

To: Board of Adjustment
From: Land Use Management
Meeting Date: January 22, 2024
Report date: January 12, 2024

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by David Hart (Owner), to Article 13 Confined Feedlot Regulations to allow a new dwelling to be established within 1,000 feet of an existing confined feeding operation.

Application Information:

Applicant: David Hart (Owner)
Address of zoning request: TBD Possum Way Lake City, MN 55041
Parcel 32.232.0050
Abbreviated Legal Description: Lot 2 Block 2 of the Lakeview Heights Third Addition in Florence Township
Township Information: Florence Township approved the new dwelling with no additional comments.
Zoning District: R-1 (Suburban Residence District)

Attachments and Links:

Application and submitted project summary
Site Plan and Maps
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant (David Hart) owns a single parcel comprising approximately 2 acres in Section 30 of Florence Township (T112N, R12W). The property is located within the Lakeview Heights Third Addition platted and zoned R-1 Suburban Residence District in 1994. The subdivision is located directly across Lakeview Drive from a registered feedlot operation owned by Greg Tiedeman (parcel 32.200.0680). A farming operation on the Tiedeman property appears to have existed since at least the 1930s based on an aerial imagery review. Goodhue County did not require a setback from feedlots for new R-1 zones or new dwellings in 1994. Around 2007 Article 13 of the Zoning Ordinance was updated to include setbacks from feedlots to new dwellings and a reciprocal setback from existing dwellings to new feedlot operations. The Applicant is requesting a variance to the feedlot setback requirement to allow a new dwelling to be constructed approximately 440 feet from a feedlot where 1,000 feet is required.

Surrounding land uses include a mix of medium to high-density residential uses and platted residential lots in the Lakeview Heights Third Addition. The Lake City Golf Course is located west of the Tiedeman feedlot and Hok Si La Park in the City of Lake City is located to the east across Highway 61.

Variance Standards:

Variations shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variations may be granted when the applicant establishes “practical difficulties” exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Draft Findings of Fact:

1) Harmony with the general purposes and intent of the official control:

- The intent of the R-1 District is to define and protect areas suitable for low to medium-density residential development as the principal land use and to allow related facilities desirable for a residential environment.
- The Hart property is located in an area of transition between rural and urban land uses. The property is located in a residentially platted area where the construction of another dwelling would represent a compatible land use.
- New dwellings are required to be setback 1,000 feet or 94% odor annoyance-free rating from existing feedlots, whichever is greater. The Goodhue County Feedlot Officer Kelsey Petit calculated the offset from the Tiedeman feedlot to the new dwelling at 98%.
- The Applicant’s variance request appears harmonious with the purpose and intent of the official controls.

2) The variance request is consistent with the adopted Comprehensive Plan:

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The Comprehensive Plan emphasizes informing rural residents that they can expect agricultural activities within the vicinity of their homes. The request appears consistent with the adopted comprehensive plan.

3) There are “practical difficulties” in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):

- The Applicant's property is a single parcel comprising approximately 2 acres.
- The Applicant’s request for a variance from required setbacks to a new dwelling from a registered Feedlot is a reasonable use of the property. The property was platted in 1994 for residential development when the farming operation on the neighboring parcel was active and there were no setbacks required from feedlots to R-1 Districts or residences. There are two existing dwellings off Possum Way in the Lakeview Heights Third Addition. One which was constructed before feedlot setback regulations were enforced. The second was issued a feedlot setback variance in 2023.

4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

- Single-family dwellings are permitted use in the R-1 District. The request does not constitute a use variance.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for a variance, submitted by David Hart, to Article 13 (Confined Feedlot Regulations) setback standards to allow the construction of a dwelling approximately 440 feet from a registered feedlot.

