

**CITY OF CANNON FALLS  
PLANNING COMMISSION MEETING AGENDA  
Monday, February 12, 2024  
6:30 p.m.**

- 1. Call to Order**
- 2. Roll Call:** Hemmah, Johnson, Gesme, Fox, Nobach
- 3. Approval of Agenda**
- 4. Approval of Minutes:** January 8, 2024
- 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. PUBLIC HEARING**
  - A. Conditional Use Permit for Cars Under 10K LLC
  - B. Ordinance Text Amendment Relating to the Zoning of Residential Treatment Facilities
- 7. DISCUSSION**
  - A. Conditional Use Permit, Used Car Dealership, Cars Under 10K LLC
  - B. Ordinance Text Amendment Relating to the Zoning of Residential Treatment Facilities
- 8. Adjourn.**

Upcoming Meeting Schedule:

Next Regular City Council Meeting February 20, 2024

Next Regular Planning Commission Meeting March 11, 2024

**Cannon Falls Planning Commission  
Regular Meeting  
City Council Chambers  
January 8, 2024**

**COMMISSIONERS PRESENT:** Chair Steve Gesme, Commissioners Bruce Hemmah, Diane Johnson, Jesse Fox, and Chris Nobach

**COMMISSIONERS ABSENT:** All members were in attendance

**OTHERS PRESENT:** Neil Jensen, City Administrator; Zach Logelin, Permit & License Technician

**1. CALL TO ORDER**

Chair Gesme called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

Roll call was conducted. All members were in attendance. Chair Gesme introduced and welcomed Commissioners Fox and Nobach to the Planning Commission.

**3. APPROVAL OF AGENDA**

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

**4. APPROVAL OF MINUTES: December 4, 2023**

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

**5. PUBLIC INPUT**

There was no public input.

**6. PUBLIC HEARINGS**

**A. Timber Ridge Preliminary Plat Amendment.**

Permit & License Technician Logelin provided background information. He reported that the preliminary plat, rezoning, and PUD plans for the new development were originally approved by the City Council in August of 2023. He referenced subsequent discussion of four 2+ acre estate lots located in the southeast corner of the property, noting that these lots were originally platted as outlots. He noted the City Council discussed a potential variance that would allow these lots to be serviced by wells and septic systems, rather than connecting to City sewer and water services. He stated that the Planning Commission is being asked to approve a variance in this regard along with an amendment to the Timber Ridge preliminary plat. He clarified that City utilities are not available to service the estates lots at this time. He referenced soil borings indicating that the soils in the area are suitable for well and septic systems.

It was clarified that only the four estate lots would be serviced by wells and septic systems, if the variance is approved.

Chair Gesme opened the Public Hearing for this item at 6:34 p.m. No one spoke during the Public Hearing. Chair Gesme closed the Public Hearing at 6:35 p.m.

**B. Timber Ridge Variance.**

Chair Gesme opened the Public Hearing for this item at 6:35 p.m. No one spoke during the Public Hearing. Chair Gesme closed the Public Hearing at 6:36 p.m.

**7. DISCUSSION**

**A. Resolution 2024-01 Timber Ridge Preliminary Plat Amendment.**

This item was discussed following discussion of Item 7B .

Chair Gesme requested Planning Commission consideration of an amendment to the preliminary plat. Commissioners asked about the next steps and what lots would be developed first. A representative of the applicant provided information relating to marketing of the lots, the permitting process, the anticipated construction schedule, and the cost range for the homes.

A motion was made by Commissioner Hemmah to adopt Resolution 2024-01, recommending that the City Council approve the requested preliminary plat amendment for Timber Ridge. The motion was seconded by Commissioner Johnson, a vote was conducted, and the motion carried unanimously.

**B. Resolution 2024-02 Variance Relating to Well and Septic Serving Residential Lots.**

This item was discussed following discussion of Item 6B.

Chair Gesme referenced the agenda materials relating to the soil borings. Permit & License Technician Logelin commented that multiple areas were identified on the lots as acceptable locations for wells and septic systems.

Commissioner Fox asked what will happen in the future as the area is further developed. Chair Gesme stated his understanding that the estate lots would be required to hook up to City water and sewer utilities when those services become available. Commissioner Johnson commented that utility services are not feasible at this time to service the estate lots.

