

**Applicants**

Duane and Gloria Hubmer  
17665 613<sup>th</sup> Avenue  
Janesville, MN, 56048

**Request and Location**

Request for review and approval of the Final Plat of the Hubmer Subdivision, a Subdivision Plat consisting of one lot and one outlet. The property is zoned Agricultural and is located in a portion of the Northwest Quarter of the Southeast Quarter Section 21, McPherson Township lying southwest of State Highway 83.

**Legal Description**

As defined on the Plat of Hubmer Subdivision.

**Zoning**

The property is zoned Agricultural.

**General Site Description and Project Proposal**

The current parcel includes 33.91 acres that consists of a small farmstead with a single family dwelling and cropland. The proposed subdivision plat will split the cropland from the developed area. See Attachment A-2

On September 7, 2016, the Planning Commission reviewed the Preliminary Plat submittal and on September 27, 2016 the County Board approved the Preliminary Plat.

**Project Outcome**

If approved, the subdivision will include one lot and one outlet. See Attachments A-3 and A-4

- **Lot 1 Block 1** – will include the 5.0 acre building site which will have a buildable area of 2.90 acres.
- **Outlet A** – will consist of 25.97 acres of cropland.
- **ROW** – The remaining 2.94 acres of the parcel is right-of-way

**Existing Land Use within 1/4 Mile**

**North:** State Highway 83, cropland and one residence

**South:** Cropland

**East:** Cropland, State Highway 83 and one residence

**West:** 613<sup>th</sup> Avenue (a township road) and cropland

**Access**

Access is to and from 613<sup>th</sup> Avenue. No change in access is proposed.

**Land Use Plan**

The proposal does not conflict with the land use plan.

**NATURAL RESOURCES INFORMATION**

**Topography**

The topography of the area is fairly flat.

**Floodplain**

The nearest mapped Floodplain Area is over one mile from any point on the property. Therefore, a floodplain overlay map is not included.

**Shoreland**

The nearest mapped Shoreland Area is over one mile from any point on the property. Therefore, a shoreland overlay map is not included.

**Township Review**

In a letter dated July 21, 2016, the McPherson Township Clerk indicated that the applicants met with the township at their July 14<sup>th</sup>, 2016 meeting. The letter further indicated that the Township Board had no issue with the proposal if it is in accordance with Blue Earth County Planning and Zoning regulations.

**County Ditch Manager Comments**

The County Ditch Manager has reviewed the proposal. In an email dated August 17<sup>th</sup>, Craig Austinson commented on the history of the county tile line. Mr. Austinson provided his estimates of the location of the county tile lines on the property. Mr. Austinson's estimate of the county tile line locations were included with the survey of the preliminary plat.

**Environmental Health Review**

See Attachment A-5

**Code of Ordinances Review**

Based on the information submitted by the applicant, contained in this report, and as required in Section 24-47 (f) (l), of the Blue Earth County Code of Ordinances, the following opinions have been developed for this request:

1. That the proposed subdivision conforms with the county land use plan.
2. That the proposed subdivision conforms with the county subdivision ordinance.
3. That the proposed subdivision will not degrade the water quality of the county.

4. That the proposed subdivision will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed subdivision.
6. That the proposed subdivision does not create a potential pollution hazard.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That the proposed subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
9. That the establishment of the proposed subdivision will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

#### **RECOMMENDATION**

Staff recommends **approval** of the Final Plat of the Hubmer Subdivision, a subdivision consisting of one lot and one outlot contingent upon the following conditions:

1. The developer of the residential parcel acknowledges and understands the following cautionary disclosure from the Blue Earth County Code of Ordinances, Division 2. Agricultural District, Section 24-111 Purpose, Subpart (b) Agricultural operations. Said disclosure states:

Through the adoption of this subsection, the board of commissioners is expressing its intent to enhance and encourage agricultural operations within the boundaries of the county. The county will view the agriculture district as a zone in which land is used for commercial agricultural production. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides associated with normal agricultural operations. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone, should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice, pursuant to Minn. Stats. Ch. 561.19, that this declaration may prevent them from obtaining a legal judgment against such normal operations.

2. Approved final plat must be recorded within 12 months of receiving final approval from the Planning Commission and Board of Commissioners. Final plat approval shall become null and void 12 months after approval, unless the subdivider applies for and is granted an extension of time by the Planning Commission and Board of Commissioners as set forth in section 20-155, pertaining to extensions of time.

