

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Petition for Detachment  
of Certain Real Property from the City of  
Taylors Falls, Minnesota

MBAU D-674

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER DENYING  
DETACHMENT**

This matter came before Administrative Law Judge Kimberly Middendorf for a hearing on September 25, 2025, at the Taylors Falls City Hall in Taylors Falls, Minnesota. The parties submitted post-hearing filings. The last filing was received on October 8, 2025, and the record closed on that date.

Rachel Bertram and Jacob Bertram (Petitioners) appeared on their own behalf, without legal counsel. Frederic W. Knaak, North Star Law Group, appeared on behalf of the City of Taylors Falls (City).

**STATEMENT OF THE ISSUES**

Should the Petition for Detachment be granted or denied based on the factors established in Minn. Stat. § 414.06 (2024)?

**SUMMARY OF CONCLUSIONS**

Petitioners have not established that the property proposed for detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development. Additionally, the City would experience undue hardship in carrying on the functions of government if the Petition for Detachment were granted. Therefore, the Petition for Detachment must be denied under Minn. Stat. § 414.06.

Based upon the files and record in this case, the Judge makes the following:

## FINDINGS OF FACT

### I. The Parties

1. The City is located in Chisago County, Minnesota.<sup>1</sup>
2. The City's land use decisions are governed by the City of Taylors Falls Zoning and Subdivision Ordinance (Zoning Ordinance) and the City of Taylors Falls Comprehensive Plan (Comprehensive Plan).<sup>2</sup>
3. The City, located on the western bank of the St. Croix River,<sup>3</sup> has a land area of approximately 2,688 acres.<sup>4</sup>
4. Petitioners are landowners in the City.<sup>5</sup>

### II. The Petition and Response

5. Petitioners filed a Petition for Detachment of Certain Land from the City of Taylors Falls, Minnesota (Petition for Detachment) on July 14, 2025.<sup>6</sup> The Petition for Detachment was signed by both owners of the Subject Parcel, Rachael and Jacob Bertram.<sup>7</sup>

6. Petitioners seek to detach a parcel of land (the Subject Parcel) from the City, totaling approximately 21.6 acres.<sup>8</sup> The Petitioners purchased the property in 2018. Petitioners reside in a single-family home on the Subject Parcel, with a three-car garage. The Subject Parcel is otherwise undeveloped.<sup>9</sup> The Subject Parcel is accessed via State Highway 95 (St. Croix Trail).<sup>10</sup>

7. The Subject Parcel is legally described as follows<sup>11</sup>:

That part of the West Half of the Northwest Quarter of Section 24, Township 34, Range 19, Chisago County, Minnesota, lying southerly of the following described line:

Commencing at the southeast corner of the East Half of said Northwest Quarter; thence North 00 degrees 30 minutes 45 seconds West, assumed bearing along the east line of said East Half of the

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<sup>1</sup> Exhibit (Ex.) 501 (Elizabeth Haas Memorandum); Declaration of Elizabeth Haas (Haas Decl.) (Sept. 30, 2025).

<sup>2</sup> Ex. 501; Haas Decl.

<sup>3</sup> Ex. 504 (T.J. Hofer Memorandum).

<sup>4</sup> Petitioner's Closing Argument (Oct. 8, 2026).

<sup>5</sup> Petition for Detachment (Petition) (Jul. 14 2025); Test. of Rachael Bertram.

<sup>6</sup> Petition.

<sup>7</sup> Petition.

<sup>8</sup> Petition.

<sup>9</sup> Test. of R. Bertram; Petition.

<sup>10</sup> Test. of R. Bertram; Petitioner's Closing Argument.

<sup>11</sup> Petition.

Northwest Quarter, a distance of 518.65 feet; thence South 88 degrees 58 minutes 54 seconds West, to the west line of said East Half of the Northwest Quarter and the point of beginning of the line to be described; thence northwesterly to a point on the west line of said West Half of the Northwest Quarter distant 1501 feet south of the northwest corner of said West Half of the Northwest Quarter and there terminating.

Except therefrom the following described parcel:

Beginning at the southeast corner of said West Half of the Northwest Quarter; thence westerly along the south line of said West Half of the Northwest Quarter a distance of 300 feet; thence northerly parallel with the east line of said West Half of the Northwest Quarter a distance of 400 feet; thence easterly parallel with the south line of said West Half of the Northwest Quarter 300 feet to the east line of said West Half of the Northwest Quarter; thence southerly along said east line to the point of beginning.

8. Petitioners provided the following map, depicting the Subject Parcel, outlined in red, in relation to the City and Shafer Township boundaries:<sup>12</sup>

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<sup>12</sup> Petition.

**Shafer  
Township,  
Chisago  
County**

20,00020,60

**Taylors Falls,  
Chisago  
County**



9. Petitioners seek detachment because they believe it will result in lower property taxes. In addition, Petitioners cited restrictions to the use of their property by Taylors Falls City Code (City Code) and Zoning and Subdivision Ordinance (Zoning Ordinance), including their belief that they are unable to locate a semi-trailer on the lot, keep farm animals, and hunt on the property.<sup>13</sup>

10. The City adopted Resolution 2025-08-01 on August 11, 2025, which opposes the Petition for Detachment.<sup>14</sup> The City believes that the detachment is inconsistent with and detrimental to the City's Comprehensive Plan, limits the growth boundaries of the City, and impacts potential future annexation along the City's western border.<sup>15</sup>

11. Although initially supportive of detachment, the Township ultimately determined that it would remain neutral regarding the Petition for Detachment.<sup>16</sup> Therefore, the Township is not a party to this proceeding.