A motion was made by Commissioner Johnson to adopt Resolution 2024-02, recommending that the City Council approve a variance request relating to well and septic systems serving residential lots in the Timber Ridge development. The motion was seconded by Chair Gesme, a vote was conducted, and the motion carried unanimously.

**C. Conditional Use Permit, Used Car Dealership.**

This item was discussed following discussion of Item 7A.

Commissioner Johnson asked about plans to expand the paved area. Permit & License Technician Logelin provided background information and discussed the Conditional Use Permit request. He referenced a former used car dealership on the site and noted that the parcel is zoned R-B, Residential Business, which allows commercial activity with a CUP. He noted that this item was placed on the agenda for discussion purposes and that a Public Hearing will be scheduled during a future meeting.

**D. Moratorium Discussion.**

Permit & License Technician Logelin referenced past discussion of this topic and provided an update. He stated that a revised draft ordinance will be reviewed during the February Planning Commission meeting. City Administrator Jensen provided additional background information and discussed the draft ordinance language and definitions. He asked about conditions of approval, including green space and fencing.

Chair Gesme suggested security requirements for facilities located in residential areas. City Administrator Jensen stated that he will discuss this issue with the City Attorney.

Commissioners asked whether clients would be allowed to come and go at will from these facilities. Commissioner Johnson commented that the rules may be different for voluntary versus court-mandated treatment. The Conditional Use Permit approval process was reviewed. Security measures were further discussed. The definition of a residential rehab center was clarified.

The ordinance approval process was reviewed. It was noted that the moratorium expires in May of 2024. State licensure of these types of facilities was discussed.

**8. ADJOURN**

A motion was made by Chair Gesme, seconded by Commissioner Nobach and unanimously carried, to adjourn the meeting. The meeting adjourned at 7:05 p.m.

**TO: Planning Commission**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Conditional Use Permit—Used Car Dealership**  
**DATE: February 12, 2024**

**BACKGROUND:**

Before you is an application for a used car dealership located at 1720 Highway 20. This site is zoned R-B, Residential Business, which allows commercial activities via a Conditional Use Permit.

Another used car dealership, Miller Express Cars, operated at this site for while until recently moving locations.

The following exhibits are enclosed to further describe the proposal:

1. Application from Perla Yanez
2. Notice of Public Hearing
3. Site map
4. City Code § 152.608, relating to Conditional Uses in the R-B District
5. Resolution 2024-03

**STAFF RECOMMENDATION**

Staff recommends approval of the application.

**REQUESTED COUNCIL ACTION**

Please consider and make a motion to recommend approval of Resolution 2024-03, allowing by a Conditional Use Permit, a used car dealership to operate at 1720 highway 20.



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: 1720 MN-20 Cannon Falls MN 55009

Legal Description of Property:

Owner of Record: Name:
Daytime Phone:
Address:

Applicant (if other than owner)

Name: Perla Yanez
Daytime Phone: (619) 713-3542
Address: 12000 S Robert trl.
Rosemount MN 55068
E-Mail Address: carsunder10kllc@gmail.com

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

- Request: [X] 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: 12/17/23

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

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

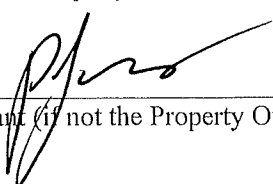
Used Car Dealership  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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

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

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

Date: 12/17/23

FOR CITY USE ONLY

Date Application Filed: \_\_\_\_\_

Basic Fees: \$ 450.00

Received By: JK 12/27/23

Escrow Deposit: \_\_\_\_\_

Evidence of Ownership Submitted:  Yes  No  Required  
Certified Lot Survey:  Yes  No  Required  
Legal Description Adequate:  Yes  No  Required

Date of Planning Commission Meeting: \_\_\_\_\_

Recommendation of Planning Commission on: \_\_\_\_\_  Approve  Deny

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

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



PAID

Attachment A1

CITY OF CANNON FALLS  
ZONING AND SUBDIVISION FEE SCHEDULE  
2023

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

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

## **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 February 12, 2024, to hold a Public Hearing to consider a Conditional Use Permit for a used car dealership operating at 1720 Highway 20.

Project information is available at City Hall. The application and related information are available for public inspection at the City Administrator's office, 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.