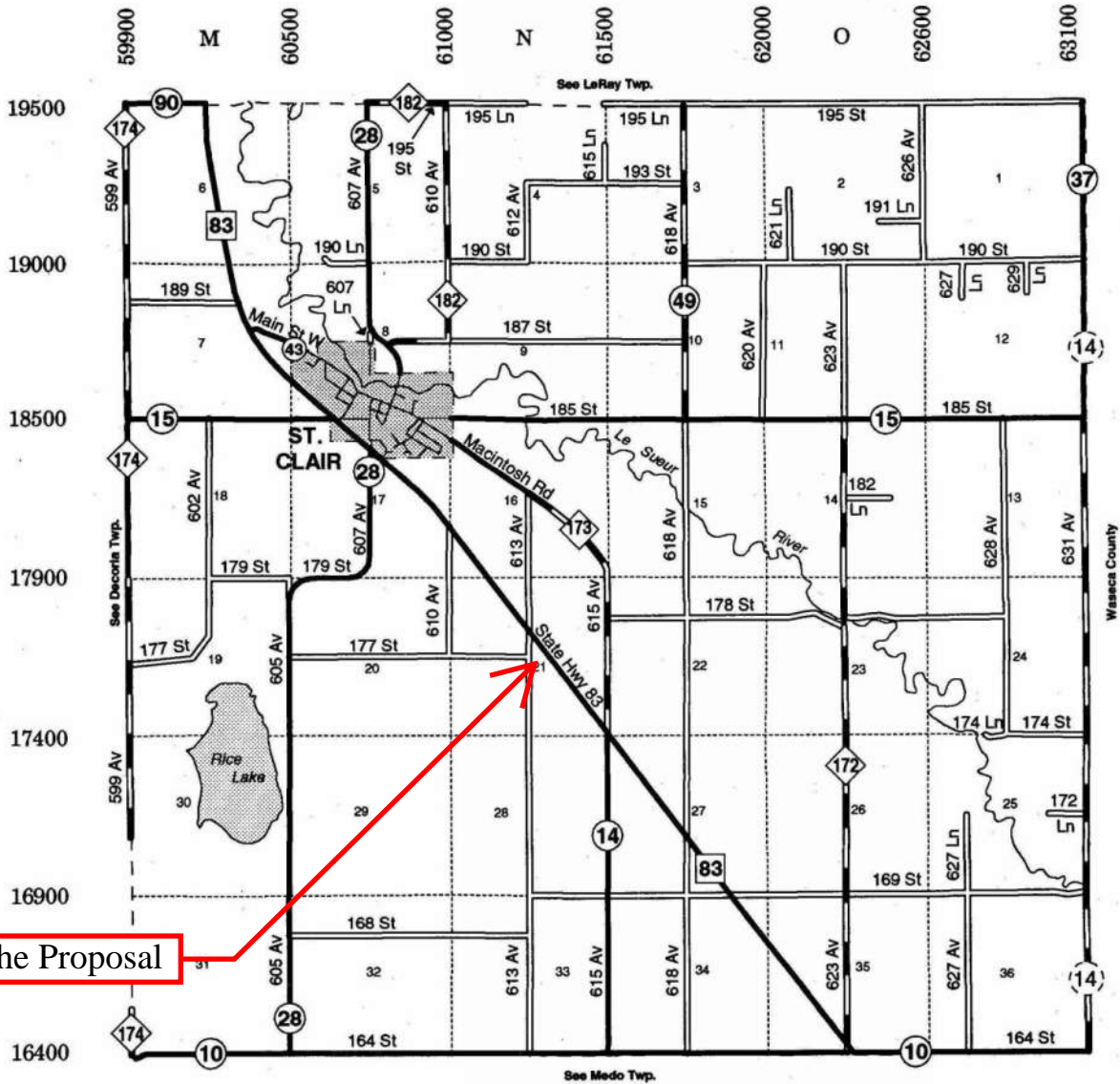
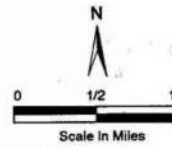
**Attachments:**

- A-1 General Location Map
- A-2 Site Map
- A-3 Preliminary Plat
- A-4 Final Plat
- A-5 Environmental Health Review

