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# **Le Sueur County, MN**

**Thursday, September 8, 2016**

**Regular session**

## **Item 3**

### **Hering Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Tyler Hering **OWNER:** Terry Hering

**911 ADDRESS:** 14398 490<sup>th</sup> St. Waterville MN 56096

**PROJECT DESCRIPTION:** Transfer the development right from the NW 1/4 SE 1/4 to the SW 1/4 SE 1/4, in an Agriculture "A" District.

**ZONING ORDINANCE SECTIONS:** Sections 8, 19

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

### GOALS AND POLICIES:

**Goal 4:** Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

**Policy:** Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

## SITE INFORMATION

**LOCATION:** Property is located in Section 14, Waterville Township.

**ZONING:** Agriculture "A" District

**GENERAL SITE DESCRIPTION:** Ag Land

**ACCESS:** New off County 490<sup>th</sup> St. (#132), approved by County Highway Department

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Ag/Wetland	South: Ag
East: Ag/Scattered residences	West: Ag/Scattered residences

## TOWNSHIP BOARD NOTIFICATION

The applicant notified Alan Gehrke, Waterville Township Board Member on August 10, 2016.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.

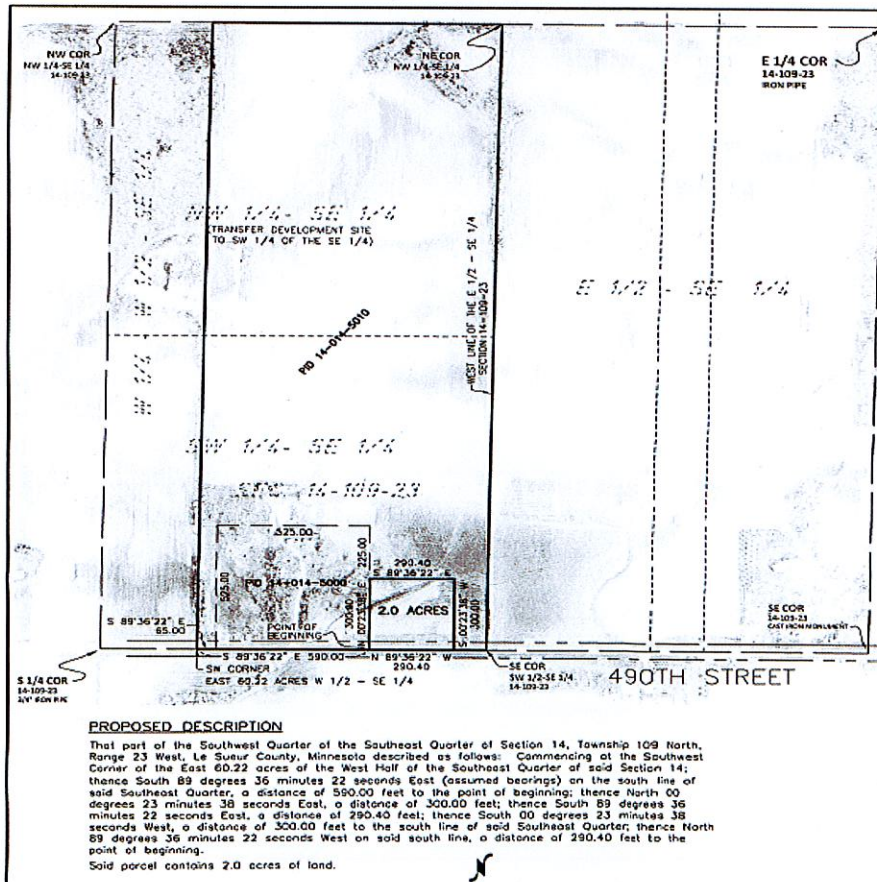
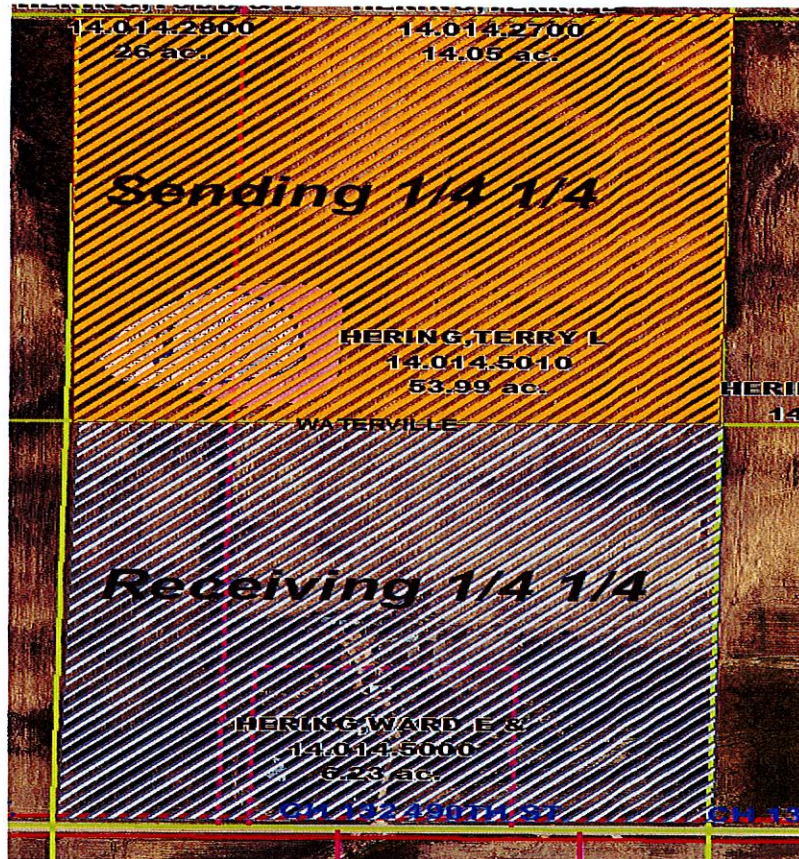
**WETLANDS:** According to the National Wetlands Inventory, Type 4 wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

