. Access to Outlot A should include an internal access to the full access rather than direct access to CSAH 86.

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 hereby recommends adoption by the City Council that the Preliminary Plat be approved.

ADOPTED by the Planning Commission of Cannon Falls this 13th day of October, 2025.

CITY OF CANNON FALLS

Diane Johnson, Planning Commission Chair

ATTEST: _____
Jon Radermacher, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Parcel 1:

That part of the Southwest Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying east of the easterly right of way line of Trunk Highway No. 52.

TOGETHER WITH

Parcel 2:

That part of the Southeast Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying south of County Road No. 86.

EXCEPTING

That part of the above described property being described as:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning
Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of the following described property:

That part of Government Lot 10 in Section 6, Township 112 North, Range 17 West in Goodhue County and State of Minnesota lying West of the centerline of Old Highway 52, and more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 10; running thence South 20 chains to the Southwest corner of said Lot 10; thence East 22 chains and 50 links to St. Paul Road; thence North 46 degrees West 29 chains to the North line of said Lot 10; thence West 1 chain and 50 links to place of beginning, excepting therefrom the following:

Beginning at a point on the South line of said Government Lot 10, 22 chains and 50 links East of the Southwest corner thereof on the Westerly line of St. Paul Road; thence North 46 degrees West along said line for 18.6 chains to center line of former State Highway 52; thence Southeasterly along said center line for 11.4 chains, more or less, to the South line of Government Lot 10; thence East along said South line 7.3 chains, more or less, to place of beginning.

Being described as:

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

Goodhue County, Minnesota
Abstract Property

TO: CANNON FALLS PLANNING COMMISSION
FROM: IZZY CARLSON, LICENSE AND PERMIT TECHNICIAN
SUBJECT: TRACT - DEVELOPMENT AGREEMENT
DATE: OCTOBER 13, 2025

BACKGROUND

The draft Development Agreement between Tract and the City of Cannon Falls is attached for your review. No action is required on this item; rather it is meant to be informative and allow for the Planning Commission to ask questions on the agreement.

The following exhibits are enclosed to further describe the proposal:

1. Development Agreement

NO REQUESTED PLANNING COMMISSION ACTION

DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT (the "Agreement") dated this ____ of _____, 20____ ("Effective Date") by and between the City of Cannon Falls, a Minnesota municipal corporation ("City") and [MNLCO Dakota County Two, LLC, a Delaware Limited Liability Company, and/or MNLCO Dakota County Three, LLC a Delaware Limited Liability Company] (collectively "Developer"). The City and Developer are each a "Party" and collectively, the "Parties."

1. **Request for Conditional Use Permit and Planned Unit Development Approval.** The Developer has asked the City to approve a Cannon Falls Technology Park Planned Unit Development (via CUP) with variances, preliminary plat, and Conditional Use Permits for a Data Center and Data Center Substation (collectively, the "Project") (collectively, the "Land Use Approvals"), approved by the Cannon Falls City Council on _____, 2025. The land is situated in the City of Cannon Falls, Counties of Goodhue and Dakota, State of Minnesota, and is legally described on the attached Exhibit A (the "Property").
2. **Conditions of Approval.** The City hereby approves the Project on the conditions that:
 - a) The Developer enters into this Agreement; and
 - b) The Developer provides the necessary Escrow (as defined herein) upon acceptance of Final Bid (as defined herein) in accordance with the terms of this Agreement, including Section 19 and Section 20 below; and
 - c) The Developer satisfies the Development Fees, as described hereafter, in accordance with the terms of this Agreement; and
 - d) The Developer pays the Capital Improvement Charges required by Section 10(b) and Section 10(c) of this Agreement; and
 - e) All Plans (as defined herein) must be reviewed and approved by the engineering department prior to commencement of construction; and
 - f) The Developer will enter into a SIU (as defined herein) with the City, if applicable, pursuant to Section 10(g) below; and
 - g) Outlot A as shown on the preliminary and Final Plat shall be conveyed to the City by warranty deed for water storage purposes as set forth herein. The deed shall be recorded with Dakota County Recorder with the Final Plat mylars; and
 - h) The Developer records the conditional use permits and planned unit development approvals with the County Recorder or Registrar of Titles within the time limits imposed by applicable Minnesota law.
3. **Final Plat Requirements.** This Agreement serves as the development contract under Cannon Falls City Code ("City Code") section 151.090(E), governing the Final Plat of _____, Counties of Goodhue and Dakota, State of Minnesota ("Final Plat"), once approved by the City.

4. **Right to Proceed.** Within the Project, the Developer may not grade or otherwise disturb the earth or remove trees, unless a grading permit has been authorized in writing by the City Engineer following approval of a Final Plat by the City Council. The construction of sewer lines, water lines, streets, utilities, public or private improvements or any building shall not commence until all of the following conditions have been satisfied:
- a) This Agreement has been fully executed by both parties and submitted for recording with the Records' Offices of Goodhue County and Dakota County; and
 - b) The necessary Escrow has been received by the City; and
 - c) The necessary insurance for the Developer and its construction contractors has been received by the City; and
 - d) The Final Plat has been submitted for recording with the Dakota County and Goodhue County Recorder's Offices; and
 - e) A deed shall be provided for Outlot A and be submitted for recording with the Final Plat mylars; and
 - f) The Developer has granted the City an easement over the Property to access Outlot A on terms agreed to by the Developer and City and otherwise in accordance with and as contemplated in Section 7(j) below; and
 - g) A copy of permits required for construction, grading, or other work, if applicable, have been provided to the City; and
 - h) The City Clerk or Engineer has issued a Notice to Proceed stating that all conditions have been satisfied and that the Developer may proceed, which shall be promptly delivered to the Developer upon satisfaction of the conditions.
5. **Changes in Official Controls.** For eight (8) years from the Effective Date of this Agreement, no amendments to the Comprehensive Plan or official controls shall apply to or affect the use, development density, lot size, lot layout or dedications or platting required or permitted by the approved CUP and PUD unless required by State or Federal law or agreed to in writing by the Parties. Thereafter, notwithstanding anything in this Agreement to the contrary, to the full extent permitted by City, State, and Federal law, the City may require compliance with any applicable amendments to the City's official controls or Comprehensive Plan including, without limitation, any applicable official controls, platting or dedication requirements therein, enacted after the Effective Date. Notwithstanding the foregoing or anything to the contrary herein, and notwithstanding any such subsequent amendments, the Parties agree that upon commencement of the Sewer/Water Improvements or grading to the Property under this Agreement, the Developer's rights under the PUD and this Agreement, including but not limited to, land use, building area, design standards, shall vest with respect to the entirety of the Property. The City and Developer recognize and agree that due to the phased nature of the Project, the entire Property shall be a single use under Minnesota law and any non-use of any portion of the Property shall not constitute a discontinuance of any portion of the Project. This provision shall survive the expiration of this Agreement. Nothing in this Agreement shall be construed as limiting or restricting the use of the Property for agricultural purposes as a lawfully conforming use.
6. **Construction Start.** The Parties agree and acknowledge that pursuant to the City Council action to vary City Code Section 152.153(I)(5), construction of the Sewer/Water Improvements (defined below), must commence within two (2) years of the City's site plan approval for all or any portion of the Property but in no later than four (4) years from annexation of the Property into the City and shall satisfy the obligation to commence construction as defined under the City Code.
7. **Required Public Improvements.** The City and Developer shall coordinate for the design and construction of the following public improvements (collectively, the "Public Improvements") in accordance with the requirements described below and according to the schedule, design, construction, and cost details described in Exhibits B-2, B-3, B-4, B-5, B-6, and B-7 and as generally described and depicted on Exhibit B. The Parties acknowledge and agree that the scope, design and plans for the Public Improvements set forth in the Final PUD Plan Set are preliminary and the final scope, design and plans for the Public Improvements shall be set forth in final public construction plans and drawings for such Public Improvements to be approved by the City (the "Construction Plans").
- a) **Water.** Developer shall design and City shall construct, at Developer's cost and expense pursuant to Section 19 and Section 20, a watermain extension along County 29 Blvd/Rochester Blvd to the northeast corner of the Property, including a connection to the Holiday Avenue stub for system redundancy in accordance with the Construction Plans (the "Watermain").

