

FARIBAULT PLANNING COMMISSION
PUBLIC HEARING – MARCH 2, 2020

Case Number and Request:	OMA 07-2020 Approve Ordinance 2020-5 Adopt City of Faribault Official Map No. 1 – East View Drive
Applicant:	City of Faribault
Requested Action:	Recommend Approval of Ordinance 2020-5
Deadline for Council Action:	None
From:	Mark DuChene, City Engineer David Wanberg, City Planner

BACKGROUND

The City’s current Comprehensive Plan (which the City Council adopted in 2003 – see **Figure 1** below) and the draft Comprehensive Plan update (which the City Council is expected to adopt in May of this year – see **Figure 2** below) identify a future street that is planned to connect the east terminus of 30th Street NW at State Highway 3 to the west terminus of the platted, but currently unimproved, East View Drive at the Meadows Second Addition. This planned street would eventually connect to State Highway 60 near the eastern city limits. Part of the planned street is in the current city limits of Faribault and part of the planned street is in the Town of Cannon City, Rice County.

To ensure that land in this area does not develop in such a way that it would prevent or complicate the future construction of the planned street, the City of Faribault is proposing to adopt the “City of Faribault Official Map No. 1 – East View Drive” (see attached **Ordinance 2020-5**). The Official Map does not directly acquire parcels of land. Rather it identifies land that the City intends to acquire at some point, which may be in the short term or it may be many years from now. Cities typically acquire land for streets through the subdivision process, but the City can also negotiate with a property owner to acquire land or a right-of-way easement before a property owner intends to subdivide the property. Again, the Official Map does not directly acquire land for the future street, but it does inform property owners of the proposed street and it includes provisions to prevent or discourage development on property that would prevent or make it difficult for the future the street to be developed.