Application, Criteria Form, Narrative, Survey, Site Plan, Driveway approval.



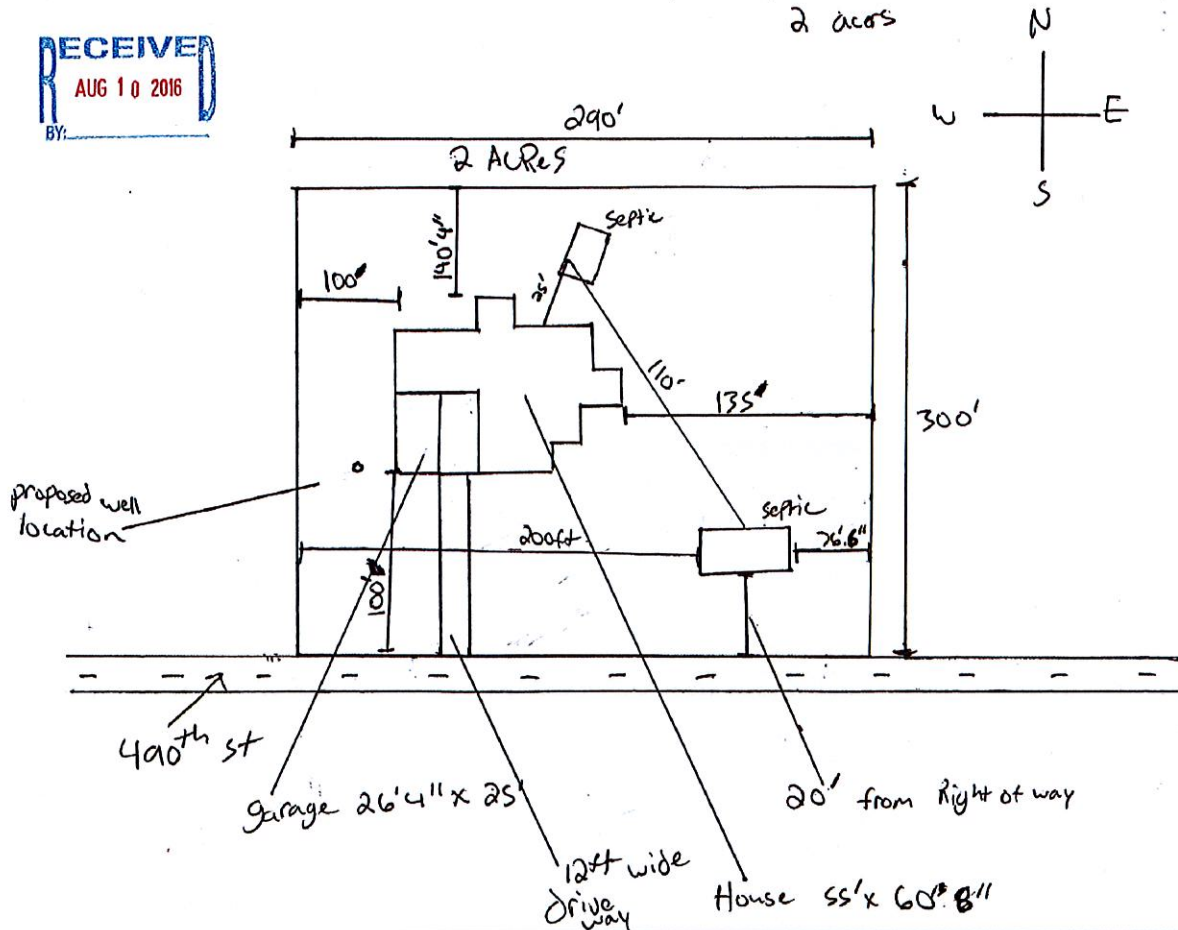
# SITE PLAN/AERIAL PHOTO







property ID 14.014.5010  
2 acres



#### LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agricultural District, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

Right to Farm-Per Section 19, Subdivision 11.

#### PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.

6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

#### PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

#### PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

***Recommend (circle one) approval / denial / table / of Conditional Use Permit.***

# Le Sueur County

## Conditional Use Permit Application

### I. Applicant:

Name Tyler Hering  
Mailing Address 14142 490th St  
City Waterville State Mn Zip 56096  
Phone # 507-362-8649 Phone # \_\_\_\_\_

### II. Landowner:

Name Terry Hering  
Mailing Address 14142 490th St  
City Waterville State Mn Zip 56096  
Property Address 14398 490th St  
City Waterville State Mn Zip 56096  
Phone # 507-362-8649 Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 14.04.5010 Parcel Acreage \_\_\_\_\_

**Attach Full Legal Description (NOT abbreviated description from tax statement)**

Township Waterville Section 14  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

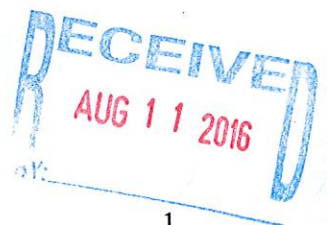
~~Allen Gehrke~~ Township notified on 8-10-16  
(Township Name) (Date)  