- b) **Sanitary.** Developer shall design and City shall construct, at Developer's cost and expense pursuant to Section 19 and Section 20, sewer main extensions along County 29 Blvd and Rochester Blvd from the Highway 20 intersection in accordance with the Construction Plans (the "Sewer Main").
- c) **Municipal Storage Tank.** Developer shall dedicate an approximately 250' x 250' Outlot A for the future construction of a municipal water storage tank ("Water Storage") in the approximate location shown on the preliminary plat, the final location of which shall be shown on the Final Plat pursuant to Section 14(a) below. The City will commence design and construction of the Water Storage at the time of Final Plat approval.
- d) **Looped Water Main.** The Developer shall design and construct, at the Developer's cost and expense, a looped water main on the Property (the "Looped Water Main"), subject to the City Engineer's approval. The Looped Water Main shall be constructed in accordance with Plans (defined below) approved by the City Engineer and must be completed prior to the issuance of the temporary certificate of occupancy for the first building within the Project.
- e) **Turn Lanes.** The Developer shall design and construct, at Developer's cost and expense, any turn lanes warranted by an approved traffic study at the site access points on Dakota County Road 86 and Goodhue County Road 29 (collectively, "Turn Lanes") in accordance with a design approved by the Dakota and Goodhue County Engineers and the City Engineer. The Turn Lanes must be completed either (i) prior to the issuance of the temporary certificate of occupancy for the first building, or (ii) if required by Dakota County or Goodhue County, prior to the start of vertical construction for the first building to accommodate construction traffic or when warranted by a supplemental construction traffic impact study..
- f) **Ownership of Public Improvements.** Upon the completion of the Public Improvements constructed by Developer and written acceptance by the City Engineer, the Public Improvements lying within City easements (i.e., looped watermain) and Outlot A (i.e., Water Storage and associated infrastructure) shall become City property.
- g) **4th Street Improvements.** City shall design and construct, at City's cost and expense, a 15-inch gravity sewer in 4th Street, to be constructed by January 1, 2030.
- h) **Lift Station Upgrades.** If Developer determines that it will exceed 700 gpm of peak hourly discharge including domestic and industrial wastewater from the Property into the municipal sanitary system, but not greater than 1800 gpm, then upon notice from Developer, City shall design and construct, at Developer's cost and expense, the necessary pumps and associated infrastructure, to be agreed upon by Developer and City, within the lift station to increase the allowable peak hourly discharge from the Property.
- i) **Designs/Permits.** The Public Improvements shall be installed in accordance with all applicable laws, City standards, engineering guidelines, ordinances and Construction Plans, which have been or will be prepared by a competent licensed professional engineer. Except for the Turn Lanes, the City shall be responsible for submitting all necessary permits from MnDOT and Dakota and Goodhue Counties and other agencies before proceeding with construction of the Public Improvements.
- j) **Off-Site Rights-of-Way/Easements.** The City shall be responsible for acquiring any public rights-of-way (ROWs), property interests, or easements necessary for the Developer or City to construct, and for the City to own, maintain, repair, and operate, any Public Improvements (collectively, the "Required Offsite Easements"), which such Required Offsite Easements are depicted in Exhibit B-1. Developer shall reimburse the City for its actual, third-party costs and expenses incurred in connection with such acquisition of such Required Offsite Easements, not to exceed \$150,000.00 without the express prior written consent of Developer, not to be unreasonably withheld, conditioned or delayed ("Easement Costs"), in accordance with Section 19 and Section 20 below.
- k) **On-Site Rights-of-Way/Easements.** All onsite ROWs or easements required for the City to construct or maintain Public Improvements shall be located and structured on terms reasonably acceptable to both the City and Developer. Developer shall grant the City access to and all necessary easements over the Property to construct and maintain the

Water Storage and Looped Water Main, which shall be located and structured on terms reasonably acceptable to both the City and Developer. Additionally, the City shall grant Developer and/or utility providers any necessary power easements on City-owned ROWs or property to support the transmission and delivery of power to the Project, including the construction and maintenance of related facilities, subject to mutually agreeable terms and locations.

- i) **Developer Remedies.** If City fails to timely complete any Public Improvements by the deadlines in Exhibits B-1, B-2, B-3, B-4, B-6, and B-7 in addition to any other rights/remedies under this Agreement, Developer may elect one or more of the following, at City's cost/expense and City shall reimburse Developer's actual, reasonable, documented costs for same: i) Developer may perform such work; or ii) the City shall coordinate with Developer to provide, temporary alternative infrastructure.
8. **Private Improvements.** The Parties agree and acknowledge that all other improvements constructed on the Property shall be considered private improvements (collectively, the "Private Improvements"). The Private Improvements will be permitted and constructed in accordance with the Site Plan Review.