APPLICATION FOR
Variance

For Staff Use only		
VARIANCE NUMBER:	723-0056	
\$400 RECEIPT#	18334	DATE 12-19-23

SITE ADDRESS, CITY, AND STATE <i>Possum Way</i>	ZIP CODE: <i>55041</i>
--	---------------------------

LEGAL DESCRIPTION:				
PID#: <i>32-232-0050</i>	ZONING DISTRICT:	LOT AREA (SF/ACRES): <i>2.0</i>	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME <i>David Hart</i>	
APPLICANT'S ADDRESS: <i>30409 670th St 55041</i>	TELEPHONE:
	EMAIL:

PROPERTY OWNER'S NAME: Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations <i>Feed Lot</i>	CURRENT OR PREVIOUS USE: <i>Hay Field</i>
	PROPOSED USE: <i>Home</i>
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.			Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE	

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required

Applicant's Signature: *David Hart* Date: *12-19-23*

Print name: *David Hart* (owner or authorized agent)

REQUEST SUMMARY

Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

want to build new home

Describe the effects on the property if the variance is not granted:

Bought from agent as a buildable lot, will make for lots of problems

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

none

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

none

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

none

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

no

PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

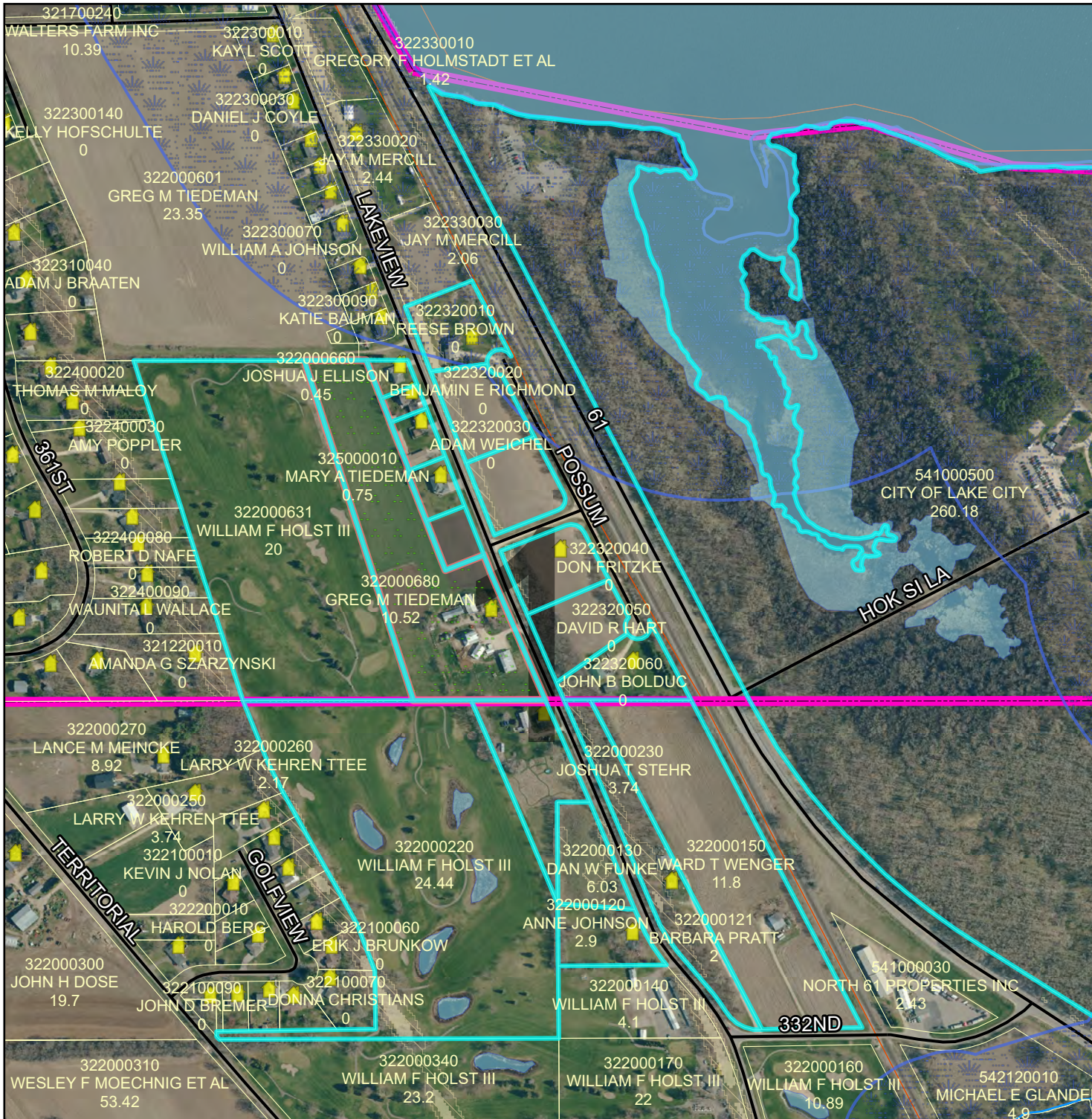
PLANNING COMMISSION

Public Hearing
January 22, 2024

David Hart (Owner)
R1 Zoned District

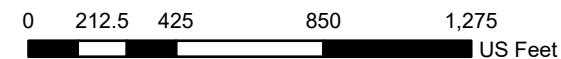
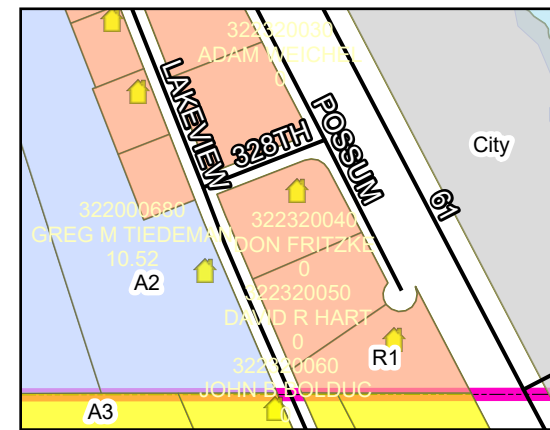
Lot 2 Block 2 of the Lakeview
Heights Third Addition in Florence
Township.

Request for Variance, to Article 13 Confined
Feedlot Regulations to allow a new dwelling
to be established within 1,000 feet of an
existing confined feeding operation.



Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		FEMA Flood Zones
	Shoreland		2% Annual Chance
	Historic Districts		A
	Parcels		AO
	Registered Feedlots		X
	Dwellings		
	Municipalities		