Board Member Allen Gehrke regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1)** reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If any documentation is in color, an aerial photo, photographs, or larger than 8 ½ x 11, then **twenty three (23)** copies must be submitted.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled**  
Filing Fee \$ 46  
**Additional Fees:**  
Special Meeting \$ 2,000 (**Additional fee**)  
After-The-Fact Penalty \$1500 OR 10% of the improvement whichever is greater.



## VII. Type of Request:

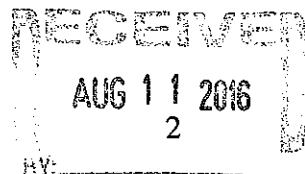
- |  |  |
|--|--|
| <input type="checkbox"/> Self Service Storage                | <input type="checkbox"/> Value Added Agriculture           |
| <input type="checkbox"/> School/Church/Cemetery              | <input type="checkbox"/> Antique Sales/Service/Repair      |
| <input type="checkbox"/> Retail Nursery/Greenhouse           | <input type="checkbox"/> Substation/Transmission Line etc. |
| <input checked="" type="checkbox"/> Other <u>Residential</u> |  |

## VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
  2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
  3. LIST OF PUBLIC HEALTH PLANS:
    - i. Water Supply: N/A
    - ii. Toilet facilities: N/A
    - iii. Solid Waste Collection: N/A
  4. FIRE PREVENTION: N/A
  5. SECURITY PLANS: N/A
  6. RETAIL SALES: N/A
  7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
  8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)  
N/A
  9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:  
N/A
  10. EXTERIOR LIGHTING: N/A
  11. PARKING AND LOADING: N/A
  12. SIGNAGE: N/A
  13. ROAD ACCESS: (Approved by the road authority) Approved by Co. Hwy Dept.
  14. CERTIFICATE OF INSURANCE: N/A
  15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) N/A