Notwithstanding any other provisions of this Agreement, prior to approval of any Phase (as defined in Section 10 below), subject to the review and approval of the City Engineer of a grading permit application or a Final Grading Plan, the Developer may conduct preliminary grading, construct private roads to make the Property accessible and preliminary utility work to make the Property construction-ready ("Preliminary Work"). Prior to authorization for Preliminary Work and/or grading, the Developer shall submit to the City grading plans, SWPPP plans, and all applicable fees. Additionally, an MPCA Construction Storm Water Permit must be issued. Additional rough grading may be allowed upon obtaining written authorization from the City Engineer.

9. Water/Wastewater Commitment

- a) **Allocation.** The City acknowledges that the provision of adequate amounts of potable water and sewer services is essential for the Project's development and operation. The City will provide water and sewer services to Developer for use at the Property, in accordance with the table below by the applicable Delivery Date set forth below (the "Water Allocation"):

Allocation Phase	Water Capacity (Peak Day)	Annual Municipal Water Appropriations	Sewer Capacity (Maximum Wet Weather)	Average Wet Weather Sewer Discharge	Delivery Date
Phase 1	165,000 gallons per day (GPD)	10 million gallons per year (MGY)	85,000 gallons per day (GPD)	10,000 gallons per day (GPD)	August 19, 2029
Phase 2	500,000 gallons per day (GPD)	20 million gallons per year (MGY)	255,000 gallons per day (GPD)	23,000 gallons per day (GPD)	April 1, 2031
Phase 3	820,000 gallons per day (GPD)	35 million gallons per year (MGY)	425,000 gallons per day (GPD)	35,000 gallons per day (GPD)	April 1, 2033
Phase 4	1.35 million gallons per day (MGD)	43 million gallons per year (MGY)	600,000 gallons per day (GPD)	50,000 gallons per day (GPD)	April 1, 2035

- b) In exchange for receiving the sewer allocations ("Sewer Capacity") set forth above in paragraph 10(a), Developer agrees to pay the City the Sewer Capital Improvement Charge set forth on Exhibit D attached hereto.
- c) In exchange for receiving the Water Allocations set forth above in paragraph 10(a), Developer agrees to pay the City a Water Capital Improvement Charge in the amount of \$5,000,000.00 due and payable in full at the time of issuance of a building permit for vertical construction of the first building within the Project. The Water Capital Improvement Charge shall be paid prior to the issuance of a building permit.
- d) The City shall provide the Phase 1 Allocation Phase by the applicable Delivery Date set forth above. The City shall provide the Phase 2, Phase 3 and Phase 4 Allocation Phases for each of Water Capacity, Annual Municipal Water

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Appropriations, Sewer Capacity and Average Wet Weather Discharge if and when Developer determines, and delivers the City written notice, together with written documentation and evidence, that the amount of Water Capacity, Annual Municipal Water Appropriations, Sewer Capacity or Average Wet Weather Discharge, as applicable, used by any portions of the Project for which the City has issued a temporary or permanent certificate of occupancy, plus the Water Capacity, Annual Municipal Water Appropriations, Sewer Capacity or Average Wet Weather Discharge, as applicable, anticipated to be used by any future portions or phases of the Project, exceeds the preceding Allocation Phase (whether Phase 1, Phase 2 or Phase 3, as applicable) with respect to Water Capacity, Annual Municipal Water Appropriations, Sewer Capacity or Average Wet Weather Discharge, as applicable, but no earlier than the applicable Delivery Date for such Allocation Phase.

- e) **Option for Additional Allocation.** If the Developer determines that the Project needs more Water Capacity, Annual Municipal Water Appropriations, Sewer Capacity or Average Wet Weather Discharge than the Water Allocation ("Excess Capacity"), the Developer may notify the City in writing with supporting evidence. Both parties will then work together in good faith to negotiate a written amendment addressing the reservation, provision, and use of such Excess Capacity, including the necessary design, construction, and responsibilities involved.
- f) **Failure to Use Allocations for Sewer and Water Services.** If the Developer fails to apply for a building permit for a data center building located on the Property on or before the Effective Date's eight-year anniversary, the City may subsequently reduce the Water Allocation by providing the Developer written notice of the City's intent to reduce the Water Allocation at least 180 days before the reduction goes into effect. If, on or before the date the Water Allocation reduction goes into effect, the Developer applies for such building permit, then the reduction shall terminate and be of no force or effect.
- g) **Significant Industrial User ("SIU") Agreement.** The Developer agrees to enter into a SIU with the City, if applicable, governing the discharge of wastewater from the Property successor owner, developer or assignee of any portion of the Property.
- 10. **Phased Development.** Excluding the Public Improvements, the Developer may develop the Project and, specifically, any Private Improvements including, without limitation, any buildings within the Project, in multiple phases (each a "Phase," collectively "Phases"). Each Phase of development shall be subject to a Site and Building Plan ("Site Plan Review") approval in accordance with City Code Section 15.133. Except for the Public Improvements, Turn Lanes and associated access points as approved by Dakota County, Goodhue County and the City, Preliminary Work, and utility extensions, no construction of Private Improvements may occur until a Site Plan Review for such Phase has been approved. The timing and submittal of approvals for the Project and each Phase are attached as Exhibit C.

Prior to approval of a Site Plan for a Phase, the Developer must prepare the following plans for review and approval by the City for the requisite Phase:

- a) Site Plan
- b) Grading/Stormwater Drainage Plan
- c) Erosion and Sediment Control Plan
- d) Utility Plans – including onsite watermain and sanitary sewer
- e) Landscape Plans
- f) Building Elevations and Architectural Plans
- g) Sound Study
- h) Lighting Plan

collectively, the "Plans."

- 11. **Permits.** The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits, which may include but are not limited to:
 - a) Dakota County for County Road Access and Work in County Rights-of-Way
 - b) Goodhue County for County Road Access and Work in County Rights-of-Way

- c) MnDOT for State Highway Access and Work in State Rights-of-Way
- d) Minnesota Department of Health for Watermains
- e) MPCA NPDES Permit for Construction Activity
- f) MPCA for Sanitary Sewer and Hazardous Material Removal and Disposal
- g) MnDNR for Dewatering and well appropriation permitting
- h) City of Cannon Falls for Building Permits
- i) City of Cannon Falls for Road and Utility Work in City Rights-of-Way

12. **Right-of-Way Utility Connections.** The City acknowledges that Developer will require underground utility connections across the right-of-way for County Road 29 and County Road 86 to accommodate private utilities including, but not limited to, water, sewer, fiber, and electric. Further, Developer will require overhead transmission lines across State Highway 52 to the Property. The Parties agree to coordinate construction and permitting of any such utility installation to minimize the duration of road closures. The City further agrees to reasonably assist the Developer in obtaining all necessary approvals, easements, and permits for the installation of such utilities and transmission lines, including facilitating coordination with applicable agencies and providing supporting documentation or endorsements as needed.