### **III. Impacts of Detachment and Factors under Minn. Stat. § 414.06**

12. The City has created a Comprehensive Plan it relies on to guide its future development. The Taylors Falls Comprehensive Plan was written and first adopted in 2006 and most recently reviewed in 2011.<sup>17</sup> The City is currently in the process of updating the comprehensive plan which will have large impacts to the growth plan.<sup>18</sup>

13. The St. Croix River forms the City's eastern boundary. Interstate Park borders the City to its south. These features prevent the City's expansion eastward and southward.<sup>19</sup>

14. Expansion to the west is also limited. This area, including County Road 20, Victory Lane, and Upland Road, are already developed in a pattern that is more common of exurb or rural city development than of township development. Further development of any parcels to the south or west of Colby Lake is unlikely based on the lack of benefits annexation would provide to existing landowners and the high cost to the City of annexing the area. The only feasible development corridor that remains to the City is the area north and east of Colby Lake.<sup>20</sup>

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<sup>13</sup> Petition; Test. of R. Bertram.

<sup>14</sup> Ex. 503 (City Hearing Brief in Opposition to Detachment).

<sup>15</sup> Haas Decl.; Exs. 501, 504; Test. of T.J. Hofer.

<sup>16</sup> Notice of Hearing (Aug. 4, 2025); Email from Faith Lichtscheidl to Jamie Smith (Sept. 24, 2025).

<sup>17</sup> Exs. 501, 504; Test. of T.J. Hofer; Haas Decl.

<sup>18</sup> Exs. 501, 504; Test. of T.J. Hofer; Haas Decl.

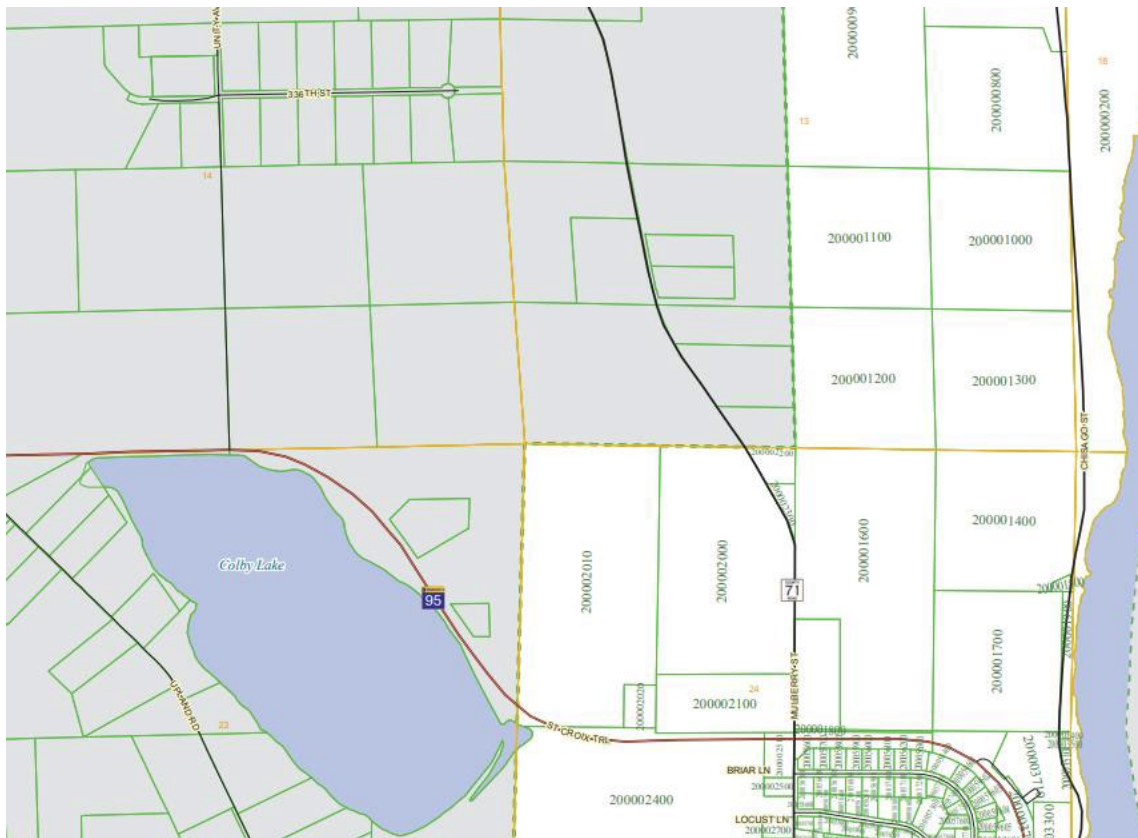
<sup>19</sup> Exs. 501, 504; Test. of T.J. Hofer; Haas Decl.

<sup>20</sup> Exs. 501, 504; Test. of T.J. Hofer; Haas Decl.