## IX. Site Plan: Shall include but not limited to the following:

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • North point       | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks          | • River   | • Proposed Structures | • Well                     |
| • Property Lines    | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way | • Stream  | • Ponds               | • Easements                |
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)





**X. Attachments: shall include but not limited to:**

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☒ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☒ h. **Floor plans and/or blue prints**

**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**XII. Signatures:**

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

X Tyler Hug  
Applicant signature

8-10-16  
Date

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

X Tyler Hug  
Property Owner signature

8-10-16  
Date

**OFFICE USE ONLY**

**Request:**

Pre-App Date <u>8/10/16</u>	Lake Classification <u>  /  </u>	Feedlot	500'	1000'	N
Meeting Date <u>9/8/16</u>	Lake <u>  /  </u>	Wetland Type	1-2	3-8	N
60 Day <u>10/7/16</u>	FEMA Panel # <u>27079C0.431</u>	Water courses		Y	N
Zoning District <u>A</u>	Flood Zone <u>X outside</u>	Bluff		Y	N

- ☒ Request Description
- ☐ Site Plan
- ☒ Full Legal
- ☐ Ordinance

- ☒ Access Approval
- ☒ Erosion Control Plan
- ☒ Blue Prints
- ☐ Other

- |   |                                |
|---|--------------------------------|
| <input type="checkbox"/> Septic             | <b>Comp Insp / Design</b>      |
| <input checked="" type="checkbox"/> Meeting | <b>Reg / ATF / Spec</b>        |
| <input checked="" type="checkbox"/> Fee     | \$ <u>796.00</u>               |
| <input type="checkbox"/> Penalty            | \$ <u>                    </u> |

☒ Application Complete

K Brockway  
Planning & Zoning Department Signature

8/10/16  
Date

16257  
Permit #

**AUG 11 2016**



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16257

Name of Applicant: TYLER HERING

Conditional Use Permit #: 16257

Name of Property Owner: TERRY HERING

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE SW1/4SE1/4 TO THE SW1/4SE1/4

SW1/4SE1/4

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.												
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Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.												
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Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.												
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Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.												
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Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.												
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Explain \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.												
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Explain \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

--	--	--	--	--	--	--	--	--	--	--	--	--

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

To whom it may concern

I am Requesting a Transfer of development Rights  
in order to build a Single family Dwelling by  
The address of 14398 490<sup>th</sup> street Waterville MN.  
Requesting The Rights from The north Quarter of  
Pid: 14.014.5010 To the south Quarter of 2 acres  
nearest To Road 490<sup>th</sup> street.