13. **Development Fees.** The City shall charge, and Developer agrees to pay, the Capital Improvement Charges required by Section 10(b) and Section 10(c) in lieu of SAC and WAC charges. Developer shall pay the cash-in-lieu park dedication fee, Capital Improvement Charges required by Section 10(b) and section 10(c), and any other applicable fees under City Code in Exhibit D (collectively, "Development Fees") as they become due pursuant to this Agreement or applicable City Code. In the event the City reduces any of the Development Fees prior to approval of any Phase, the lesser fee shall apply, and further provided that the City and Developer may agree to lesser Development Fees. The cash-in-lieu park dedication fees will be paid prior to the recording of the Final Plat.

14. **School District Payments in Lieu of Taxes.** In addition to the Development Fees, in recognition that the Project is exempt from excise and sales taxes under Minnesota Statutes Chapter 297A and that the portion of the Property located in Cannon Falls Independent School District No. 252 ("Cannon Falls School District") will be disproportionately unimproved from the remainder of the Property, for each year during the Annual Payment Term (defined below), Developer agrees to make an annual payment in lieu of taxes to the City in the amount of \$300,000.00 (each an "Annual Payment"), in accordance with this Section.

- a) **Annual Payment.** Each and every one of Each Annual Payment shall be due on June 1st of each year during the Annual Payment Term, except that the first Annual Payment in the amount of \$300,000.00 shall be due at the time of recording of the Final Plat. Each subsequent Annual Payment shall be due on each June 1st of each subsequent year during the Annual Payment Term and each additional year shall be subject to a 3% annual increase. Within 30 days of receipt of each Annual Payment, the City shall remit payment to the Cannon Falls School District.
- b) **Termination or Modification.** As used herein, the "Annual Payment Term" shall mean and refer to the period of time commencing on the Effective Date and continuing until the earlier of the date on which this Agreement is no longer in effect or upon the occurrence of any of the following events: 1) Developer provides 60 days' written notice to the City that it intends to terminate or substantially reduce operations to less than 50% of the maximum contemplated capacity of the Project, as determined by Developer in its reasonable discretion; 2) the excise and sales tax exemption under Minnesota Statutes Section 297A.68 is modified or terminated or the Project fails to qualify for all or a portion of the sales tax exemption; 3) the Cannon Falls School District boundaries are modified so that more than 50% of the total acreage of the Property at the time of such boundary modification is located within the school district; 4) the Annual Payment is determined to be unlawful; 5) introduction of a new tax or fee structure that results in duplicative or excessive taxation, as determined by Developer in its reasonable discretion; 6) the City fails to demonstrate, to the reasonable satisfaction of Developer, that the Annual Payment for any year has been distributed to the Cannon Falls School District; or 7) the Parties mutually agree that the Annual Payment shall no longer be due.

15. **Water Storage Dedication; Substation Parcels.**

- a) **Water Storage.** Concurrent with recording of the Final Plat, Developer shall convey by deed Outlot A ("Water Storage Parcel") as depicted on the Preliminary Plat by Warranty Deed to the City, free and clear of all encumbrances except for matters of record, any other exception noted in the title commitment for the applicable portion of the Property and the covenant and restriction that the Water Storage Parcel shall be used exclusively for water utility purposes.
- b) **Data Center Substation Parcel.** The Parties acknowledge and agree that, for the avoidance of doubt, in accordance with the Land Use Approvals, a Data Center Substation ("Substation") may be constructed prior to the permitting, approval and/or construction of the Project Phase of which the Substation is a part so long as the Substation is not in commercial operation until Site Plan Review approval for such later Phase. Further, any Substation location may be on a contiguous parcel within the Property, subject to review and approval of the utility company.
16. **Wells.** Subject to any required approvals from DNR under applicable laws, rules or regulations, Developer shall have the right to utilize water from on-site wells for agricultural purposes. No irrigation wells located within the Property shall be used by Developer for any purpose other than agricultural purposes or providing water in exigent circumstances ("Emergency Conditions") to any businesses which may locate within the Property. For the purposes of this section, Emergency Conditions shall include providing a backup water source in the event that the City's municipal water system requires temporary disruptions for any purpose. If the well permits for wells on the Property are amended to serve emergency conditions that would arise in the event that the City's municipal water system requires temporary disruptions for any purpose, the Developer will seek an appropriation permit of no more than 40.3 million gallons per year. If the Developer chooses to use the onsite well for backup or emergency use, then proper isolation valves will be installed so there is no cross contamination between the municipal system and onsite well.
17. **Construction Observation.** The City shall have the right, at the Developer's sole cost and expense pursuant to Section 20, to observe construction activities performed by the Developer or its contractors related to the Developer-constructed Public Improvements. The Developer shall provide reasonable access to the construction areas and cooperate with the City's representatives to facilitate such observation, provided that such observation shall not interfere with or delay construction activities or any other activities in and on the Property.
18. **Sewer/Water Improvements Approved Budget and Bid Requirements.**
- a) The Parties agree that the preliminary costs of the Watermain and Sewer Main (collectively, the "Sewer/Water Improvements"), City's construction observation costs, and Easement Costs as described in Exhibit E shall constitute the "Preliminary Budget" for the purpose of establishing an estimated Escrow (defined below) amount.
- b) In no event shall the City pay or incur any Easement Costs in excess of the Preliminary Budget ("Excess Easement Costs") without providing Developer prior written notice thereof and, with respect to any such Excess Easement Costs in excess of \$150,000.00, without the express prior written consent of Developer, not to be unreasonably withheld, conditioned or delayed.
- c) After approval of Construction Plans for the Sewer/Water Improvements described in Exhibits B-2 and B-4, respectively, and prior to the City entering into a construction contract for, and commencing, construction of the Sewer/Water Improvements, the City shall conduct the public bidding process for a fixed price contract for the Sewer/Water Improvements. Prior to acceptance of a final winning bid ("Final Bid"), the Final Bid must be reviewed and approved in writing by both the City and Developer; provided, however, that the City reserves the right to reject all bids if it does not receive Developer's written approval within fifteen (15) business days of written notice of the bids to Developer. Developer shall have the right to request that the City reject all bids and request rebidding at a later date. The costs of the Final Bid as approved by the City and Developer as set forth above shall constitute the approved budget ("Approved Budget"), and such costs as set forth in the Approved Budget for the City's completion of construction of the Sewer/Water Improvements, together collectively with any Cost Overruns (defined below) that are approved by and the responsibility of Developer as set forth in this Section 19 below, are referred to herein as the "Sewer/Water Improvement Costs". The City shall include in the bid documents for the Sewer/Water Improvements a provision requiring the successful bidder to enter into a fixed-price contract, absorb any cost overruns, and ensure