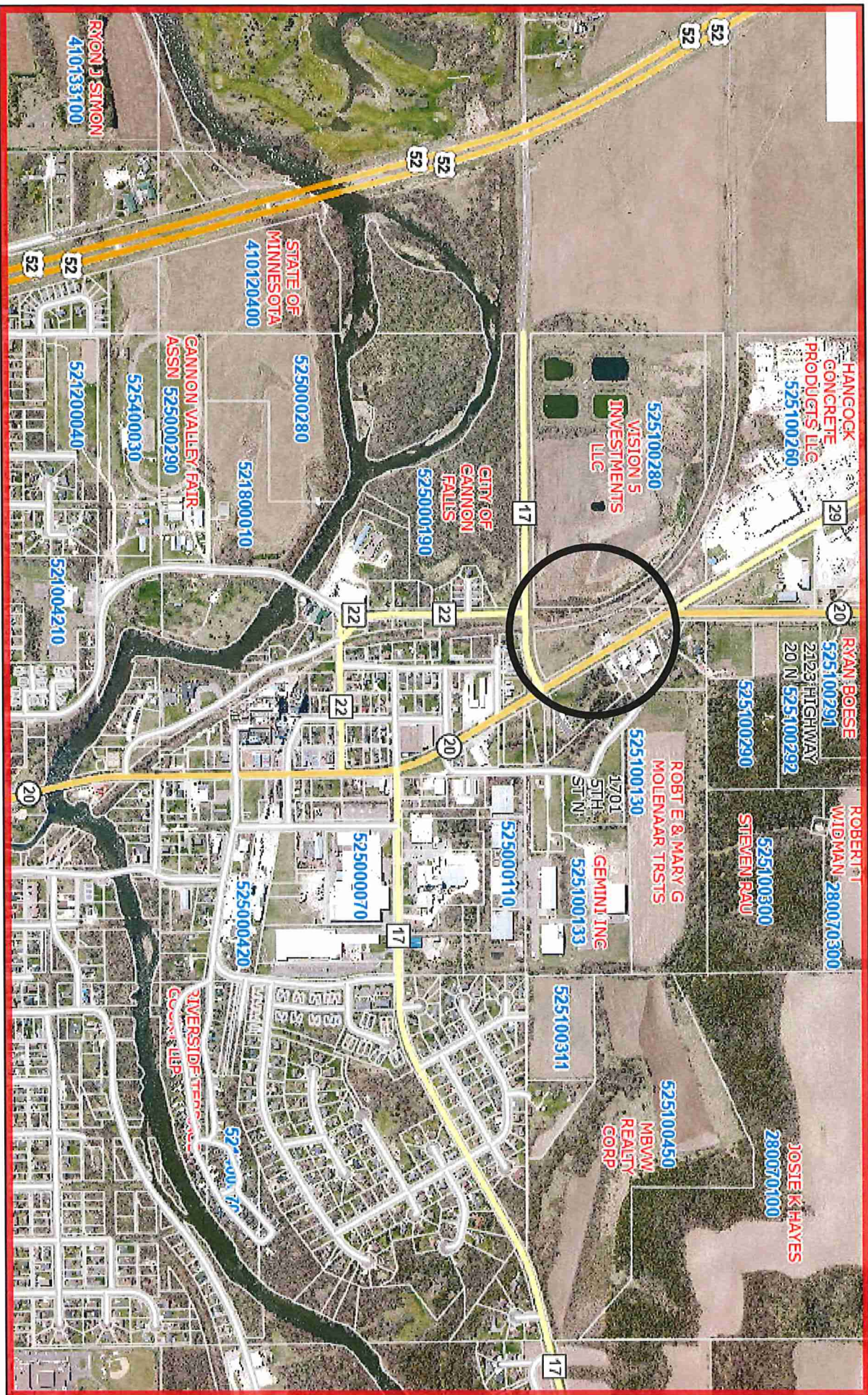
Zach Logelin

507-263-9308

(Feb. 1, 2024) 227479



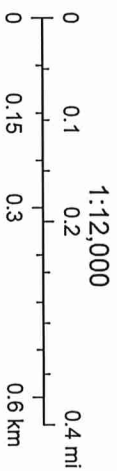
# Aerial Map



January 4, 2024

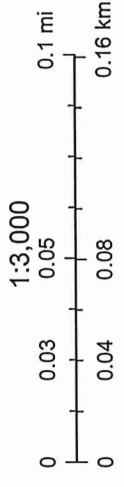
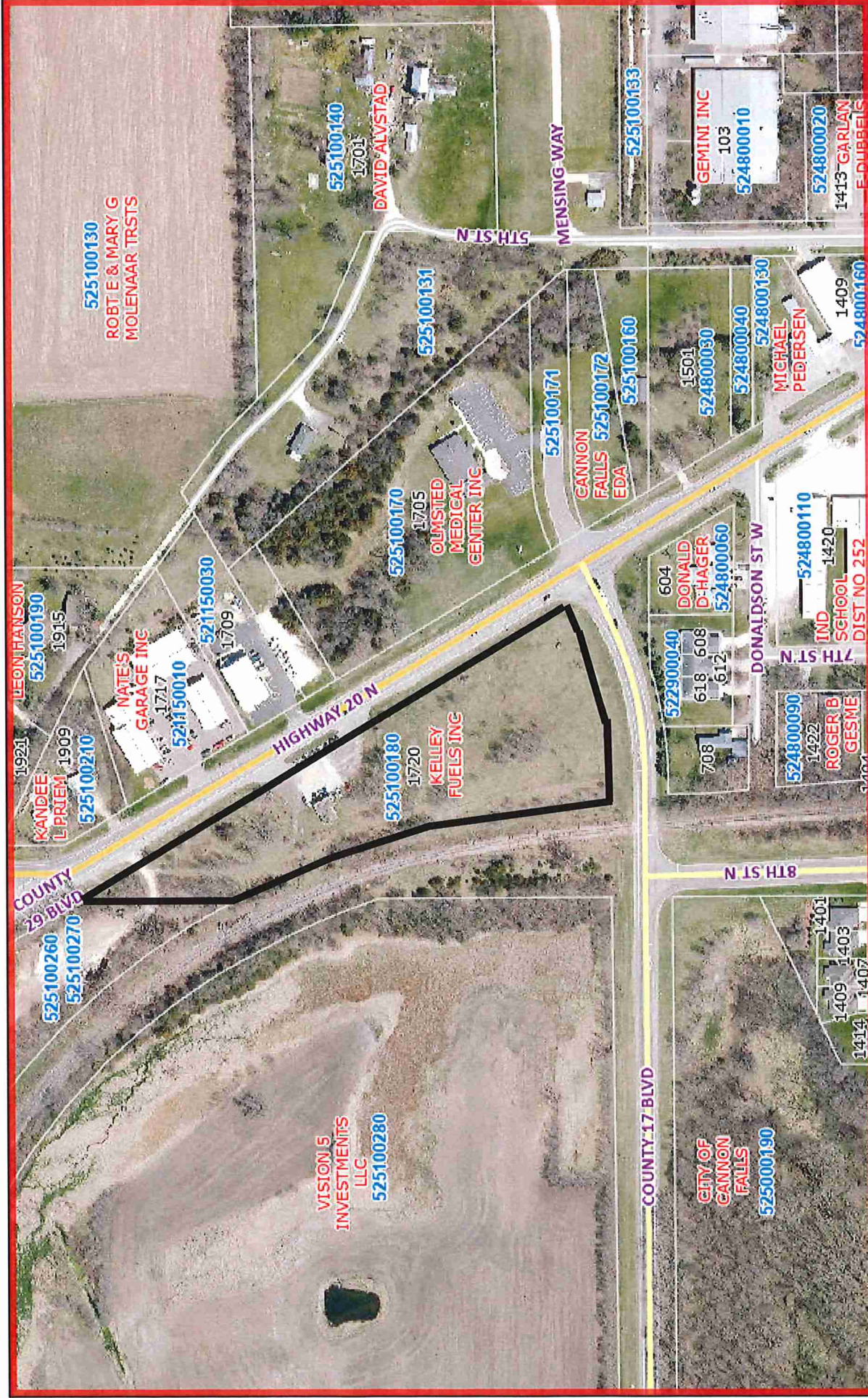
Goodhue County Roads

- CEM; : OCTY; OCRLN; CTRLN
- CSAHP; CRP
- SHWY
- USHWY
- Esri Major Roads
- Full Address
- Parcels
- PIN
- Full Name





# Site Map



January 4, 2024

Goodhue County Roads

- CEM; ; OCTY; OCRLN; CTRLN
- SHWY
- PIN
- Full Name
- Parcels
- CSAHP; CRP



**§ 152.608 CONDITIONAL USES.**

Subject to applicable provisions of this chapter, the following are conditional uses in an R-B District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

(A) Buildings combining residential and nonresidential uses allowed in this district, provided:

- (1) Commercial use shall be located at the street level floor of the principal building;
- (2) The residential and nonresidential uses shall not conflict in any manner; and
- (3) The residential building standards as required by this district are met.