Thanks

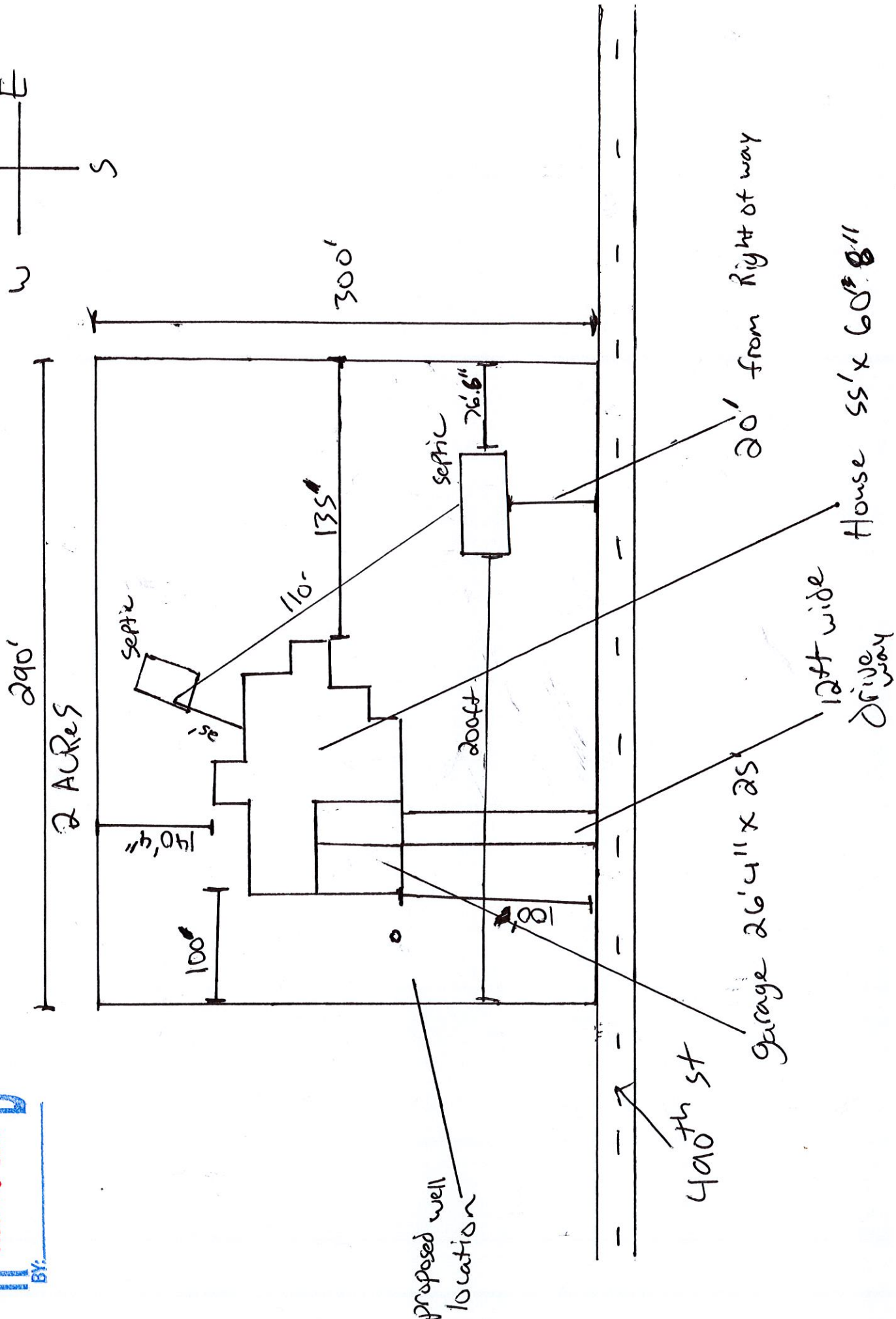
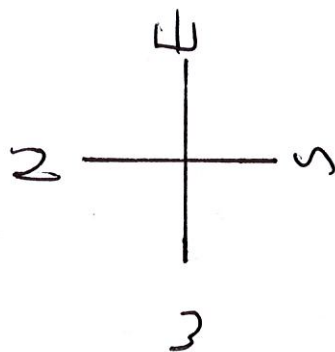
Tyler Hering

*Tyler Hering*



property 70 14.014.5010

2 acres





Subject **Access Parcel 14.014.5010**  
From Tieg, David <dtieg@co.le-sueur.mn.us>  
To Mettler, Michelle <mmettler@co.le-sueur.mn.us>  
Cc <email@heringsmaplesyrup.com>  
Date 2016-08-04 09:03