that any construction costs in excess of the Approved Budget, including any contingency therein ("Cost Overruns"), require the prior written approval of both the City and the Developer, not to be unreasonably withheld, conditioned or delayed. Any Cost Overruns and any change order including, without limitation, changes to the design, schedule, pricing or scope of work, with respect to the Sewer/Water Improvements ("Change Orders"), including resulting from unforeseen circumstances, that exceeds the Approved Budget, shall require the Developer's prior written approval, not to be unreasonably withheld, conditioned or delayed. Any Cost Overruns that are not the responsibility of, or absorbed by, the selected contractor shall be the responsibility of, and paid by, Developer unless such Cost Overruns are due to any Change Orders requested or initiated by the City, in which event the City shall be responsible for, and pay, such Cost Overruns.

19. **Escrow.** To guarantee compliance with the terms of this Agreement with respect to payment of the Sewer/Water Improvement Costs, City's construction observation costs, and Easement Costs, the Developer shall furnish the City with an escrow ("Escrow") at the time of acceptance of the Final Bid approved by City and Developer in accordance with Section 18 above. The initial amount of the Escrow shall be equal to 105% of the Approved Budget for the Sewer/Water Improvement Costs, plus the construction observation costs and Easement Costs set forth in the Preliminary Budget. Developer shall deposit into the Escrow any additional amounts necessary to pay for any Excess Easement Costs which Developer received notice of and, if applicable, approved pursuant to Section 19(b) above, and any Cost Overruns that are approved by, and the responsibility of, Developer pursuant to Section 19(c) above, no later than thirty (30) days after Developer's receipt of a written request from the City for such additional amounts.
 - a) **Escrow Draws.** The City shall draw down on the Escrow from time to time, but no more than on a monthly basis, to cover incurred Sewer/Water Improvements Costs and Easement Costs. At least fifteen (15) business days prior to any draw, the City shall provide the Developer with written notice of the amount it intends to draw, along with sufficient itemized documentation detailing the costs incurred and demonstrating that such Sewer/Water Improvement Costs are within the Approved Budget or are Cost Overruns that are approved by, and the responsibility of, Developer pursuant to Section 19(c) above, or that such Easement Costs are within the Preliminary Budget or are Excess Easement Costs which Developer received notice of and, if applicable, approved pursuant to Section 19(b) above, as applicable.
 - b) **Monthly Accounting.** The City shall provide the Developer with monthly itemized invoices detailing the Sewer/Water Improvement Costs, City's construction observation costs, and Easement Costs incurred and paid, which shall be reconciled against the Approved Budget and any Cost Overruns that are approved by, and the responsibility of, Developer pursuant to Section 19(c) above with respect to the Sewer/Water Improvements, and the Preliminary Budget and any Excess Easement Costs which Developer received notice of and, if applicable, approved pursuant to Section 19(b) above with respect to the Easement Costs. Upon completion of the Sewer/Water Improvements, the City shall perform a final reconciliation of all incurred costs against the Approved Budget and any such Cost Overruns, or the Preliminary Budget and any such Excess Easement Costs, as applicable. Any unused portion of the Escrow shall be returned to the Developer within thirty (30) days of final reconciliation.
20. **Responsibility for Costs.** In addition to the Sewer/Water Improvements, construction observation costs, and Easement Costs, which shall be paid for by the Escrow, Developer shall pay all actual costs incurred by it or the City in conjunction with the development of the Project, including but not limited to, legal, planning, administrative, construction costs, engineering, easements, inspection and utility testing expenses incurred in connection with approval, acceptance and development of the Project, the preparation of this Agreement, and all reasonable costs and expenses incurred by the City in monitoring and observing the construction for the development of the Plat (collectively, "Reimbursement Costs"), but excluding any costs paid by Developer pursuant to that certain Escrow Agreement by and between Developer and City, dated December 23, 2024 and any other costs that are the responsibility of the City under this Agreement.
21. **Developer's Default.**
 - a) **Events of Default.** Each of the following is an "Event of Default" under this Agreement:

- I. Failure by the Developer to timely furnish the Escrow, or pay to the City any monetary costs or amounts required to be furnished or paid, as applicable, by Developer under this Agreement.
 - II. Failure by the Developer to observe or substantially perform any other covenant, condition, obligation, or agreement to be observed or performed by it under the terms of this Agreement which is not cured within thirty (30) days after Developer's receipt of written notice thereof from the City, provided that, if such breach cannot reasonably be cured within such thirty (30) day period, then such cure period shall be extended if and for so long as is reasonably necessary to cure such breach and Developer is taking reasonable, diligent actions to complete such cure, not to exceed ninety (90) days.
 - III. If the Developer makes an assignment for the benefit of its creditors, or consents to the appointment of a receiver of itself or of the whole or any substantial part of the Property or files a petition under the federal bankruptcy laws or is adjudicated a debtor in an involuntary proceeding and such appointment is not revoked, or such petition is not withdrawn, respectively, within sixty (60) days.
- b) **Notice Required.** In the Event of Default by the Developer under this Agreement, the City may provide written notice of the Event of Default to the Developer. If the Developer fails to cure the Event of Default within thirty (30) days of receipt of such written notice, the City may, at its option, perform the work and the City may draw upon the Escrow to reimburse the City for any expense incurred by the City, if such Escrow is not sufficient to reimburse the City's actual costs incurred in connection with such work, then Developer shall reimburse the City for such costs within forty-five (45) days after receipt of a written invoice of the work.
- c) **Impact on Building Permit Application.** An Event of Default under this Agreement by the Developer shall be grounds for denial of building permits applied for by such Developer.