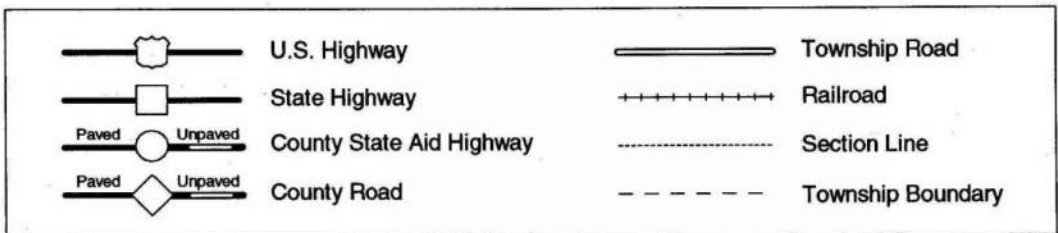
# General Location Map Attachment A-1

## McPherson

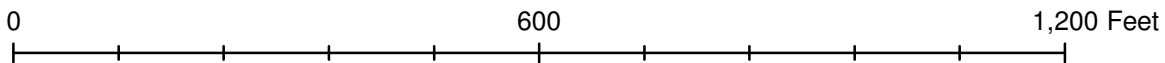
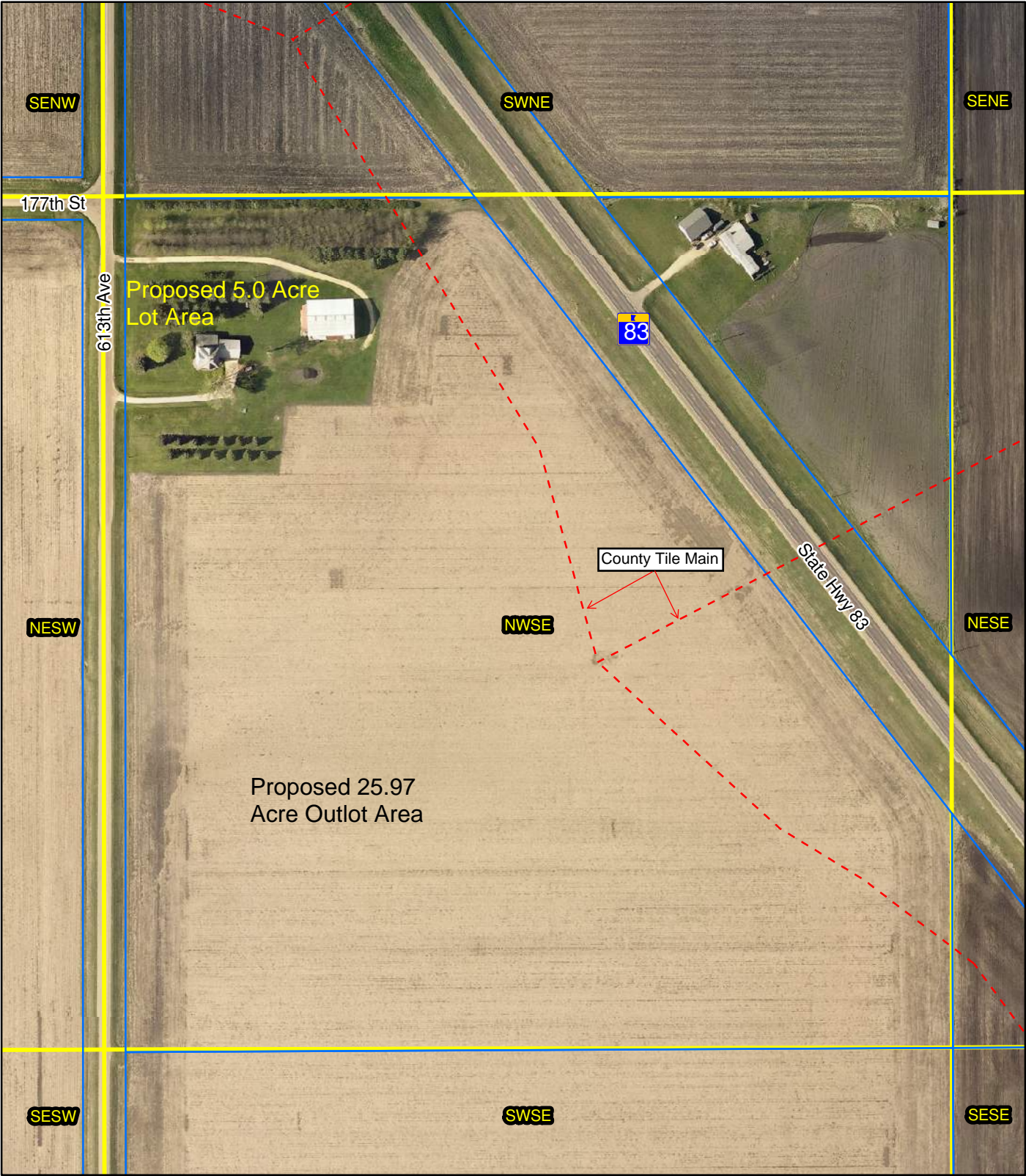
T 107 N - R 25 W