15. The Comprehensive Plan places Petitioners' parcel within the City's designated growth boundary. The City anticipates development along the County Road 71 and State Highway 95 corridors, as well as the area west of Highway 95, where sewer, water, and electrical service can be extended. Detachment of the Subject Parcel would cut off the City's logical expansion corridors, particularly along Highway 95 and County Road 71, hindering the City's long-term ability to manage growth.<sup>21</sup>

16. The City is in the process of developing a 40-acre business park near the Subject Parcel on the City's western boundary.<sup>22</sup> The City recently sold the business park, which it believes will help ease the area tax burden.<sup>23</sup>

17. The two maps below depict the area surrounding Colby Lake and the Subject Parcel's location in relation to the lake and the City's current western boundary:<sup>24</sup>

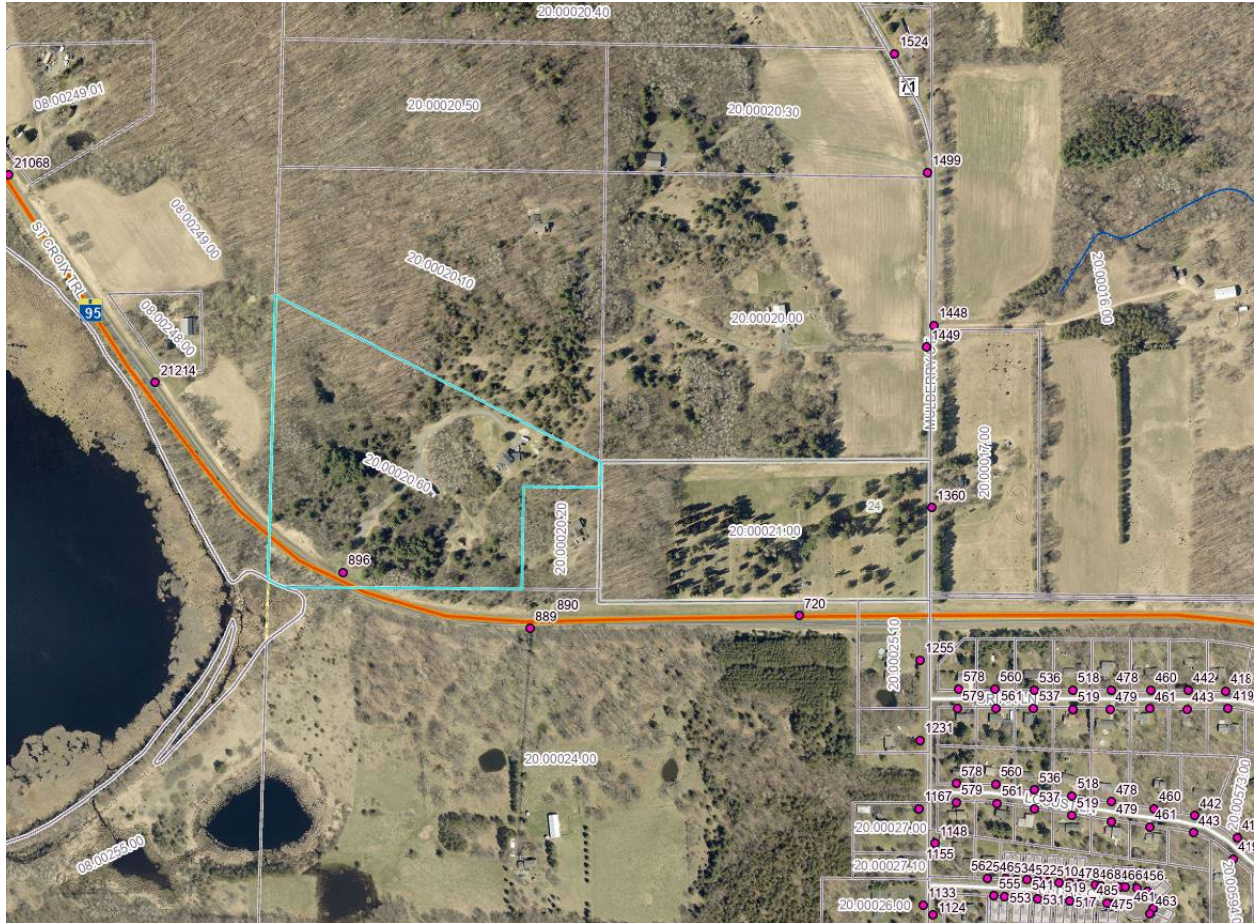


<sup>21</sup> Test. of T.J. Hofer; Ex. 504.

<sup>22</sup> Test. of T.J. Hofer; Ex. 504.

<sup>23</sup> Test. of Brandon Weiberg.

<sup>24</sup> Ex. 504.



18. The City is in the process of rewriting its Comprehensive Plan to manage its limited growth opportunities north and west. The Subject Parcel sits directly in this critical path.<sup>25</sup> The City has hired the Northstar Group and has actively engaged residents and the community in a Community Action Plan, to reflect what the residents of Taylors Falls want to see within the City and within the Comprehensive Plan.<sup>26</sup>

19. Detachment would carve an irregular "notch" into the City's otherwise straight western boundary, diminishing the symmetry of the municipal border.<sup>27</sup> The proposed detachment would very significantly impair the symmetry of the City's western boundary.