22. **Miscellaneous.**

- a) **Permitted Assignments.** Except as set forth below, this Agreement shall not be assignable by the City nor Developer.
- I. Developer may not assign this Agreement in whole or in part without the prior written consent of the City Administrator, which consent shall not be unreasonably withheld, conditioned or delayed, in accordance with this Section 23(a)(I) below. To request an assignment, the Developer must provide the City Administrator with written notice of the proposed assignment that includes: (i) the name of the assignee; (ii) a legal description of the portion of the Property being assigned, ground leased and/or developed by the assignee; (iii) the form of the written assignment and assumption agreement to be entered into by the Developer, City, and assignee under which the assignee assumes and agrees to be bound by this Agreement (including the Escrow), whether in whole or in part, as applicable, and, for any partial assignment, identify the obligations under this Agreement to be retained by Developer and the obligations under this Agreement to be assigned to and assumed by the assignee; and (iv) assurances, reasonably acceptable to and requested by the City Administrator, to demonstrate the assignee's ability to satisfy the assigned obligations and responsibilities being assumed by such assignee such that the City's rights and interests under this Agreement are not adversely affected. Such consent from the City Administrator to any such assignment shall not be unreasonably withheld, conditioned or delayed, shall be limited to the City Administrator's reasonable determination that the information provided complies with this Sections 22(a)(I)(i) through (v)..
 - II. Notwithstanding the foregoing, Developer may assign this Agreement to any Affiliate (defined below) without the City's consent, provided that no later than ten (10) business days prior to the assignment, Developer shall provide the City written notice of such assignment that includes (i) the name of the Affiliate; (ii) a legal description of the portion of the Property being assigned, ground leased and/or developed by the Affiliate, if and as applicable; (iii) proof that the Escrow covers the Affiliate as if it was the original Developer; and (iv) the form of the written assignment and assumption agreement to be entered into by the Developer, City and Affiliate under which the Affiliate assumes and agrees to be bound by this Agreement, whether in whole or in part, as applicable, and which shall, in the case of any partial assignment, identify the obligations under this Agreement to be retained by Developer and the obligations under this Agreement to be assigned to and assumed by the

assignee. In the event of a partial assignment, the Developer's obligations shall continue in full force and effect with respect to the portion of the Agreement not assigned. For purposes of this Section, and "Affiliate" means any person or entity that is, directly or indirectly, controlled by, controlling or under common control with Developer, and "controlled," "controlling," or "control" means possession, directly or indirectly, of the power to direct or cause the direction of the management of the subject entity.

- III. Upon and from and after any assignment, Developer is released from this Agreement or the portion thereof so assigned, as applicable, including, without limitation, all responsibilities, liabilities and obligations under this Agreement or the portion thereof so assigned, as applicable.
- IV. Developer shall provide the City written notice that includes a copy of the fully executed assignment and assumption agreement promptly after any such assignment.
- V. Developer shall have the right to assign this Agreement, in whole or in part, on a collateral basis, to any lenders, mortgagees or any other holders of, or beneficiaries under, any deeds of trust or similar instruments providing financing for the acquisition, construction, development, use and/or operation of the Property, Project or any portion thereof without any notice to or consent from the City.
- b) **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties as to the matters set forth herein and supersedes and replaces any prior or contemporaneous written or oral agreements. This Agreement shall be binding upon the parties, their heirs, successors, or assigns, as the case may be.
- c) **Third Party Recourse.** This Agreement does not confer any rights upon and third parties or parties who are not signatories to this Agreement and third parties shall have no recourse against either Party under this Agreement.
- d) **Severability.** If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Agreement.
- e) **Cumulative Remedies and Limitation of Liability.** Each right, power or remedy herein conferred upon any Party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such Party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by such Party and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. In no event shall either Party be liable for any special, exemplary, punitive, or consequential damages. Notwithstanding anything else herein, the City may not terminate this Agreement in the event of a Developer Default.
- f) **Non-Waiver/Amendments.** The action or inaction of either Party shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. A Party's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- g) **Compliance with Laws and Regulations.** The Developer shall ensure that the Developer's use, construction, and development of the Project complies with all applicable City, County, State and Federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances and environmental regulations.

A material violation of this provision shall mean any noncompliance that results in: (i) a substantial adverse impact on public health, safety, or welfare; (ii) a material impairment of the City's ability to enforce its ordinances or regulations; or (iii) a failure to obtain or maintain any required governmental approvals necessary for the lawful development or use of the Property. In the event of a material violation, the City shall provide written notice to the Developer specifying the nature of the violation. The Developer shall have thirty (30) days from receipt of such notice to cure the violation to the City's reasonable satisfaction. If the violation cannot reasonably be cured within such thirty (30) day period, the Developer shall be entitled to an extension of the cure period for so long as is reasonably necessary to cure the violation, provided that the Developer is diligently pursuing such cure.

- h) **Binding Agreement.** This Agreement shall run with the land and shall be recorded against the title to the Property concurrent with the Plat and prior to any building permit issuance. The Developer covenants with the City that the Developer is the owner of fee simple title to the Property, subject only to taxes, assessments, matters of record, a farm lease, and any other exception noted in the title commitments for the Property or that would be disclosed on an ALTA survey, and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants. Upon request by Developer, the City covenants to provide a recordable Certificate of Completion within a reasonable period of time following the request, upon the completion of the Turn Lanes required herein, as well as payment of all costs and fees required hereunder with respect to the Sewer/Water Improvements and compliance with all terms of the Agreement.
- k) **Estoppel Certificate.** The City agrees at any time, and from time to time, within ten (10) days after receipt of written request by the Developer, a lender or a party purchasing any portion of the Property, to execute, acknowledge and deliver a certification in writing and in such form as will enable it to be recorded in the proper office for the recordation of deeds and other instruments certifying: (a) that this Agreement is unmodified and in full force and effect, or if there have been modifications, the identification of such modifications and that the same are in full force and effect as modified; (b) that no party is in default under any provisions of this Agreement or, if there has been a default, the nature of such default; (c) that all obligations to be performed under this Agreement have been performed, specifying the obligations to be performed; and (d) as to any other matter that the requesting party shall reasonably request. It is intended that any such statement may be relied upon by any person, prospective mortgagee of, or assignee of any mortgage, upon such interest. Any such statement on behalf of the City may be executed by the City Administrator without City Council approval.
- l) **Indemnification.** Developer agrees to defend, indemnify and hold harmless City, and its employees, officials, and agents from and against all claims, actions, damages, losses and expenses, including reasonable attorney fees, arising out of Developer's negligence, default, its performance or failure to perform its obligations or an Event of Default under this Agreement. Developer's indemnification obligation shall apply to Developer's general contractor, subcontractor(s), or anyone directly or indirectly employed or hired by Developer, or anyone for whose acts Developer may be liable. Developer agrees this indemnity obligation shall survive the completion or termination of this Agreement. Notwithstanding anything to the contrary, in no event shall Developer be liable for any special, exemplary, punitive, or consequential damages.
- m) **Force Majeure.** Neither Party shall be deemed in default or otherwise liable for any delay or failure in the performance of its obligations under this Agreement if such delay or failure arises by reason of any event beyond the reasonable control of such Party, including but not limited to acts of God, natural disasters, extreme weather, war, terrorism, civil unrest, labor disputes, pandemics, governmental actions, court order or pending litigation, or utility service interruptions. The affected Party shall promptly notify the other Party in writing of the occurrence of such event and shall use commercially reasonable efforts to resume performance as soon as practicable.
- i) **Headings.** The headings used in this Agreement are for convenience only and shall not affect the interpretation of any provision. They do not constitute substantive terms and shall not be used to construe the meaning or intent of the Agreement.
23. **Notices.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees, or agents, or mailed to the Developer by certified or registered mail at the following addresses. However, any Party may change its contact information for the purpose of this notice paragraph by giving written notice of the change to the other Party as provided above in this paragraph:

MNLCO Dakota County Two, LLC
MNLCO Dakota County Three, LLC,
Attn: Kate Siegel; Kristin Dean
3200 Cherry Creek South Drive, Suite 700
Denver, Colorado 80209

Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail or registered mail in care of the City Administrator at the following address:

Jon Radermacher, City Administrator
City of Cannon Falls
918 River Rd,
Cannon Falls, MN 55009-1447

[REMAINDER OF PAGE LEFT BLANK]

SIGNATURE PAGE
FOR THE CITY

CITY:
CITY OF CANNON FALLS

By: _____
Matthew Montgomery, Mayor

By: _____
Jon Radermacher, City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF GOODHUE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____ by **Matt Montgomery**, Mayor, and by **Jon Radermacher**, City Administrator, of the **City of Cannon Falls**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

Notary Public

**SIGNATURE PAGE
FOR THE DEVELOPER**

DEVELOPER:
MNLCO Dakota County Two, LLC,
a Delaware limited liability company)

By: _____

Name: Jessica Bennett
Its: Chief Legal Officer

STATE OF COLORADO)
(ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Jessica Bennett, the
Chief Legal Officer of MNLCO Dakota County Two, LLC, a Delaware limited liability company, on its behalf.

Notary Public

**SIGNATURE PAGE
FOR THE DEVELOPER**

DEVELOPER:
MNLCO Dakota County Three, LLC,
a Delaware limited liability company)

By: _____

Name: Jessica Bennett
Its: Chief Legal Officer

STATE OF COLORADO)
(ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Jessica Bennett, the
Chief Legal Officer of MNLCO Dakota County Three, LLC, a Delaware limited liability company, on its behalf.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

[INSERT LEGAL DESCRIPTION]

EXHIBIT B
PUBLIC IMPROVEMENTS EXHIBIT

Public Improvements	Description	Responsible Party			Construction Completion Deadline
		Design	Construct	Cost	
Water Main	Watermain extension along County 29 Blvd and County Road 86 to the northeast corner of the Property, including a connection to the Holiday Avenue stub for system redundancy	Developer	City	Developer	Four (4) years from Annexation of the Property into the City
Water Storage	Water tower located in Outlot A, to be dedicated to the City at Final Plat	City	City	City, recovering cost from Capital Improvement Charge	Two (2) years from issuance of the first building permit
Sanitary Main	Sewer main extensions along County 29 Blvd and County Road 86 from the Highway 20 intersection	Developer	City	Developer	Four (4) years from Annexation of the Property into the City
4 th Street Sewer	15-inch gravity sewer in 4 th street	City	City	City (partial cost recovered in Capital Improvement Charge)	January 1, 2030
Lift Station Improvements	If Developer determines that it will exceed 700 gpm of peak hourly flow from the Property into the municipal sanitary system, but not greater than 1800 gpm, then City shall construct the necessary pumps and associated infrastructure within the lift station to increase the allowable peak hourly discharge from the Property.	Developer	City	Developer	Upon Developer's request
Turn Lanes	Any turn lanes warranted by an approved traffic study at the site access points on County Road 29 and County Road 86	Developer	Developer	Developer	Prior to issuance of first temporary certificate of occupancy or, prior to the start of vertical construction to accommodate construction traffic if required by either

					Dakota County or Goodhue County
--	--	--	--	--	------------------------------------

EXHIBIT B-1
REQUIRED OFF-SITE EASEMENTS
[INSERT DEPICTION OF REQUIRED OFF-SITE EASEMENTS]

EXHIBIT B-2
TIMELINE AND SPECIFICATIONS FOR THE WATERMAIN PROJECT

Watermain Project: Extension of approximately 7,500 linear feet of 12-inch watermain along County 29 Blvd/County Road 86 to the northeast corner of the Property, including a connection to the Holiday Avenue stub for system redundancy, as generally depicted in Exhibit B hereto.

Commented [A1]: See above. Tract Team to confirm.

Project Phase	Completion Date
Developer to complete, and obtain City approval of, the Watermain Project Plans and Specifications in accordance with 7. a	To be submitted and approved with Final Plat.
City to award a contract to a general contractor to construct the Watermain Project	No later than August 19, 2027
City to complete construction of the Watermain Project in accordance with Section 7. a	No later than August 19, 2029

EXHIBIT B-3
TIMELINE AND SPECIFICATIONS FOR WATER STORAGE

Water Storage: Future 1 million gallon water tower to be located on an approximately 250-ft by 250-ft area (Outlot A) of the subject Property, as generally depicted in Exhibit B.

Project Phase	Completion Date
Developer to dedicate approximately 250' by 250' outlot (Outlot A) to the City	At the time of Final Plat
City to initiate design of the Water Storage	Within (30) days of Final Plat approval
City to complete design of the Water Storage	No later than (1) year from Final Plat approval
City to complete construction of the Water Storage in accordance with Section 7.c	No later than (2) years from issuance of a building permit for the first building in the Data Center Project Campus or any portion thereof

EXHIBIT B-4
TIMELINE AND SPECIFICATIONS FOR SANITARY MAIN PROJECT

Sanitary Main Project: Extension of approximately 5500 linear feet of public 12-inch and 15-inch gravity sewer along County 29 Blvd/Conty Road 86 to the northern frontage of the Property, as generally depicted in Exhibit B hereto.

Commented [A2]: Tract team to confirm

Project Phase	Completion Date
Developer to complete, and obtain City approval of, the Sanitary Main project Plans and Specifications in accordance with 4.c	To be submitted and approved with Final Plat
City to award a contract to a general contractor to construct the Sanitary Main project	No later than August 19, 2027
City to complete construction of Sanitary Main project in accordance with Section 4.c	No later than August 19, 2029

EXHIBIT B-5
TIMELINE AND SPECIFICATIONS FOR TURN LANES PROJECT

Turn Lanes Project: Public acceleration and/or decelerations turn lanes at the future Project access points on County 29 Blvd and County 86 Blvd as warranted by the approved Traffic Impact Study (TIS) submitted at Site Plan.