(B) Elderly (senior citizen) housing provided that:

- (1) The provisions of § 152.210(C) of this chapter are being met;
- (2) Not more than 20% of the occupants may be persons 55 years of age or under (spouse of a person over 55 years of age or caretakers and the like);

(3) To continue to qualify for the elderly housing classification the owner or agency shall annually file with the Zoning Administrator a certified copy of a monthly resume of occupants of a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants 60 years of age or under to qualified tenants, or to the building;

(4) There is adequate off-street parking in compliance with §§152.255 through 152.264 of this chapter;

(5) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with §§ 152.275 through 152.281 of this chapter;

(6) All signing and informational or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(7) Elevator service is provided to each floor level; and

(8) Usable open space at a minimum of 20% of the gross lot area.

(C) Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, provided that the applicable provisions of §§ 152.385 through 152.389 of this chapter are determined to be satisfied;

(D) Government buildings and public related utility buildings and structures necessary for the health, safety and general welfare of the city, provided that when abutting a residential use or a residential use district, the property is screened and landscaped in compliance with § 152.279 of this chapter;

(E) Personal wireless service antennas not located on a public structure or existing tower, provided that the applicable provisions of §§ 152.330 through 152.337 of this chapter are determined to be satisfied;

(F) Planned unit development residential, multiple-family dwelling structures as regulated by §§152.150 through 152.153 of this chapter and subject to the following conditions:

(1) The provisions of § 152.210(C) of this chapter are being met;

(2) The site of the principal use and its related parking is served by an arterial or collector street;

(3) There is adequate off-street parking in compliance with §§152.255 through 152.264 of this chapter;

(4) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with §§ 152.275 through 152.281 of this chapter;

(5) All signing and informational or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(6) Usable open space at a minimum of 20% of the gross lot area; and

(7) Unit size.

(a) *Multiple-family dwelling units.* Multiple-family dwelling units, except for elderly housing dwelling units, shall have the following minimum floor area per unit.

|                            |  |
|----------------------------|--|
| Efficiency units           | 500 square feet                          |
| One bedroom units          | 700 square feet                          |
| Two bedroom units          | 800 square feet                          |
| More than two bedroom unit | An additional 80 square feet per bedroom |

(b) *Exterior treatment.* The exterior of multiple-family dwelling structures shall include a variation in building materials

which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements:

1. A minimum of 25% of the combined area of all building exterior wall of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone; and

2. For the purposes of this section, the area of the building faced shall not include area devoted to windows, entrance doors, garage doors or roof areas;

(G) Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

(1) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter;

(2) Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;

(3) When abutting a residential use, a buffer area with screening and landscaping in compliance with §152.279 of this chapter shall be provided; and

(4) All signs and information or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter.

(H) Nursing homes and similar group housing, hospitals, sanitariums or similar institutions, provided that:

(1) Side yards are double the minimum requirements established for this district and are screened in compliance with § 152.279 of this chapter;

(2) Only the rear yard shall be used for play or recreational areas. The area shall be fenced and controlled and screened in compliance with § 152.279 of this chapter;

(3) The site shall be served by an arterial or collector street as defined by the Comprehensive Plan of sufficient capacity to accommodate traffic which will be generated;

(4) All signing and information or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(5) All state laws and statutes governing the use are strictly adhered to and all required operating permits are secured; and

(6) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter.

(I) Personal wireless service antennas not located on a public structure or existing tower, provided that the applicable provisions of §§ 152.330 through 152.337 of this chapter are determined to be satisfied;

(J) Public or semi-public recreational buildings and community centers, public and private educational institutions and religious institutions provided that:

(1) Side yard shall be double that required for the district, but no greater than 30 feet;

(2) Adequate screening from abutting residential uses and landscaping is provided in compliance with §§152.275 through 152.281 of this chapter; and

(3) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter.