Site of the Proposal



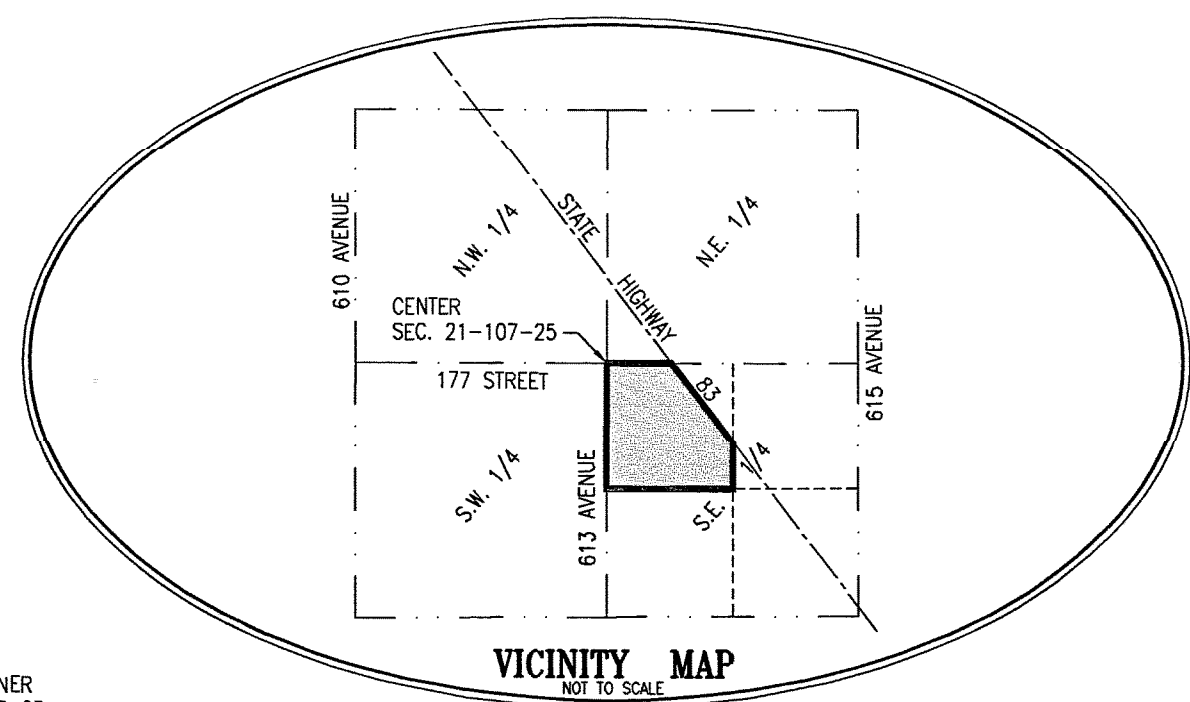
# Site Map Attachment A-2



# HUBMER SUBDIVISION

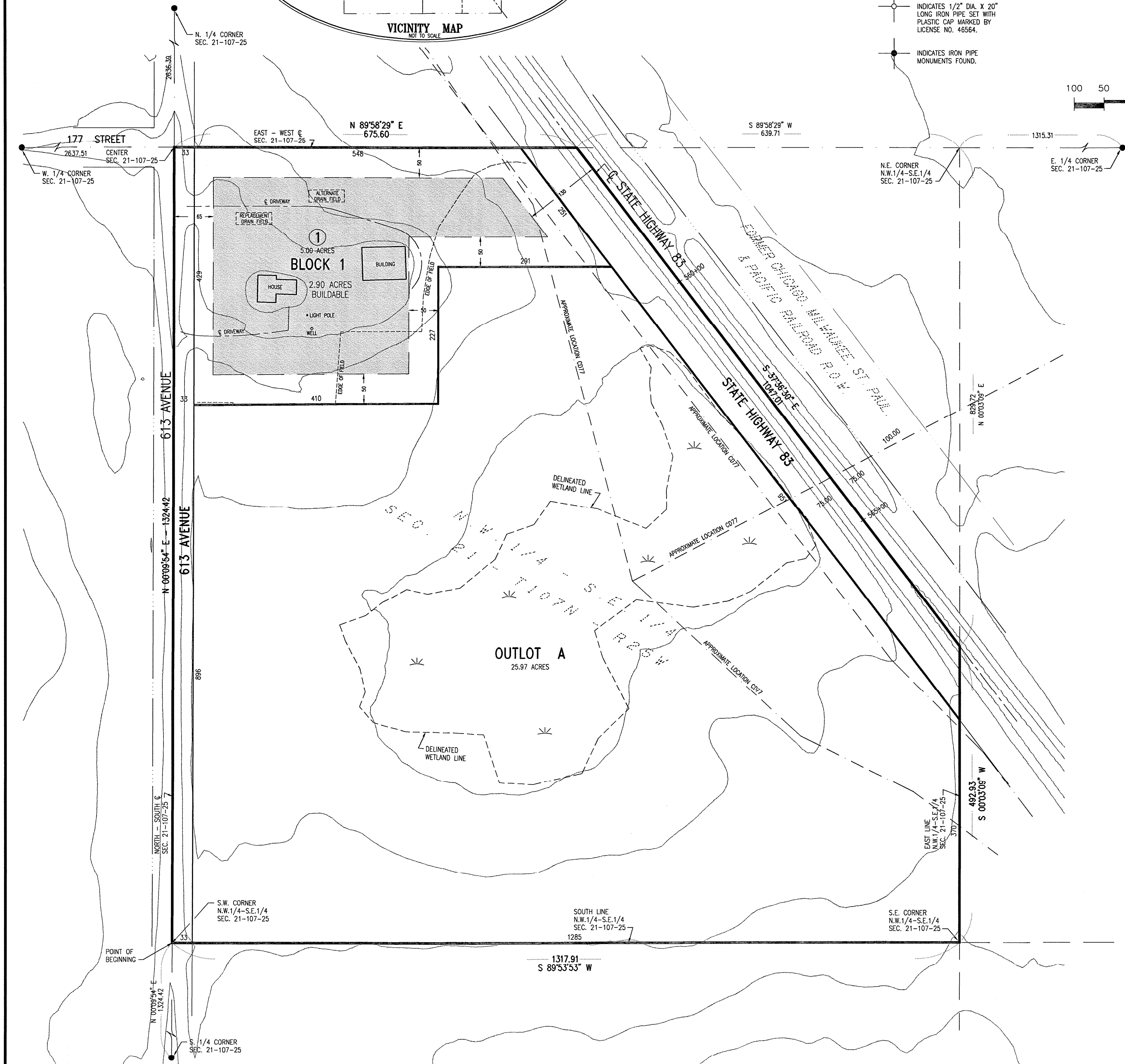
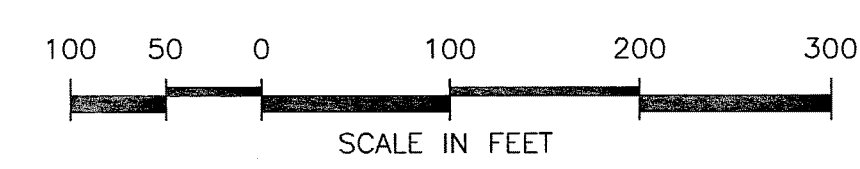
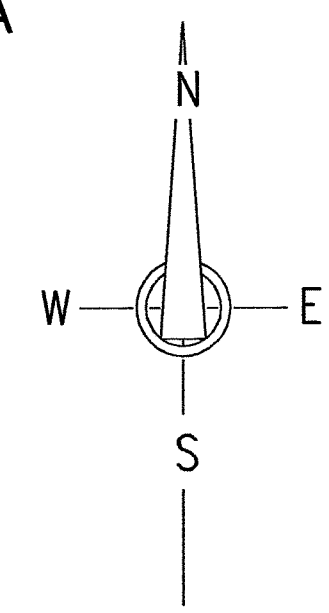
BLUE EARTH COUNTY, MINNESOTA