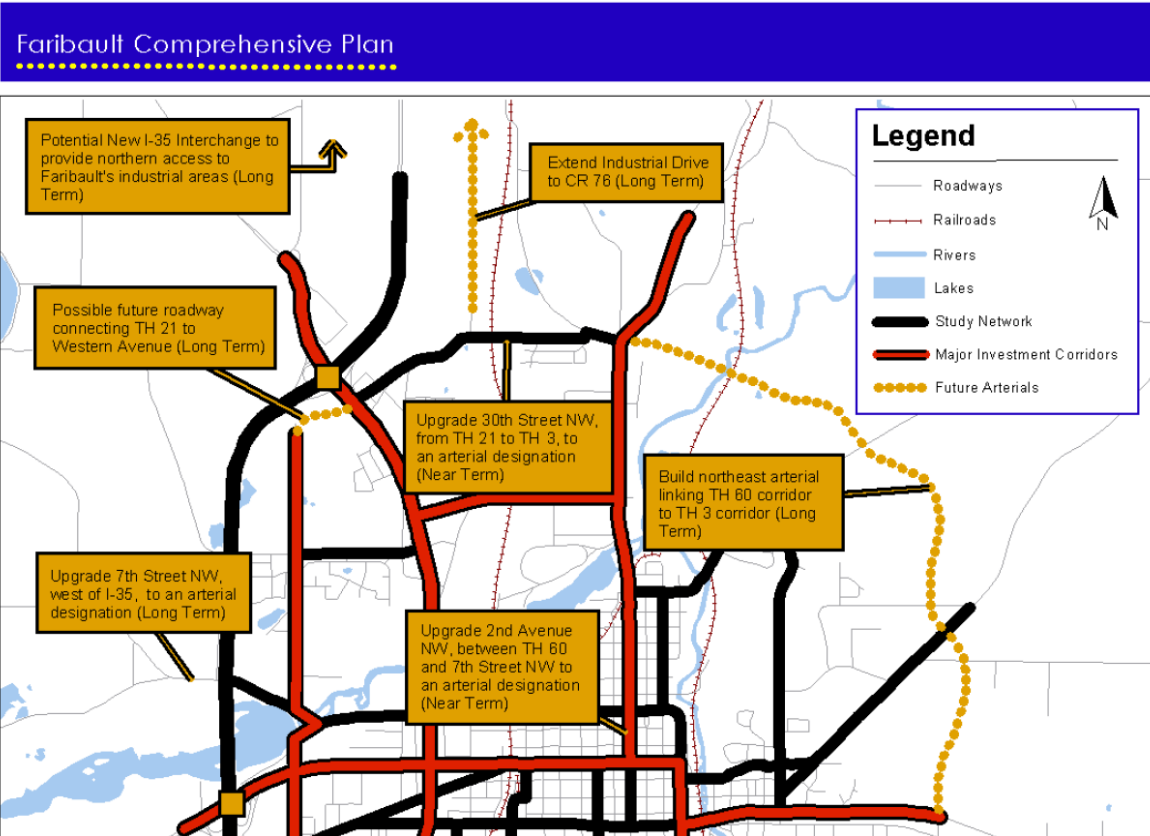


Figure 1: City of Faribault Current Comprehensive Plan (2003) showing Future Street Connection between State Highway 3 and State Highway 60

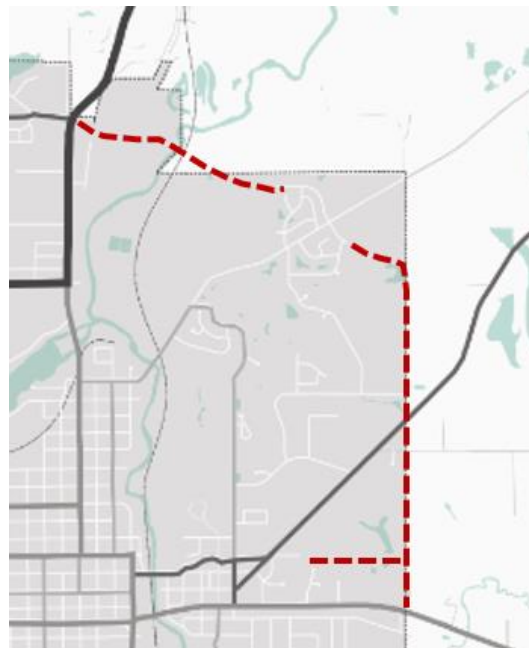


Figure 2: Draft Comprehensive Plan Update showing Future Street between State Highway 3 and State Highway 60

PROCESS FOR ADOPTING AND APPLYING THE OFFICIAL MAP

The future extension of East View Drive would occur mostly within the city limits of Faribault, but a segment of the future street would occur outside the city limits in Cannon City Township. Consequently, the City of Faribault and Rice County will each adopt an Official Map to ensure that the future extension of East View Drive can be developed where proposed. The City sent public hearing notices to all affected parcels (and adjacent parcels within 350 feet of the affected parcels), regardless of whether the parcels were within the City of Faribault or in Cannon City Township. Rice County is holding a similar public hearing and intends to adopt the Official Map as well.

As stated in the attached Ordinance 2020-5, the City of Faribault will apply and enforce Ordinance 2020-5 to those affected properties within the city limits of Faribault. Rice County will be responsible for applying and enforcing a similar ordinance for those affected properties in Cannon City Township. The Ordinance requires the City (or County) approval authority to deny any request for a permit that would adversely affect the development of the future street. The City (or County) would not have to compensate a property owner that constructs, without a permit, anything in the area reserved for the development of the future street.

RECOMMENDATION

Recommend that the City Council approve the attached draft Ordinance 2020-5, which approves the City of Faribault Official Map No. 1 – East View Drive with the provisions and written findings included in the resolution.

ATTACHMENTS

1. Draft Ordinance 2020-5

State of Minnesota
County of Rice

CITY OF FARIBAULT

ORDINANCE 2020-5

ADOPT CITY OF FARIBAULT OFFICIAL MAP NO. 1 – EAST VIEW DRIVE

WHEREAS, the City of Faribault's current Comprehensive Plan, adopted by the Faribault City Council in 2003, identifies a future arterial road that is planned to connect the east terminus of 30th Street NW at Trunk Highway 3 to East View Drive at 14th Street NE and eventually to Trunk Highway 60; and

WHEREAS, the City Council desires to adopt an Official Map in accordance with Minnesota Statute 462.359, which identifies the land needed for the future street referenced above; and

WHEREAS, part of the future street is outside the current city limits of the City of Faribault and, therefore, Rice County intends to adopt an Official Map in accordance with Minnesota Statute 394.26 for the portion of the future street that will be located outside the current city limits; and

WHEREAS, the parcels that the above referenced future street will cross are legally described and illustrated in Exhibit 1 of this Ordinance; and