20. The Subject Parcel is rural in character. Under the Zoning Ordinance, the Subject Parcel is zoned "Residential Transitional."<sup>28</sup> The Subject Parcel is adjacent to parcels zoned "Rural Countryside."<sup>29</sup>

<sup>25</sup> Ex. 504; Test. of T.J. Hofer.

<sup>26</sup> Ex. 501; see Test. of T.J. Hofer.

<sup>27</sup> Ex. 504; Test. of T.J. Hofer.

<sup>28</sup> Ex. 501; Haas Decl.

<sup>29</sup> Exs. 501, 504; Test. of T.J. Hofer; Haas Decl.

21. The Residential Transitional District is a residential district and is established for the purpose of providing for low-density residential development while maintaining a rural atmosphere. The only permitted use in the Residential Transitional District is single-family residential.<sup>30</sup>

22. The Rural Countryside District was established to promote agricultural activities and environmentally sensitive residential development. Agricultural and residential are among the permitted uses in the Rural Countryside District.<sup>31</sup> Home occupations are permissible in this zone with a conditional use permit.<sup>32</sup> Keeping backyard chickens is an accessory use that is allowed in the Rural Countryside District.<sup>33</sup>

23. Zoning Ordinance § 2000.017, subd. 7, states:<sup>34</sup>

No commercial vehicles, or equipment, exceeding 12,000 pounds gross weight, shall be parked, stored, or otherwise continued in a residential district for more than a maximum of 24 hours unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

24. Hunting is permitted within City limits under the City Code.<sup>35</sup>

25. The City believes the zoning concerns raised by Petitioners could have been resolved through standard City processes.<sup>36</sup>

26. Prior to the initiation of this matter, Petitioners never contacted the City regarding land use and zoning regulations.<sup>37</sup>

27. Elizabeth Haas is the Zoning Administrator and City Coordinator. She was first contacted regarding the Subject Parcel when Jacob Bertram inquired how to be detached from the City as he expressed their property taxes were too high.<sup>38</sup>

28. Petitioners have not applied to the City for rezoning or a conditional use permit.<sup>39</sup>

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<sup>30</sup> Ex. 501 at Attachment D; Haas Decl.

<sup>31</sup> Ex. 501 at Attachment C; Haas Decl.

<sup>32</sup> Ex. 501 at Attachment C; Haas Decl.

<sup>33</sup> Ex. 500 at Attachment C; Haas Decl.

<sup>34</sup> Ex. 500 at Attachment E; Haas Decl.

<sup>35</sup> City Code § 510.04, subds. 5, 6, provides that private landowners and any person in connection with the Department of Natural Resources approved Firearms Safety Program may discharge firearms within City limits unless otherwise prohibited by law. Ex. 501 at Attachment A.

<sup>36</sup> Ex. 501; Test. of B. Weiberg.

<sup>37</sup> Ex. 501 at 1; see Test. of R. Bertram, B. Weiberg.

<sup>38</sup> Ex. 501; Haas Decl.

<sup>39</sup> Ex. 501; Haas Decl.; Test. of R. Bertram.

29. Shafer Township's comparable ordinance is stricter than the City's, prohibiting vehicles over 10,000 pounds, making Shafer Township less permissive on this point. It is not clear whether Shafer Township would allow the use of the Subject Parcel for the operation of a commercial trucking business.<sup>40</sup>

30. The City provides water and sewer to the densely populated areas of the City, but not to the Subject Parcel or other properties on the outskirts of City limits. The City extends water and sewer to new areas as population density and demand increases, making the extension economically feasible.<sup>41</sup>

31. The State plows and maintains State Highway 95. The City plows and maintains city streets.<sup>42</sup>

32. The City of Taylors Falls provides fire response service.<sup>43</sup>

33. Shafer Township does not have its own fire service, instead contracting with multiple cities, including the City, for the service.<sup>44</sup>

34. The distance to the Subject Parcel to the Taylors Falls Fire Department is approximately 1.2 miles, with a response time of three minutes. The next fire department nearest to the Subject Parcel is in the City of Shafer, at a distance of eight miles and an estimated response time of six minutes. Almelund, an unincorporated community in Amador Township, also contracts with the Township to provide fire services, which is ten miles from the Subject Parcel and has an estimated response time of 9.3 minutes.<sup>45</sup>

35. The City needs to purchase a new firetruck. With the new equipment and increasing cost of maintaining a fire department, the City projects these costs will in part be passed on to the cities and townships to which it provides fire suppression services by contract. Shafer Township's fire contract is projected to increase, likely increasing Township taxes as well.<sup>46</sup>

36. It is not known whether the Township will have primary coverage from the City of Shafer or Almelund in the future. Mutual aid agreements in the region make it likely that there would be a response from the City in the event of a fire. However, the City would not be a designated first responder, a meaningful distinction for insurance purposes as distance from a designated first responder drives fire insurance costs.<sup>47</sup>

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<sup>40</sup> Test. of T.J. Hofer; see Ex. 501 at Attachments E, G; Haas Decl.

<sup>41</sup> Test. of B. Weiberg.