## Preliminary Plat Survey Attachment A-3



**BASIS OF BEARINGS**  
(MINNESOTA COUNTY COORDINATE SYSTEM -  
BLUE EARTH COUNTY ZONE - HARN NAD83 - 1996)

- INDICATES 1/2" DIA. X 20" LONG IRON PIPE SET WITH PLASTIC CAP MARKED BY LICENSE NO. 46564.
- INDICATES IRON PIPE MONUMENTS FOUND.



**DESCRIPTION**

That part of the Northwest Quarter of the Southeast Quarter of Section 21, Township 107 North Range 25 West, Blue Earth County, Minnesota, described as:

Commencing at an iron pipe monument designating the South Quarter corner of Section 21; thence North 00 degrees 09 minutes 54 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - HARN NAD83 - 1996), along the North - South center line of said Section 21, a distance of 1324.42 feet to the southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 21, said point being the point of beginning; thence continuing North 00 degrees 09 minutes 54 seconds East, along said North - South center line, 1324.42 feet to the Center of said Section 21; thence North 89 degrees 58 minutes 29 seconds East, along the East - West center line of said Section 21, a distance of 675.60 feet to the point of intersection with the center line of State Highway No. 83; thence South 37 degrees 36 minutes 30 seconds East, along said center line, 1047.01 feet to the point of intersection with the east line of the Northwest Quarter of the Southeast Quarter of said Section 21; thence South 00 degrees 03 minutes 09 seconds West, along said east line, 492.93 feet to the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 21; thence South 89 degrees 53 minutes 53 seconds West, along the south line of the Northwest Quarter of the Southeast Quarter of said Section 21, a distance of 1317.91 feet to the point of beginning. Containing 33.91 acres.

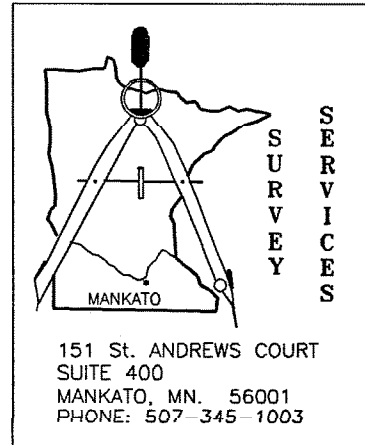
**PROPERTY CONTAINS 33.91 ACRES**

**PROPERTY ZONED A**

A - AGRICULTURE DISTRICT  
SETBACK REQUIREMENTS - BLUE EARTH COUNTY  
BUILDING SETBACKS (PRIMARY STRUCTURE)  
FRONT 130 FEET FROM STATE HIGHWAY  
FRONT 65 FEET FROM PUBLIC ROADS  
SIDE 50 FEET  
REAR 50 FEET  
10' SIDE AND 10' REAR SETBACK FOR DRAIN FIELD

