

# LAND USE PERMIT APPLICATION

## - NEW DWELLING & DWELLING ADDITION -

### FILLMORE COUNTY

**WARNING:** Construction may not begin until a permit has been issued and is in your possession. A Site Inspection may also be required. Before construction please call 507-765-3325. For all new dwellings, a permit will not be issued until the Zoning office has received a design for a new septic system, or a valid Certificate of Compliance has been submitted on an existing system.

**Please be advised that Minnesota State Statute 326B.36 requires an inspection of all new electrical installations (see below).**

**INSPECTION:** Subdivision 1. **Required inspection.** Except where any political subdivision has by ordinance provided for electrical inspection similar to that herein provided, every new electrical installation in any construction, remodeling, replacement, or repair, except minor repair work as the same is defined by rule, shall be inspected by the commissioner for compliance with accepted standards of construction for safety to life and property. Please contact the State Electrical inspector for the inspection: Dave Holmen (507-346-7164)

### **Instructions for filling out a Land Use Permit Application**

- (1) The applicant must list all the names that are on the abstract for this particular parcel of land. This would include husband **and** wife's names if both were on the abstract plus any other landowners.
- (2) The parcel number is a 9-digit number found on a tax statement that specially designates a number for this particular piece of land. It starts with an R and is set up as such; R99.9999.999.
- (3) The legal description is a very detailed description of the boundaries of the parcel of land where an applicant plans to build. This description is found on an abstract or a deed or may also be obtained by coming into the County Recorders Office and asking for a copy. This copy should also contain all the names of the landowners who have an interest in this parcel of land.
- (4) The township number is found in a plat book, and is also listed on the tax statement. It is a number that begins with a capital T and ends with a capital N. It will either be T101N, T102N, T103N or T104N. This number is the tier of townships starting at the Iowa border and going north.
- (5) The range number is also found in a plat book, and is also listed on the tax statement. It is a number that starts with a capital R and ends with a capital W. It will either be R08W, R09W, R10W, R11W, R12W, or R13W. The number is the column of townships starting from 08 and going to 13 from east to west.
- (6) In figuring out the total square feet, the applicant must add together all floor area of a dwelling whether finished or unfinished.
- (7) The total fee may be calculated by dividing the total square feet by 100 and multiplying by \$10.00 for dwellings. The fee must accompany the application.
- (8) The signature block must contain the signatures of all landowners who are listed on the legal description, abstract or deed.
- (9) All signatures in this signature block must be notarized. Any applicant who wishes to bring this part of the application to the Zoning Office and sign it in front of a Notary in the Zoning Office may do so. ***The notary only applies to individuals constructing a new dwelling and is only required on the "Rural and Agricultural Home Owners Assumption of Risk Agreement"***.

## **Regulations for construction in the Ag District**

In order to move in or construct a dwelling in the Ag District the following restrictions will apply:

1. The construction of all new dwellings must be sited on an existing or former permanent dwelling site, on land classified for more than ten (10) years by the Fillmore County Assessor as pasture, wasteland, woodland or on land having a Crop Equivalency Rating of 65 or less, and only if it meets all other requirements of the Ordinance.
2. There may only be two (2) dwellings in each quarter of a quarter section of land. If there are already two (2) dwellings or more in the quarter of a quarter section of land no additional dwelling is allowed.
3. The construction of all new dwellings must be at least one thousand (1,000) feet from a feedlot (measured from the nearest point of the dwelling to the border of the feedlot as determined and measured by the Fillmore County Feedlot Officer) unless the dwelling owner and feedlot owner are first, second, third, or fourth degree kindred; or the dwelling is being located on an existing building site.
4. No new dwelling may be constructed within one thousand (1,000) feet of the surveyed boundaries of a rock quarry.
5. All new construction of any dwelling or accessory structure must be 73 feet from the centerline of a public road or 40 feet back of the right of way line. Where highway safety and/or back slope easements are a factor the setback requirements shall be as determined by the County Highway Engineer and Zoning Administrator but not less than the above minimum.
6. The construction of all dwellings must be 10 feet from side and rear property lines.
7. No dwelling may be constructed in the floodplain.
8. All new dwellings and accessory structures must be located 80 feet or more from the top of a bluff and 50 feet or more from the toe of the bluff. A survey by a licensed civil engineer or a surveyor must be done if a structure is proposed within 200 feet of the top of a bluff or within 100 feet of the toe of the bluff.
9. The construction of all dwellings and other structures within 300 feet of Protected Waters must adhere to all Shoreland rules and regulations as found in Section 612 of the Fillmore County Zoning Ordinance.
10. The establishment of all new construction sites must have an access capable of supporting emergency vehicles.
11. No dwellings shall exceed a height of 35 feet.
12. All dwellings must have a sewer system constructed according to Minnesota Pollution Control Agency Rules 7080.