<sup>42</sup> Test. of R. Bertram.

<sup>43</sup> Test. of Robert Bayer.

<sup>44</sup> Test. of R. Bayer; Ex. 501.

<sup>45</sup> Ex. 501; Haas Decl.

<sup>46</sup> Test. of R. Bayer.

<sup>47</sup> Ex. 501; Test. of Bayer. Council Member Bayer further testified from personal knowledge of a Taylors Falls employee who experienced an increase of over \$1,000 in annual insurance premiums because her new home was located more than five miles from the designated responding fire station.

37. Petitioners' property taxes for the Subject Parcel were approximately \$8,000.00 for 2025.<sup>48</sup> Approximately \$3,000.00 of the total property tax is due to the City.<sup>49</sup>

38. Since at least 2023, Petitioners have not contested their property taxes as permitted by tax regulations.<sup>50</sup>

39. Petitioners spoke with someone in Chisago County assessor's office tax division but could not recall who the individual was. According to Petitioners, during this phone call they were given a "rough estimate" of a tax reduction of \$2,500.00 to \$3,000.00 if the Subject Parcel was in the Township rather than the City.<sup>51</sup>

40. Petitioners' alleged tax savings are likely to be less than they hope. At most, savings might amount to \$1,200.00 annually were the Petitioners to become part of Shafer Township. Even that would likely be offset by higher insurance costs and other expenses. There is no assurance from Shafer Township that taxes will not increase in the next two years.<sup>52</sup>

41. The Petitioners' immediate neighbor opposes detachment. She believes Petitioners' existing trucking operation is already a nuisance—loud diesel engines running for hours, and noxious fumes requiring windows to remain closed. She has not publicly complained to date but wished to contradict the assertions made by Petitioners that their trucking operation was more occasional in nature and unobtrusive. The neighbor bought her property in reliance on the City's Comprehensive Plan and supports the Comprehensive Plan.<sup>53</sup>

#### **IV. Procedural History and Statutory Requirements**

42. The Petition for Detachment and filing fee were submitted on July 14, 2025.<sup>54</sup>

43. On July 25, 2025, the Judge issued an Order scheduling a prehearing conference for August 1, 2025.<sup>55</sup>

44. On August 1, 2025, the Judge held a prehearing conference by telephone.<sup>56</sup>

45. On August 4, 2025, the Judge issued an Order scheduling the hearing and ordering the parties to proceed to mediation.<sup>57</sup>

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<sup>48</sup> Test. of R. Bertram.

<sup>49</sup> Test. of R. Bertram.

<sup>50</sup> Test. of B. Weiberg.

<sup>51</sup> Test. of R. Bertram.

<sup>52</sup> Test. of R. Bayer.

<sup>53</sup> Test. of Ms. Brincefield.

<sup>54</sup> Petition for Detachment (Nov. 29, 2021).

<sup>55</sup> Order for Prehearing Conference (Dec. 3, 2021).

<sup>56</sup> Prehearing Conference Digital Recording (Dec. 10, 2021) (on file with the Minn. Office Admin. Hearings).

<sup>57</sup> Prehearing Order (Dec. 13, 2021).

46. Pursuant to Minn. Stat. § 414.06, subd. 2, the parties were required to participate in mediation. The parties participated in mediation but were not able to resolve their dispute.

47. Notice of the evidentiary hearing was published in the Chisago County Press on August 14 and 21, 2025.<sup>58</sup>

48. The Judge conducted the hearing in this matter on September 25, 2025.<sup>59</sup> The hearing was held at the Taylors Falls City Hall, in the county where the Subject Parcels are located.<sup>60</sup>

49. At the hearing, sworn testimony was admitted into the record from several witnesses. Petitioners offered no exhibits. The City's Exhibits 501 through 506 were admitted into the record, without objection.<sup>61</sup>

50. The City filed its post-hearing brief on October 2, 2025. Petitioners filed their post-hearing brief on October 8, 2025.

## **V. Public Comments**

51. The Notice of Hearing advised the public that interested persons could submit written data, statements, or arguments concerning this matter prior to the hearing.<sup>62</sup> The Notice of Hearing requested that public comments be submitted by 4:30 p.m. on September 18, 2025.<sup>63</sup>

52. The Court of Administrative Hearings received no written statements from members of the public.

## **VI. Incorporation by Reference**

53. Any Conclusion of Law more properly considered to be a Finding of Fact is adopted herein.

54. Any portion of the accompanying Memorandum that is properly considered to be a Finding of Fact is incorporated as such.

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<sup>58</sup> Affidavit of Publication (Aug. 25, 2025).

<sup>59</sup> Hearing Digital Recordings (Sept. ) (on file with the Minn. Court Admin. Hearings).

<sup>60</sup> See Notice of Hearing.

<sup>61</sup> The City did not identify its exhibits by exhibit number as specified in the First Prehearing Order. Accordingly, the Court has labeled them Exhibits 501 (Haas Memo and attachments), 502 (Affidavit of Service), 503 (City Brief), 504 (Hofer Memo and attachments), 505 (Zoning Ordinance), 506 (Chisago County Ordinance), and 507 (Contract for Fire Service).

<sup>62</sup> Notice of Hearing (Aug. 4, 2025).