(K) Retail commercial activities, provided that:

(1) Merchandise is sold at retail;

(2) Adequate off-street loading is provided in compliance with §§152.255 through 152.264 of this chapter;

(3) Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;

(4) When abutting a residential use, a buffer area with screening and landscaping in compliance with §152.279 of this chapter shall be provided; and

(5) All signs and information or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter.

(L) Motor fuel stations provided the following.

(1) *Motor fuel facilities.* Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

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

**PLANNING COMMISSION 2024-03**

**CONDITIONAL USE PERMIT FOR A USED CAR DEALERSHIP—CARS UNDER 10K LLC**

WHEREAS, Perla Yanez, has made an application for a Conditional Use Permit to operate a used car dealership at 1720 Highway 20,

WHEREAS, the Planning Commission conducted a hearing on February 12, 2024 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the granting of the Conditional Use Permit is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, and in conformance with the City of Cannon Falls Comprehensive Plan.

WHEREAS, The Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the application for a Conditional Use Permit be approved.

**NOW THEREFORE, LET IT BE RESOLVED BY THE CITY OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA,** that based on the findings of the Planning Commission which hereby recommends adoption by the City Council that the Conditional Use Permit be approved.

**ADOPTED** by the Planning Commission of Cannon Falls this 12<sup>th</sup> day of February, 2024.

**CITY OF CANNON FALLS**

\_\_\_\_\_  
Planning Commission Chair

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

**TO: Planning Commission**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Ordinance Text Amendment Relating to Residential Rehab Centers**  
**DATE: February 12, 2024**

**BACKGROUND:**

An ordinance of the city of Cannon Falls, Minnesota Amending City Code 152.021 relating to the zoning of residential treatment facilities.

In the past months, Planning Commission has had numerous discussions regarding the zoning of treatment centers operating within city limits.

Under Minnesota Statute 462, the City is within its authority to enforce local zoning laws.

Enclosed is added & updated language to our current city code. We have added a definition that separates “treatment facilities” from “rehab centers” and removes rehab centers from operating in residential areas.

In the B-2 district, where these types of establishments are permitted, new conditions were added that must be met prior to obtaining a conditional use permit.

The following further help describe the proposal:

1. Notice of Public Hearing
2. Ordinance Number 393—Interim Ordinance Establishing a Moratorium
3. Ordinance Number 2024-01—An Ordinance of the City of Cannon Falls amending Chapter 152 Related to Zoning
4. Resolution 2024-04

**REQUESTED COUNCIL ACTION**

Please consider and make a motion to recommend approval of Resolution 2024-04, amending City Code 152.021 relating to the zoning of treatment facilities.



## **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 February 12, 2024, to hold a Public Hearing to consider an ordinance of the City of Cannon Falls, Minnesota amending City Code chapter 152 related to the zoning of residential treatment facilities.

Project information is available at City Hall. The application and related information are available for public inspection at the City Administrator's office, 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.

Zach Logelin

507-263-9308

(Feb. 1, 2024) 227480

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

**ORDINANCE NUMBER 393**

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM WITHIN THE  
CITY ON LAND USE AND SUBDIVISION APPLICATIONS FOR THE  
CONSTRUCTION AND DEVELOPMENT OF  
RESIDENTIAL TREATMENT FACILITIES**

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

SECTION 1. MORATORIUM

(a) Preamble

The City of Cannon Falls (“City”) has become aware of regulatory issues and possible shortcomings within the City Code relating to the provisions governing construction and development of residential treatment facilities within the City.

The City Council finds it necessary for the City to take time to study and consider (1) the impact of residential treatment facilities on other uses and the public health, safety and welfare; (2) whether existing infrastructure and public services can accommodate additional residential treatment facilities within the City; (3) potential local regulations governing residential treatment facilities including land use permits and other measures to insure compliance with state laws and protect the public health, safety and welfare of City residents; and (4) whether zoning ordinance changes and other regulations governing residential treatment facilities in the City may be required.

Upon completion of the foregoing studies, the City will consider the need and options for amendments to the City Code to regulate residential treatment facilities.