MINIMUM BUILDABLE AREA = 1.0 ACRE (EXCLUDING SETBACKS)  
MINIMUM LOT WIDTH = 150 FEET  
MINIMUM LOT DEPTH = 175 FEET

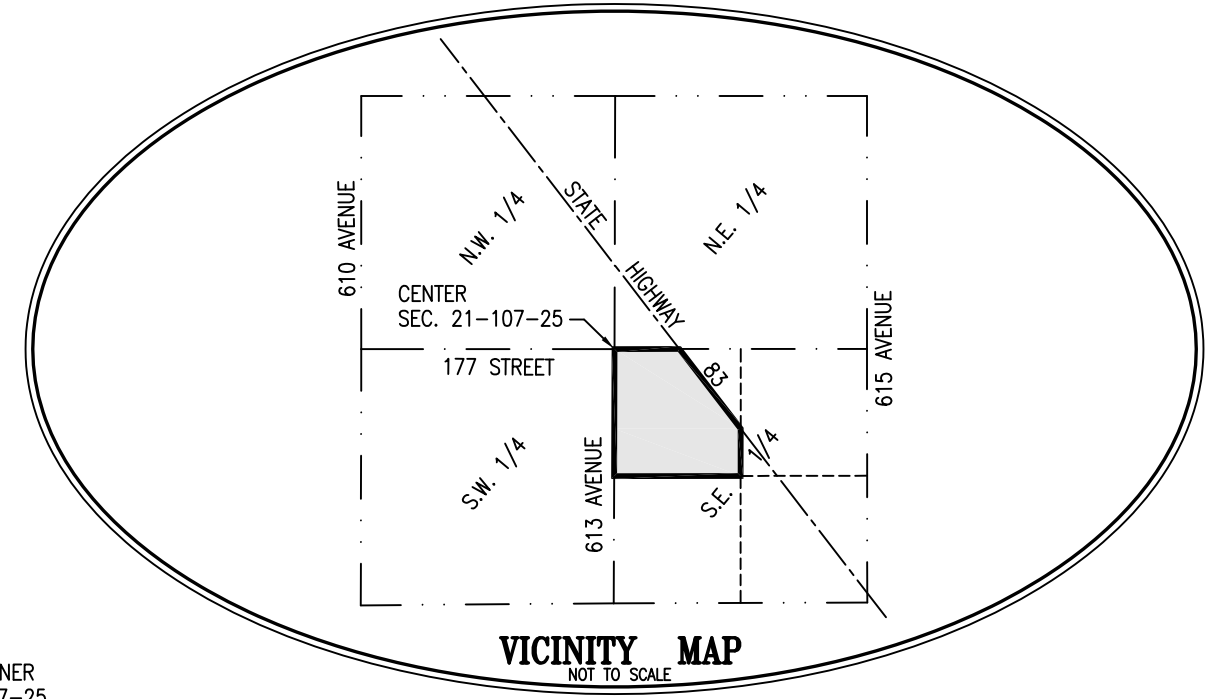
I hereby certify that this survey, plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
Signature: *Warren P. Smith*  
Print Name: **WARREN P. SMITH**  
Date: *8/18/16* License No. **14701**