<sup>63</sup> *Id.*

Based upon these Findings of Fact, the Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Judge has jurisdiction over this matter pursuant to Minn. Stat. § 414.01, .06, .12 (2024).
2. The Petition for Detachment was properly filed and notice given pursuant to Minn. Stat. § 414.09, subd. 1(c) (2024).
3. The hearing date was published in compliance with Minn. Stat. § 414.09, subd. 1(d) (2024).
4. Petitioners bear the burden of proof and must establish by a preponderance of the evidence that the statutory criteria for detachment have been met.<sup>64</sup>
5. Minn. Stat. § 414.06, subd. 3, provides the criteria for detachment, stating that detachment may be ordered on finding that:

the requisite number of property owners have signed the petition if initiated by the property owners, that the property is rural in character and not developed for urban residential, commercial or industrial purposes, that the property is within the boundaries of the municipality and abuts a boundary, that the detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development.
6. Detachment may be denied upon a finding that the remainder of the municipality cannot continue to carry on the functions of government without undue hardship.<sup>65</sup>
7. Based upon the evidence in the record, Petitioners have established by a preponderance of the evidence that:
  - a. the requisite number of property owners signed the petition;
  - b. the Subject Parcel is within the boundaries of the municipality and abuts a boundary; and
  - c. the Subject Parcel is rural in character and not developed for urban residential purposes.
8. Petitioners have not demonstrated by a preponderance of the evidence that the Subject Parcel would not unreasonably affect the symmetry of the City.

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<sup>64</sup> Minn. R. 1400.7300, subp. 5 (2025).

<sup>65</sup> Minn. Stat. § 414.06, subd. 3.

9. Petitioners have not demonstrated by a preponderance of the evidence that land within the Subject Parcels is not needed for reasonably anticipated future development.

10. Because detachment would prohibit future growth and annexation, the City would experience undue hardship in carrying on the functions of government if the Petition for Detachment were granted.

11. Under Minn. Stat. § 414.12, subd. 3, if the parties do not agree to a division of the costs of the proceeding before a hearing commences, the costs must be allocated on an equitable basis. Minn. Stat. § 414.06, subd. 7, provides that unless the presiding judge makes specific findings as to why a party shall be responsible for a greater share, the petitioning landowners are responsible for at least 50 percent of the total costs.

12. As the parties did not make an agreement on the record as to the costs of this proceeding, it is equitable to allocate the costs related to proceedings and mediation on the Petition for Detachment evenly between the Petitioners and the City.

13. Any Finding of Fact more properly considered to be a Conclusion of Law is adopted herein.

14. Any portion of the accompanying Memorandum that is properly considered a Conclusion of Law is incorporated as such.

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, which is incorporated herein, the Judge issues the following:

### ORDER

1. The Petition for Detachment is **DENIED**.

2. Pursuant to Minn. Stat. §§ 414.12, subd. 3, and 414.06, subd. 7, the costs of this Court in mediating and adjudicating this proceeding (CAH 71-0330-41134 and CAH 21-0330-41001) are to be divided evenly between the parties, shall become the obligation of the Petitioners and the City in such proportions, and shall be paid in their entirety by each respective party. The parties shall pay the costs pursuant to the terms of an invoice issued under separate cover.

Dated: April 1, 2026

  
KIMBERLY MIDDENDORF  
Administrative Law Judge

## NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2024). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Chisago County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2025). However, no request for amendment shall extend the time of appeal from this Order.

## MEMORANDUM

### I. Introduction

This matter involves a request to detach the Subject Parcel located on the western border of the City. Minn. Stat § 414.06, subd. 3, provides that detachment may be ordered if:

- (1) the requisite number of property owners have signed the petition if initiated by the property owners;
- (2) the property is rural in character and not developed for urban residential, commercial or industrial purposes;
- (3) the property is within the boundaries of the municipality and abuts a boundary;
- (4) the detachment would not unreasonably affect the symmetry of the detaching municipality; and
- (5) the land is not needed for reasonably anticipated future development.

Beyond those factors, this Order also considers whether, if the Subject Parcel were detached, the remainder of the municipality could continue to carry on the functions of government without undue hardship.<sup>66</sup>

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<sup>66</sup> Minn. Stat. § 414.06, subd. 3.

## II. Standard of Proof

Petitioners must establish that the Subject Parcels should be detached under Minn. Stat. § 414.06 by a preponderance of the evidence.<sup>67</sup> Under this standard, to establish a fact, it must be more probable that the fact exists than that the contrary exists.<sup>68</sup> Put another way, Petitioners bear the burden to establish that the “greater weight of the evidence” supports the detachment of the Subject Parcel.<sup>69</sup> If the evidence in the record as to a fact or issue is equally balanced, then that fact or issue has not been established by a preponderance of the evidence.<sup>70</sup>

## III. Analysis

It is not disputed that Petitioners are the sole owners of the Subject Parcel or that the Subject Parcel abuts Shafer Township. Accordingly, the analysis below focuses on the disputed elements for detachment.