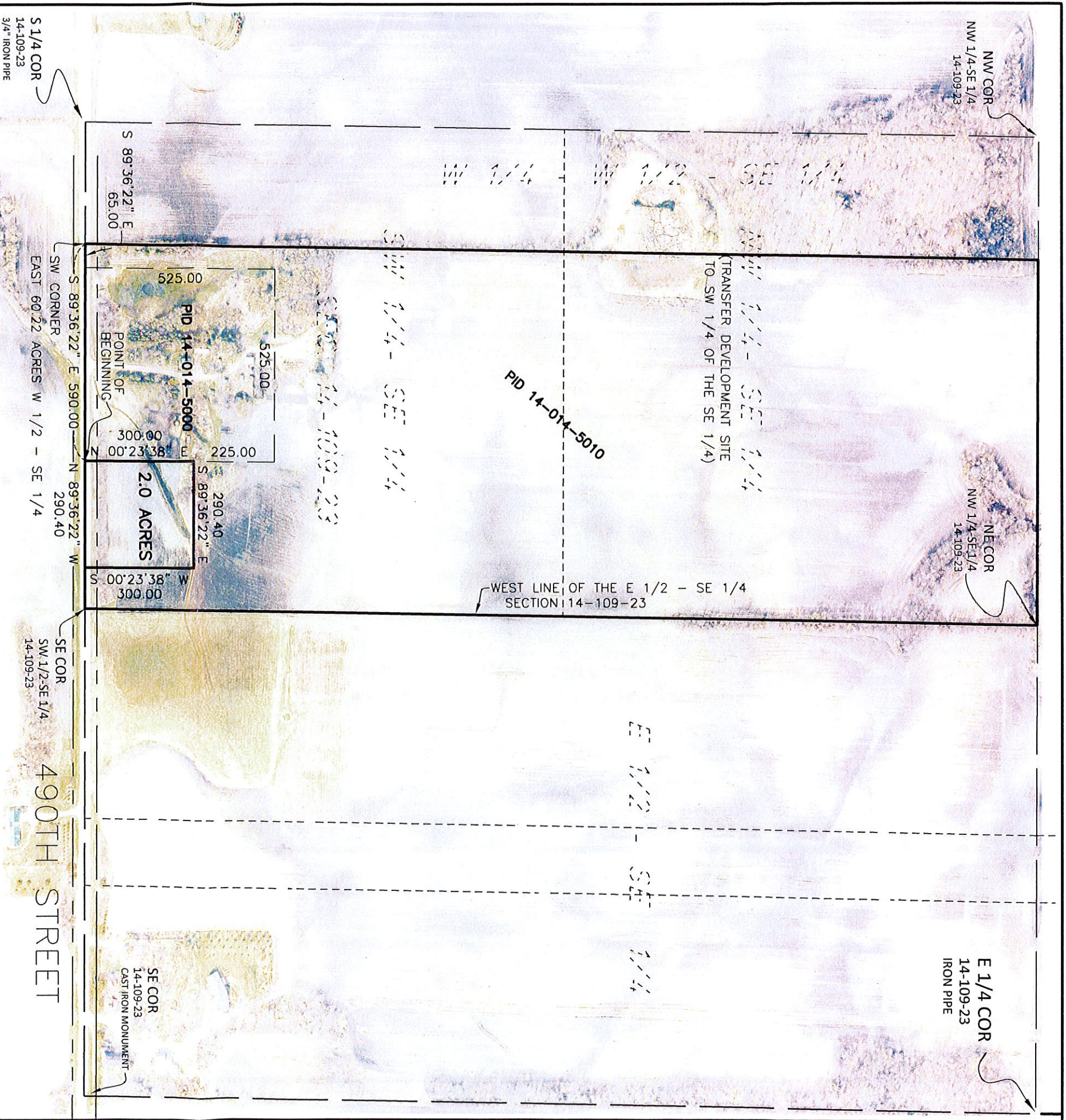


Michelle, The existing access to Parcel 14.014.5010 from 490<sup>th</sup> St. (CR 132) is adequate for a Single Family Dwelling. If any other information is needed from the Highway Department please let me know.

Thanks,  
Dave Tieg  
Assistant Highway Engineer  
Le Sueur County







**PROPOSED DESCRIPTION**

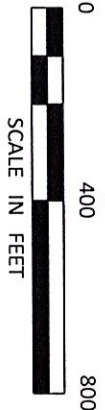
That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 109 North, Range 23 West, Le Sueur County, Minnesota described as follows: Commencing at the Southwest Corner of the East 60.22 acres of the West Half of the Southeast Quarter of said Section 14; thence South 89 degrees 36 minutes 22 seconds East (assumed bearings) on the south line of said Southeast Quarter, a distance of 590.00 feet to the point of beginning; thence North 00 degrees 23 minutes 38 seconds East, a distance of 300.00 feet; thence South 89 degrees 36 minutes 22 seconds West, a distance of 290.40 feet; thence South 00 degrees 23 minutes 38 seconds West, a distance of 300.00 feet to the south line of said Southeast Quarter; thence North 89 degrees 36 minutes 22 seconds West on said south line, a distance of 290.40 feet to the point of beginning.

Said parcel contains 2.0 acres of land.

**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

*Rory Jensen*  
Rory Jensen  
License Number 19789  
Date 8-5-16



<b>CERTIFICATE OF SURVEY</b>	
WATERVILLE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	
<b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors	
1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	FOR: TERRY HERING TYLER HERING SURVEY
THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 23 WEST, WATERVILLE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	
AUG 11 2016	