Commented [A3]: Tract team to confirm

Project Phase	Completion Date
Developer to complete, and obtain County and City approval of the Turn Lanes project Plans and Specifications in accordance with Section 4.d, if warranted by TIS	As part of each site plan application for any buildings in the Data Center Project Campus or any portion thereof.
Developer to complete construction of the Turn Lanes project in accordance with Section 4.d, if warranted by TIS	Either (i) no later than the issuance of a temporary certificate of occupancy for the first building in the Data Center Project Campus or any portion thereof, or (ii) if required by Dakota County or Goodhue County, prior to the start of vertical construction for the first building to accommodate construction traffic or when warranted by a supplemental construction traffic impact study.

EXHIBIT B-6
TIMELINE AND SPECIFICATIONS FOR 4TH STREET IMPROVEMENTS PROJECT

[NTD: to be added]

EXHIBIT B-7
TIMELINE AND SPECIFICATIONS FOR LIFT STATION UPGRADES PROJECT

[NTD: to be added]

EXHIBIT C
PLAN SUBMITTAL SEQUENCE

Tract Cannon Falls Entitlement Submittal Matrix	Submittal 1	Rezoning / CUP / Concept PUD / Development Stage PUD / Preliminary Plat		
	Submittal 2	Final Plan PUD / Development Agreement		
	Post Close	Final Plat		
	Exclusion Requested ("E")	Deferred to Site Plan		
	Variance ("V")	Deferred to Site Plan (Variance Requested)		
	BY TRACT			FUTURE OPERATOR
REPORT FIELDS ↓	Submittal 1	Submittal 2	Post Closing	Site Plan
Annexation (previously filed)				
Rezoning to I-2 - Application & Fee	X			
Detailed written and graphic material fully explaining proposed change, development or use	X			
Demonstration of criteria met	X			
PUD Application & Fee - all stages	X	X		
Project Purpose -Project Description -Site Zoning -Project Map -Narrative Description -Existing Site Conditions	X	X		
Concept Plan PUD Application & Fee (combined w/ Development Stage)	X			
General Information: -Present Status of Premises	X			
Concept Drawings	X			
Stage Development	X			
Schedule	X			
Development Stage Plan PUD Application & Fee (combined w/ Concept Stage)	X			
60% Site Plan	10% concept plan			X
60% Architectural Plans	Renderings			X

60% Landscape Plans	Buffering scheme			X
60% Drainage & Grading Plans	E			X
60% Erosion Control Plans	E			X
Lighting Plan	E			X
Compliance with Performance Criteria	E			X
"Excuses" for Application Elements	X			
Final Plan PUD Application		X		
Final Site Plan		V		X
Final Architectural Plans		V		X
Final Landscape Plans		V		X
Final Drainage & Grading Plans		V		X
Final Erosion Control Plans		V		X
Lighting Plan		V		X
Compliance with Performance Criteria		V		X
Variance for Duration for Improvements	X			
CUP Application	X			
Performance Agreement				X
Compliance with Conditions				X
Compliance with Performance Standards				X
Compliance with Criteria for Decision				X
Preliminary Plat Application	X			
Certificate of Survey	X			
Resource Inventory	X			
Preliminary Plat	X			
Preliminary Grading, Drainage & EC Plan (internal to the site)				X
Preliminary Utility Plan	Preliminary Offsite Utility Extension Plans Included			Onsite Utility Plans
Determination of Requirement of Environmental Review	Complete			
Phasing Plan				X
Documents/Information on Easements	on Certificate of Survey			
Landscape & Screening Plans	Buffering scheme			X

Traffic Study	X			
Utility Extension Timing	Vested for 5 years via DA			
"Excuse" for submittal requirements in narrative	X			
Final Plat Application			X	
Final Plat			X	
Final Off-site Utility Plans			X	
Park Dedication			X Fee in Lieu	
Tree Preservation				X
Development Agreement		X		
Allows for extension to Section 152.152K to allow offsite utilities to be extended within 5 years of Recorded PUD / DA		X		
Allows for extension to 152.038(A): CUP expiration to be extended 5 years with the ability for subsequent extensions based on the progress on phased development.		X		
Allows for PUD and CUP performance criteria and conditions to be reviewed for compliance under Site Plan Review		X		
Allows for extension to 152.153(J)(2)(g) for construction to commence 5 years after approval of the Final PUD plan		X		
Allows for extension to 152.153.(J) (5) construction to commence 5 years after approval of final PUD plan		X		

EXHIBIT D

DEVELOPMENT FEES

Commented [EM4]: NTD: We'll need to insert other City development fees such as building permit, stormwater fees, etc.

The following fees shall constitute all fees necessary for the Project and shall be paid according to the timing set forth below:

Fee	Description	Date Due	Amount
[Water Access Charge (WAC)]	Waived in lieu of Capital Improvement Charge		
[Sewer Access Charge (SAC)]	Waived in lieu of Capital Improvement Charge		
Park Dedication	\$2,000/ac. X 247 Acres		\$494,000
Sewer Capital Improvement Charge	Charge determined to cover the share of future improvements to the WWTP, based on the allocations through full buildout	• \$400,000.00 due at the time of issuance of the first building permit for the first building within the Project Final Plat Approval • \$400,000.00 due prior to the City's provision of the Phase 2 Allocation for Sewer Capacity pursuant to Section 10 above on the anniversary of Final Plat Approval in 2027 and 2029 • \$400,000.00 due prior to the City's provision of the Phase 3 Allocation for Sewer Capacity pursuant to Section 10 above • \$400,000.00 due prior to the City's provision of the Phase 4 Allocation for Sewer Capacity pursuant to Section 10 above	
Water Capital Improvement Charge	Charge to support the construction of a new Municipal Water Storage Tower. The fee is reflective of the support that maximum daily demand, fire suppression needs, and is reflective of the construction cost of the Water in excess of the City's cost of replacing or repairing existing infrastructure.	To be paid in full at the time of issuance of a building permit for the first building within the Project	\$5,000,000.00
Total			\$ _____

EXHIBIT E
PRELIMINARY SEWER/WATER IMPROVEMENT COSTS, EASEMENT COSTS
AND ESCROW AMOUNT

[insert SEWER/WATER IMPROVEMENT costs and calculate escrow (x1.05)]

4907-7277-9366, v. 4
4911-6081-7006, v. 3