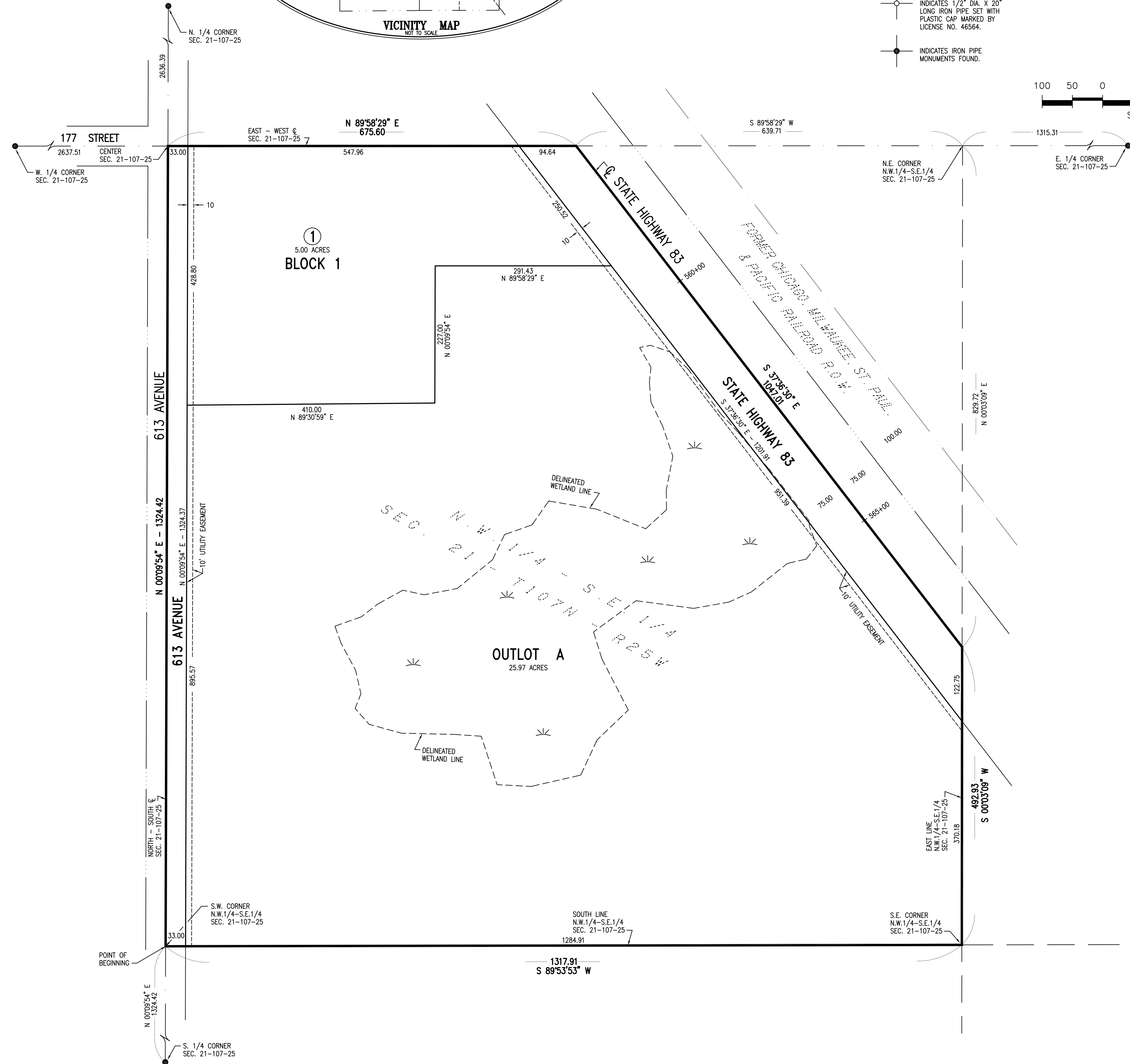
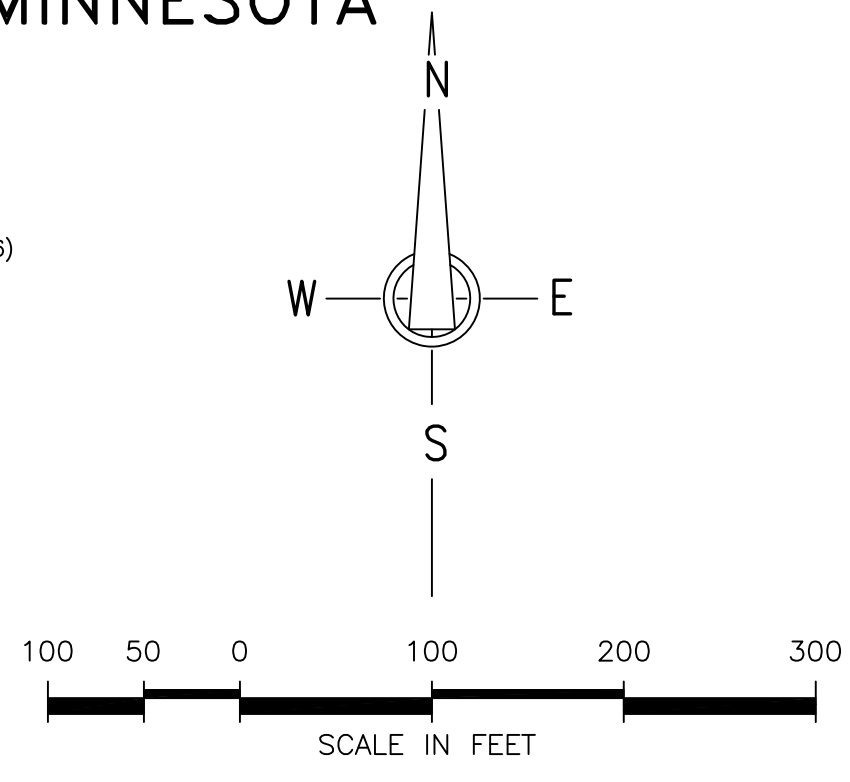
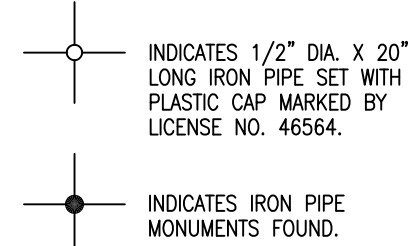
**PRELIMINARY PLAT**  
BLUE EARTH COUNTY, MINNESOTA  
PART OF N.W. 1/4 - S.E. 1/4,  
SEC. 21, T107N - R25W  
FOR: HUBMER, DUANE  
SCALE: 1"=100' DATE: AUG., 2016 F.B.: FILE 16220

# HUBMER SUBDIVISION

## BLUE EARTH COUNTY, MINNESOTA



**BASIS OF BEARINGS**  
(MINNESOTA COUNTY COORDINATE SYSTEM - BLUE EARTH COUNTY ZONE - HARN NAD83 - 1996)



**INSTRUMENT OF DEDICATION**

Know all men by these present that we, Duane A. Hubmer and Gloria L. Hubmer, husband and wife, fee owners of the following described property to wit:

That part of the Northwest Quarter of the Southeast Quarter of Section 21, Township 107 North Range 25 West, Blue Earth County, Minnesota, described as:

Commencing at an iron pipe monument designating the South Quarter corner of Section 21; thence North 00 degrees 09 minutes 54 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - HARN NAD83 - 1996), along the North - South center line of said Section 21, a distance of 1324.42 feet to the southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 21, said point being the point of beginning; thence continuing North 00 degrees 09 minutes 54 seconds East, along said North - South center line, 1324.42 feet to the Center of said Section 21; thence North 89 degrees 58 minutes 29 seconds East, along the East - West center line of said Section 21, a distance of 675.60 feet to the point of intersection with the center line of State Highway No. 83; thence South 37 degrees 36 minutes 30 seconds East, along said center line, 1047.01 feet to the point of intersection with the east line of the Northwest Quarter of the Southeast Quarter of said Section 21; thence South 00 degrees 03 minutes 09 seconds West, along said east line, 492.93 feet to the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 21; thence South 89 degrees 53 minutes 53 seconds West, along the south line of the Northwest Quarter of the Southeast Quarter of said Section 21, a distance of 1317.91 feet to the point of beginning. Containing 33.91 acres.

do hereby declare that we have caused the above described property to be surveyed and platted and monuments to be set, that we have named said platted area HUBMER SUBDIVISION, and that we dedicate to the public use the public ways and easements as shown hereon.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2016 by Duane A. Hubmer and Gloria L. Hubmer, husband and wife.