An aerial photo of the site must be provided with the application showing the location of the proposed construction. Aerial photos are available through the County website or in the Zoning Office.

Measure and determine the following distances from the structure you are building:

1. Setback from center of a public road and setback from all property lines. \_\_\_\_\_
2. Setback from a well. \_\_\_\_\_
3. Setback from a sewer system. \_\_\_\_\_
4. Setback from a bluff \_\_\_\_\_
5. Setback from the nearest feedlot. \_\_\_\_\_
6. Setback from a rock quarry. \_\_\_\_\_

**SITE INSPECTIONS ARE REQUIRED FOR ALL NEW DWELLINGS:** The footings must be dug and inspected before the actual construction of the dwelling may begin.

**Making false statements on this application is against the law. Minnesota Statute, Section 609.41 states that anyone giving false information in order to avoid or reduce their tax obligations is subject to a fine up to \$3,000 and/or up to one year in prison.**

**STATUTE 609.41 FALSE TAX STATEMENT.**

Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

By signing this application, I hereby certify that the information contained herein is correct to the best of my knowledge and agree to comply with the provisions of the Ordinances of Fillmore County and the Statutes of the State of Minnesota, and if there are changes in information or use of the structure, that I will immediately notify the Fillmore County Zoning Office in writing of those changes.

**(8) Signatures of All Landowners**

_____	_____
<b>Name</b>	<b>Date</b>
_____	_____
<b>Name</b>	<b>Date</b>
_____	_____
<b>Name</b>	<b>Date</b>

**Send all correspondence and payment to:  
Fillmore County Zoning Office  
P.O. Box 655  
Preston, MN 55965  
(507) 765-3325  
(507) 765-2803 fax**

**TO BE FILLED OUT BY APPLICANTS BUILDING NEW HOMES**

**RURAL AND AGRICULTURAL HOME OWNERS ASSUMPTION OF RISK AGREEMENT**

(2) Parcel Number \_\_\_\_\_ (3) Legal Description \_\_\_\_\_

The area in which you propose to build a dwelling is located in or near property, which is used or zoned for agricultural purposes. This means that land, on which you are about to erect a dwelling, is located in an area where land is used for the purpose of raising livestock, raising crops, producing agricultural commodities, and various other agricultural purposes. You are likely to be exposed to odors, sights, chemicals, noises, conditions, and activities, which are prevalent in an agricultural zone. Such things include, but are not limited to:

- (1) odors associated with animal excrement and waste;
- (2) the sight, sound, and odor of tractors, grain dryers, agricultural equipment and machinery operating at any time of the day, including night;
- (3) the use of herbicides, pesticides, and other chemicals for agricultural purposes;
- (4) the sight and sound of sheep, pigs, cattle, horses, and other livestock;
- (5) the sight, sound and odor of manure or other waste products being spread on or injected into nearby fields;
- (6) slow moving vehicles on roadways, including tractors, combines and other heavy equipment;
- (7) cattle or other livestock getting loose from their pens or fields and possibly entering upon your land;
- (8) mud, manure, fertilizer, grain and other agricultural products on roadways as a result of said agricultural equipment moving down those roadways; and
- (9) barbed wire, fence lines, and other agricultural structures that need to be maintained.

**YOU ARE HEREBY NOTIFIED AND UNDERSTAND** that your presence in such an agricultural area or zone will expose you and your family to many of these conditions. These conditions and activities may be offensive, inconvenient, distracting and disturbing at times. You may also not agree with the nature of the farming process, size of the farm, or the treatment of animals. However, you agree to waive any objections to the continued agricultural activities and conditions, which may surround your property and which may have a negative impact on your lifestyle and land values. You further waive any objections to the nature of the agricultural activities and conditions as long as those agricultural activities are performed in a husband-like and responsible manner. You agree and understand that agriculture is a vital part of the rural economy and that your decision to erect a dwelling in a rural or agricultural zone should not have a negative impact on the continued agricultural operations, which are vital to the Fillmore County economy. By building a dwelling in an agricultural area and zone, you, your family members, successors and assigns, agree to the continued agricultural activities and waive any further or future objection to those conditions and activities. I certify that I have read and understand the above notice and with this knowledge do hereby assume the risks, inconveniences, and potential negative impacts discussed above.

(9) Names and Signatures of all Landowners

*Please Print or Type:* \_\_\_\_\_ *Please Print or Type:* \_\_\_\_\_

*Signature:* \_\_\_\_\_ *Signature:* \_\_\_\_\_

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

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_