### A. Are the Subject Parcels Rural in Character and Not Developed for Urban Residential Purposes?

Detachment requires determination of whether the Subject Parcel is “rural in character” and whether it has been developed for “urban” residential purposes.<sup>71</sup> These terms are not defined in Chapter 414, and past cases decided by this tribunal have relied on commonly understood definitions of the terms “rural” and “urban.”<sup>72</sup> The word “rural” is defined to mean “of or relating to the country, country people or life, or agriculture.”<sup>73</sup> “Urban” means “of, relating to, characteristic of, or constituting a city.”<sup>74</sup> Prior cases have also considered the use of the property, zoning restrictions, the proximity of the area proposed for detachment to other uses, density, and access to or use of city services, in determining whether property is rural or urban.<sup>75</sup>

At the hearing, the City provided evidence that the Subject Parcel and its owners receive City services. The City identified municipal services available to the Subject Parcel and the Petitioners, such as: public works services related to road and parks maintenance; public safety services provided by firefighters, including for medical calls;

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<sup>67</sup> Minn. R. 1400.7300, subp. 5.

<sup>68</sup> *City of Lake Elmo v. Metro. Council*, 685 N.W.2d 1, 4 (Minn. 2004).

<sup>69</sup> *State v. Curtis*, 921 N.W.2d 342, 347 n.6 (Minn. 2018).

<sup>70</sup> *Lake Elmo*, 685 N.W.2d at 4.

<sup>71</sup> Minn. Stat. § 414.06, subd. 3.

<sup>72</sup> See Minn. Stat. § 645.08(1) (2020) (directing that undefined and nontechnical “words and phrases are construed . . . according to their common and approved usage”); see also *In re the Detachment of Certain Land from the City of Wabasha*, OAH 68-0330-32004, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER at 23 (Minn. Office Admin. Hearings Aug. 20, 2015).

<sup>73</sup> *Rural*, MERRIAM WEBSTER, <https://www.merriam-webster.com/dictionary/rural>.

<sup>74</sup> *Urban*, MERRIAM WEBSTER, <https://www.merriam-webster.com/dictionary/urban>.

<sup>75</sup> *In re the Detachment of Certain Real Property from the City of Lanesboro to Holt Township*, OAH 84-0330-33365, OAH 84-0330-33366, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER REGARDING DETACHMENT at 13-14 (Minn. Office Admin. Hearings Mar. 31, 2017).

enforcement of the State Building Code; and elections services.<sup>76</sup> While Petitioners contend that they do not benefit from City services, the record reflects that there are benefits.

Nevertheless, viewing the record as a whole, the Judge determines that the Subject Parcel is rural in character and has not been developed for urban residential purposes. The Subject Parcel is zoned Residential Transitional, which according to the Zoning Ordinance is intended to be rural in character. It is adjacent to parcels zoned Rural Countryside, which permits agricultural uses. The area is not densely developed. The Subject Parcel is not connected to City water or sewer. There is no indication of multi-family housing or other development typical of urban or suburban development. All of this is consistent with rural character. Accordingly, Petitioners have established this element.

**B. Will the Detachment Unreasonably Affect the Symmetry of the Detaching Municipality?**

The detachment statute also requires consideration of whether the detachment would “unreasonably affect the symmetry of the detaching municipality.”<sup>77</sup> The term “symmetry” is not defined in the detachment statute or elsewhere in state statutes. The common definition of “symmetry” includes “balanced proportions” and “the property of being symmetrical; especially: correspondence in size, shape, and relative position of parts on opposite sides of a dividing line or median plane or about a center or axis.”<sup>78</sup>

Petitioners’ reliance on the Court’s municipal boundary determinations in OA-1368 and OA-1785 as support for the argument that detachment does not unreasonably affect symmetry is misplaced. Those matters were annexations under Minn. Stat. § 414.0325. Annexations, whether undertaken pursuant to Minn. Stat. § 414.0325 or .033, are not subject to a symmetry requirement. Unlike annexations, detachments must meet the requirements of Minn. Stat. § 414.06, which prohibits detachment unless the detachment does not unreasonably affect symmetry. Here, there is no real dispute that detachment would create an irregular boundary instead of the straight one that exists at present. If detachment were granted the symmetry that exists today would be unreasonably affected.

The statute does not require a finding that an unreasonable change in symmetry causes any specific negative result in the City, and the Judge does not attempt to identify such. Under the current statutory language, it is legally sufficient to deny a petition for detachment if any one of the required criteria are not established by a preponderance of

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<sup>76</sup> Test. of B. Weiberg, R. Bayer; Ex. 501; Haas Decl.

<sup>77</sup> Minn. Stat. § 414.06, subd. 3.

<sup>78</sup> *Symmetry Definition*, MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/dictionary/symmetry> (last visited March 30, 2026).

the evidence.<sup>79</sup> As the Petitioners in this case failed to meet their evidentiary burden to establish that detachment “would not unreasonably affect the symmetry of the detaching municipality,”<sup>80</sup> the Petition is lawfully denied.

**C. Is the Subject Parcel Needed for Reasonably Anticipated Future Development?**

The statute governing detachments requires consideration of whether the land proposed for detachment is needed for reasonably anticipated future development.<sup>81</sup>

Petitioners argue that the City does not reasonably anticipate future development. Petitioners’ argument is contradicted by the overwhelming weight of the evidence in the record. The City has long anticipated development in conformity with its Comprehensive Plan. A comprehensive plan is intended to guide a city’s long-range development, typically over a period of 20 years.