WHEREAS, Stonebrooke Engineering, Inc., on behalf of the City of Faribault, prepared "City of Faribault Official Map No. 1 – East View Drive" (attached as Exhibit 2 to this Ordinance), which legally describes and illustrates the future street construction described in the first recital; and

WHEREAS, the Planning Commission, on the 2nd day of March, 2020, following proper notice, held a public hearing to consider the adoption of this Ordinance, which adopts the attached Official Map; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of this Ordinance with following findings as required by Section 2-180 of the City's Unified Development Ordinance; and

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The City's current Land Use Plan and Transportation Plan, which the City Council approved in 2003, identifies a future street connection consistent with the proposed Official Map that is part of this Ordinance.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: The proposed Official Map that is part of this Ordinance is in the public interest in that it provides a "loop" street around the northeast area of the city that benefits property owners in northeast Faribault and the surrounding area. It also provides an alternative east/west route through Faribault.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City. Adoption of the City of Faribault Official Map No. 1 does not prevent property owners from using their property consistent with the current zoning of their property.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City. However, the northeast area of Faribault

has been developing and will continue to develop. Consequently, it is prudent to adopt the City of Faribault Official Map No. 1 before future development precludes development of the future street, which is in the best interest of the community.

WHEREAS, at a public meeting on March 10, 2020 and then again on March 24, 2020, the City Council considered adoption of this Ordinance and concurred with the recommendation and findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and incorporation of recitals. The findings and recitals set forth in this Ordinance are incorporated into and made part of this Ordinance, and where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Adoption of Official Map. The City Council of the City of Faribault hereby adopts this Ordinance with the following provisions and with the map entitled "City of Faribault Official Map No. 1 – East View Drive", a copy of which is attached to Exhibit 2 of this Ordinance and incorporated herein by reference:

A. Purpose. The purpose of this Ordinance and the attached City of Faribault Official Map No. 1 – East View Drive is as follows:

1. Identify land for the future construction of a street that will connect the east terminus of 30th Street NW at Minnesota Trunk Highway 3 with the west terminus of the platted, but unimproved, East View Drive at the Meadows Second Addition.
2. Facilitate the ability of property owners affected by the future construction of the above referenced street to adjust their development and/or construction plans equitably and conveniently before making investments that would otherwise make future adjustments difficult.
3. Identify the authority and responsibility of the City of Faribault and Rice County to adopt and enforce the provisions of this Ordinance and the City of Faribault Official Map No. 1 – 30th Street NW.

B. Authority to Adopt and Enforce. The City of Faribault Official Map No. 1 – East View Drive applies to areas in the City of Faribault and areas in the unincorporated Town of Cannon City in Rice County. Minnesota

Statutes Section 462.359 authorizes the City of Faribault to adopt and enforce the provisions of this Ordinance as it applies to the areas in the City of Faribault. Minnesota Statutes Section 394.361 authorizes the Rice County to adopt and enforce provisions of a Rice County ordinance as it applies to the areas in the Town of Cannon City in Rice County.

- C. Effect. Every application for a building permit, grading permit, or similar permit received by the City of Faribault for property included on the City of Faribault Official Map shall be denied by an authorized agent of the City of Faribault if the proposed work would adversely affect the construction of the proposed street. The City shall not be required to compensate a property owner for any work conducted without a permit or in violation of the conditions of a permit within any area that is a part of the Faribault Official Map. Adoption of this Ordinance does not grant the City of Faribault any right, title, or interest in the property identified on the Official Map, but it does authorize the City to acquire such interest without paying compensation for structures or other work conducted in any area that is part of the Faribault Official Map without a permit or in violation of the conditions of the a permit.
- D. Appeals. Whenever an authorized agent of the City of Faribault denies a building permit, grading permit, or similar permit pursuant to this Ordinance, the property owner may appeal to the City of Faribault Board of Appeals.

Section 3: Authorization to take additional steps. City Staff and City Consultants are hereby authorized and directed to take additional steps and actions necessary or convenient to accomplish the intent of this Ordinance.

Section 4: Authorization to execute documents. The Mayor and City Administrator are hereby authorized and directed to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Ordinance.

Section 5: Effective Date. This Ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing: March 2, 2020
First Reading:
Second Reading:
Publication:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**Exhibit 1: Legal Description of Parcels that the Future Street will
Cross**

Exhibit 2: City of Faribault Official Map No. 1 – East View Drive