\_\_\_\_\_  
Duane A. Hubmer  
\_\_\_\_\_  
Gloria L. Hubmer  
NOTARY CERTIFICATE

State of Minnesota  
County of Blue Earth

On this the \_\_\_\_ day of \_\_\_\_\_, 2016, before me a Notary Public within and for said County, personally appeared Duane A. Hubmer and Gloria L. Hubmer, husband and wife, known by me to be the persons named in the foregoing instrument, and who did acknowledge the same to be their free act and deed.

\_\_\_\_\_  
Notary Public

**SURVEYOR'S CERTIFICATE**

I, Warren P. Smith, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; prepared this plat or directly supervised the preparation of this plat of HUBMER SUBDIVISION; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments indicated on this plat have been set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the surveyor's certification are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Warren P. Smith, Land Surveyor  
Minnesota License No. 14701

State of Minnesota  
County of Blue Earth

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Warren P. Smith, a Licensed Land Surveyor.

\_\_\_\_\_  
Notary Public, Blue Earth County, Minnesota

**BLUE EARTH COUNTY PLANNING COMMISSION**

Be it known that on this the \_\_\_\_ day of \_\_\_\_\_, 2016, the Planning Commission of Blue Earth County, Minnesota did duly review this plat of HUBMER SUBDIVISION.

Chair person: \_\_\_\_\_ Secretary: \_\_\_\_\_

**BLUE EARTH COUNTY BOARD OF COMMISSIONERS**

Be it known that on this the \_\_\_\_ day of \_\_\_\_\_, 2016, the County Commissioners of Blue Earth County, Minnesota did duly approve this plat of HUBMER SUBDIVISION, and that, as per MS 505.03, Subd. 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation.

Chair person: \_\_\_\_\_ County Administrator: \_\_\_\_\_

**TITLE OPINION**

I, Steven H. Fink, licensed attorney, State of Minnesota, do hereby certify that the owners as indicated hereon have good record title in fee simple absolute and that the public is vested with those right of way rights as indicated on the plat.

\_\_\_\_\_  
Steven H. Fink, Licensed Attorney

**TAXPAYER SERVICES DEPARTMENT**

I hereby certify that there are no delinquent taxes and/or delinquent special assessments, that the current taxes have been paid and that the transfer has been entered on the land described herein on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Taxpayer Services Director

**COUNTY RECORDER**

I hereby certify that this instrument was filed in my office for record on this, the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_ o'clock, \_\_\_\_ m., and that it was duly recorded on \_\_\_\_\_ Plats, Number \_\_\_\_\_

\_\_\_\_\_  
County Recorder

**FINAL PLAT**  
**PENDING FINAL REVIEW**  
(10-5-2016)



Environmental Health Review  
Attachment A-5  
**BLUE EARTH COUNTY**  
**ENVIRONMENTAL SERVICES**

*Government Center, 410 South Fifth Street  
P.O. Box 3566, Mankato, Minnesota 56002-3566  
Phone: (507) 304-4381 Fax: (507) 304-4431*

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**Environmental Health Section - Planning Application Reviews**

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|------------------------|------------------------------|-----------------------|---------------------------|
| <b>Date Printed:</b>   | October 21, 2016             | <b>Permit Number:</b> | PL2016058                 |
| <b>Property Owner:</b> | HUBMER DUANE A & GLORIA<br>L | <b>Applicant:</b>     | HUBMER DUANE A & GLORIA L |
| <b>Parcel Number:</b>  | R45.15.21.400.008            | <b>File ID:</b>       | PC 28-16                  |

**Application Description:** Request for review and approval of the Final Plat of Hubmer Subdivision, a subdivision plat consisting of one lot and one outlot. The property is zoned Agricultural and is located in part of the Northwest Quarter of the Southeast Quarter of Section 21, McPherson Township.

**Septic Review**

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**Status:** Complete - Comments Received

**Comments:** Two septic drainfield locations have been identified as required by a licensed septic contractor. The current septic system serving the property is non-compliant and Boening Brothers have submitted design plans to upgrade the system this fall. Anderson, Jesse 10/06/2016 1:15 PM

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**Well Review**

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**Status:** Complete - Comments Received

**Comments:** On August 25, 2015, Blue Earth County met with Mr. Hubmer on the property to look at the existing in-use well and possible well situation. His father purchased the property in the 50's and he has lived on this building site since 1968. He is not aware of any other wells located on this property. The well condition required of the preliminary plat has been satisfied and there are no additional well conditions related to the platting of this property. grant 10/11/2016 9:36 AM

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**Wetland Review**

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**Status:** Complete - Comments Received

**Comments:** A wetland delineation was completed for the platted area to identify wet lands, as required by Minnesota Statute. A single wetland in Outlot A of the plat was identified. The report was reviewed by BEC staff and was approved on August 15, 2016. The wetland is in a farmed portion of the plat, identification of the wetland in the agricultural field does not impact the agricultural use of the outlot, except as already regulated by the Wetland Conservation Act (WCA). Schulte Michael 10/21/2016 8:39 AM

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