The 2006 Comprehensive Plan places the Subject Parcel directly in the only growth corridor reasonably feasible for the City. The City’s revision of its Comprehensive Plan, although not complete, continues to anticipate development in this area. The evidence establishes that the City cannot expand to the east, because of the St. Croix River, or to the south, because it borders a state park. Existing development makes further development south of Colby Lake infeasible along the southern portion of the City’s western boundary. Development along State Highway 95 and County Road 71 are natural growth corridors, but such development would be frustrated by the detachment of the Subject Parcel.

Petitioners have the burden to establish by a preponderance of the evidence that the Subject Parcels should be detached. Therefore, Petitioners must show that the undeveloped Subject Parcels are not needed for reasonably anticipated future development. Examining the record as a whole, Petitioners have not met their burden as to this factor.

**D. Can the City Carry on the Functions of Government Without Undue Hardship?**

Under Minn. Stat. § 414.06, subd. 3, the Subject Parcel may not be detached from the City if it would be subjected to an undue hardship in carrying out municipal services.

Even if all of the initial statutory factors had been met, the Petition for Detachment would still be denied on the basis of the finding that the remainder of the municipality cannot continue to carry on the functions of government without undue hardship. While the evidence clearly established that the requested detachment would not unduly affect

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<sup>79</sup> CAH 84-0330-32407, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING DETACHMENT (Minn. Court Admin. Hearings. Sept. 30, 2015).

<sup>80</sup> Minn. Stat. § 414.06, subd. 3.

<sup>81</sup> Minn. Stat. § 414.06, subd. 3.

the City's ongoing tax base established to support its historical municipal services, Minn. Stat. § 414.06 does not mandate any link between the finding of undue hardship and the City's resulting fiscal viability for tax purposes. Instead, the statute directly allows the Judge to "deny the detachment on finding that the remainder of the municipality cannot continue to carry on the functions of government without undue hardship,"<sup>82</sup> whether or not the five identified criteria in the preceding sentence of the statutory section have been established.

In *In re the Matter of the Petition of Dawson Grain Coop, Inc., for the Detachment of Certain Land from the City of Dawson*,<sup>83</sup> the lost revenue amount of \$6,500.00 for the property proposed for detachment represented two percent of the total tax levy; while the city would experience hardship as a result of the loss of that revenue, it was not an "undue" hardship. The loss of approximately \$3,000.00 in tax revenue from the Subject Parcel is not, without more, an "undue" hardship.

Nevertheless, boundary integrity is a core statutory consideration under Minn. Stat. § 414.06. As noted above, the City's ability to grow would be foreclosed by the detachment of this property. Approval here risks a precedent for other fringe properties to withdraw, eroding the City's tax base, prohibiting its growth, and frustrating its long-range planning. As a result, this is an independent basis for denying the request for detachment.

#### **E. What Efforts Were Undertaken Prior to Filing the Petition to Resolve the Issues Forming the Basis for the Petition?**

One of the requirements of a petition for detachment is a summary of efforts undertaken to avoid detachment. While the failure to undertake such efforts is not an independent basis to deny a petition, it indicates that detachment should be a measure of last resort.

Here, the City established that there are solutions to Petitioners' issues that would not require detachment. Petitioners claim they cannot hunt on the Subject Parcel, yet the City Code expressly allows the lawful use of firearms. Petitioners argue they cannot keep roosters or farm animals but have not considered having their property rezoned to Rural Countryside, which would allow them to keep farm animals. Petitioners contend the City Code prevents them from storing semi-trucks on the property for more than a couple of days but have not been subject to any enforcement of the ordinance. Petitioners have not attempted to secure a conditional use permit, which would allow them to lawfully conduct their business.

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<sup>82</sup> *Id.*

<sup>83</sup> CAH 12-2900-15004, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Minn. Court Admin Hearings. Feb. 12, 2003).

Instead, the Petitioners claim to have left multiple messages for the City which went unreturned. Yet Petitioners could not say with whom, how many, or when such messages were left. Petitioners could not recall if they attempted to contact the City's zoning administrator. Petitioners did not approach the City Council or the Mayor with their concerns.

The City provides significant benefit to its residents. The benefits of living in a vibrant, safe and healthy community are not readily or easily quantified into a dollar figure. Detachment would allow the Petitioners to avoid the costs of living in the City while continuing to enjoy many of its benefits.

Property taxes are based on the value of the property taxed, not on the monetary value of benefits to the taxpayer. While Petitioners feel their property taxes are too high, the law provides avenues for relief that Petitioners have not used. Detachment is not anticipated as a remedy for tax relief.

#### **IV. Conclusion**

The Judge concludes that Petitioners have not established that detachment would not unreasonably affect the City's symmetry are rural in character and not developed for urban residential purposes. To the extent there are undeveloped properties remaining within the Subject Parcels, Petitioners have not established those parcels are not needed for reasonably anticipated future development. Finally, detachment of the Subject Parcel would cause undue hardship for the City in carrying out the functions of government, particularly managing future growth and development. The Petitioners' preference for the Township over the City is not a factor contemplated by Minn. Stat. § 414.06.

As a result of these determinations, the Petition for Detachment is **DENIED**.

**K. J. M.**