(b) Moratorium Established; Scope

- (1) In accordance with the above and pursuant to authority granted by Minn. Stat. § 462.355, subd. 4, the City hereby establishes a moratorium on the receipt, processing, or approval of land use applications and subdivision requests that propose to use any property in the City to operate a residential treatment facility while the study and implementation of potential regulations and zoning changes is ongoing.
- (2) For purposes of this moratorium, a “residential treatment facility” includes any facility that offers or provides care, treatment or other

services for substance use disorders, mental illness, or other behavioral issues, regardless of how patients pay for such services or whether such services are provided on an outpatient or inpatient basis.

(c) Enforcement

Any person, corporation, or other entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. The City may enforce this Ordinance by mandamus, injunction, or other appropriate criminal or civil remedy in any court of competent jurisdiction.

(d) Term

Unless earlier rescinded by action of the City Council, the moratorium established by this Ordinance shall remain in full force and effect until May 10, 2024. The moratorium may be extended as provided in Minn. Stat. § 462.355, subd. 4(d).

SECTION 2. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this 2<sup>nd</sup> day of May, 2023.

\_\_\_\_\_  
Matt Montgomery, Mayor

ATTEST:

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

Published in *Cannon Falls Beacon* on May 11, 2023.

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING  
CITY CODE CHAPTER 152 RELATED TO ZONING

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

Section 1. City Code Section 152.021 is amended by adding the underlined language, as follows:

\*\*\*

***LODGING ROOM ESTABLISHMENTS.*** An establishment that provides short-term sleeping and living quarters for the exclusive use of its guests with at least one, but no more than five, lodging rooms available within a structure. Lodging Room Establishments shall not include Residential Rehab Centers.

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***RESIDENTIAL FACILITY, STATE LICENSED.*** Any program, defined by M.S. § 245A.02, Subdivision 14, as it may be amended from time to time, that provides 24 hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the Commissioner of the Department of Human Services to provide services for five or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the Commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under M.S. § 254B, as it may be amended from time to time. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home. Residential Facilities shall not include Residential Rehab Centers.

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***RESIDENTIAL REHAB CENTER.*** Any cooperative living residence that provides, but is not limited to, homebased services for persons with chemical dependency, emotional disturbance, substance abuse disorder, or co-occurring disorders and operates under a manager or managed program setting with house rules, curfews, facilitated meetings, and stipulate that residents must abstain from using alcohol or other illicit drugs or substances not prescribed by a physician.

Section 2. City Code § 152.608(H) is amended by adding the underlined language as follows:

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(H) Nursing homes and similar group housing, hospitals, sanitariums or similar institutions, not including Residential Rehab Centers, provided that:

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Section 3. City Code § 152.648(F) is amended by adding the underlined language, as follows:

(F) Hospitals provided that:

- (1) A fence is to be installed. The fence shall be constructed of masonry, brick or wood, except as otherwise provided herein. The fence shall provide a solid screening effect and shall be a minimum of six feet in height but shall not exceed eight feet in height. The fence shall be required in the side, rear and front yards (subject to 152.186). Grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.
- (2) All sides of the hospital shall require a green belt planting strip. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of 20 feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to a minimum height of six feet around the entirety of the building. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- (3) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
- (4) All state statutes and regulations governing the use are strictly adhered to and all required operating permits are secured; and
- (5) Adequate off-street loading space is provided in compliance with §152.255 through §152.264 of this chapter.

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Section 4. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Matt Montgomery, Mayor

ATTEST:

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

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

**PLANNING COMMISSION 2024-04**

**Ordinance Text Amendment–Zoning of Treatment Facilities**

WHEREAS, a moratorium was put in place to study the impact of treatment facilities operating in residential areas,

WHEREAS, the city studied the matter and brought forth new language that amended City Code sections § 152.021, § 152.608(H), and § 152.648(F),

WHEREAS, the Planning Commission conducted a hearing on February 12, 2024 to accept testimony relating to the application; and

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

WHEREAS, The Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the Ordinance Text Amendment be approved.

**NOW THEREFORE, LET IT BE RESOLVED BY THE CITY OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA,** that based on the findings of the Planning Commission which hereby recommends adoption by the City Council that the Ordinance Text Amendment be approved.

**ADOPTED** by the Planning Commission of Cannon Falls this 12<sup>th</sup> day of February, 2024.

**CITY OF CANNON FALLS**

\_\_\_\_\_  
Planning Commission Chair

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