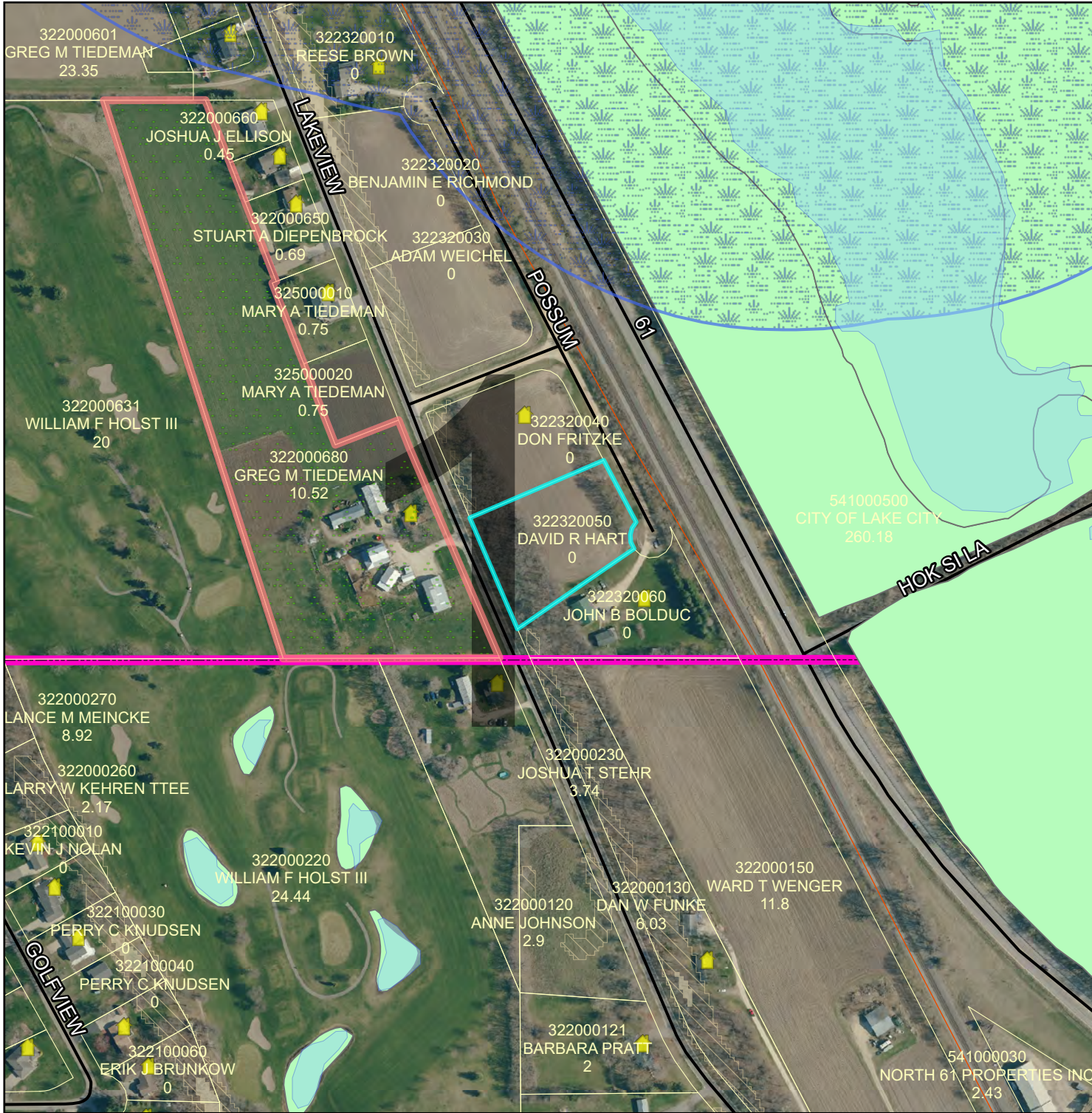


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2023.

2020 Aerial Imagery
Map Created December, 2023 by LUM



MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

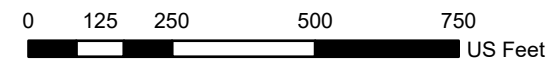
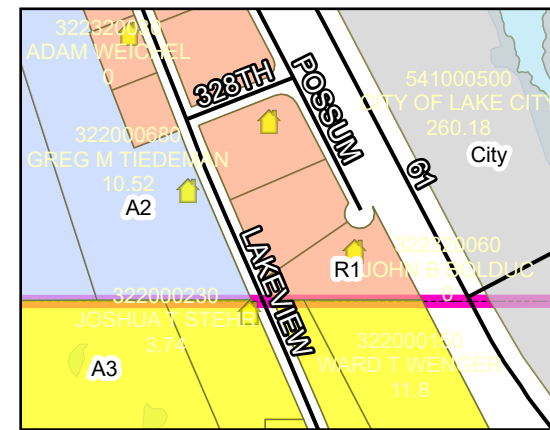
David Hart (Owner)
R1 Zoned District

Lot 2 Block 2 of the Lakeview
Heights Third Addition in Florence
Township.

Request for Variance, to Article 13 Confined
Feedlot Regulations to allow a new dwelling
to be established within 1,000 feet of an
existing confined feeding operation.

Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X

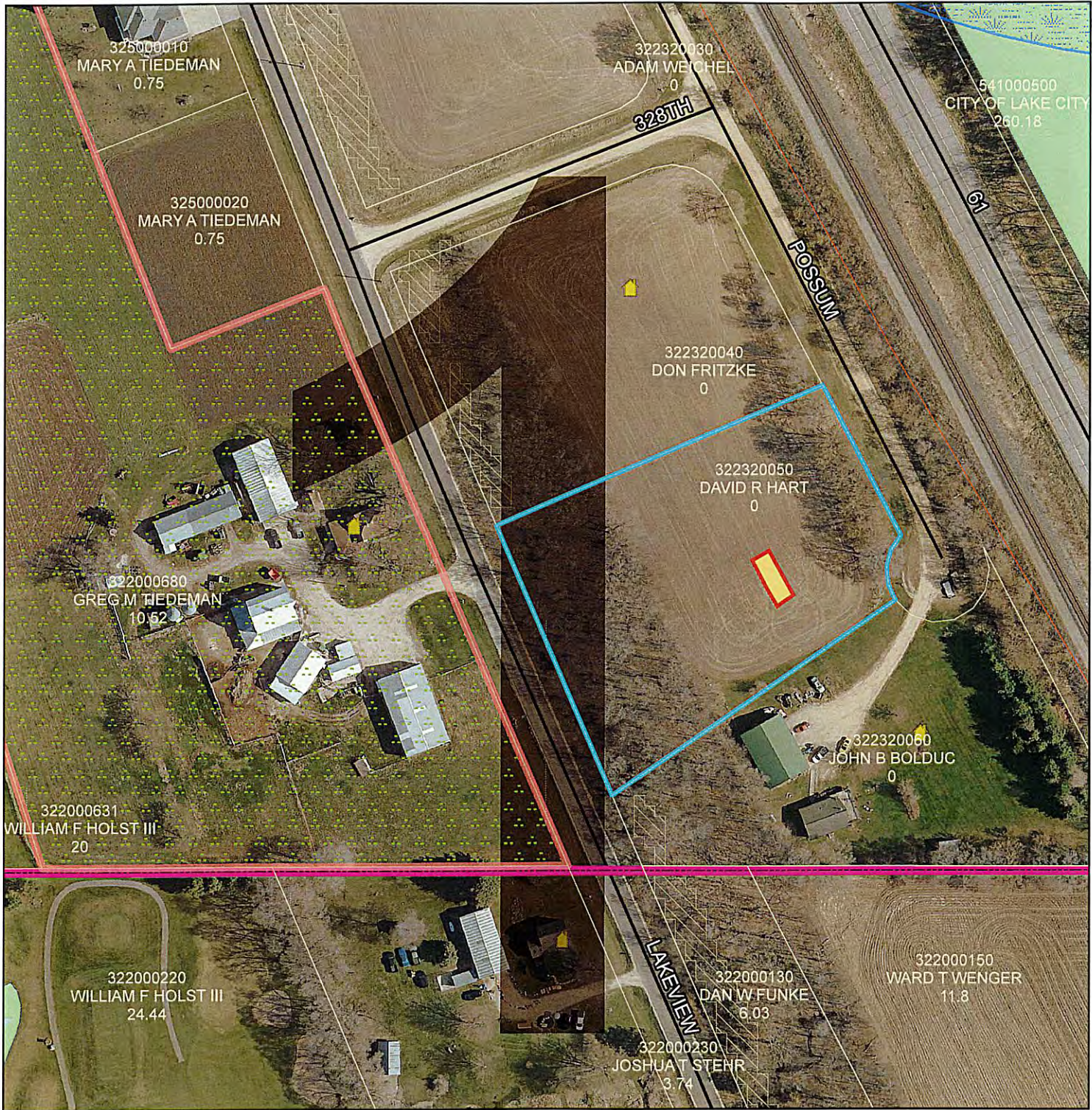


DATA DISCLAIMER: Goodhue County assumes
NO liability for the accuracy or completeness of this map
OR responsibility for any associated direct, indirect,
or consequential damages that may result from its use
or misuse. Goodhue County Copyright 2023.

2022 Aerial Imagery
Map Created December, 2023 by LUM



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

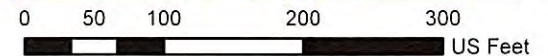
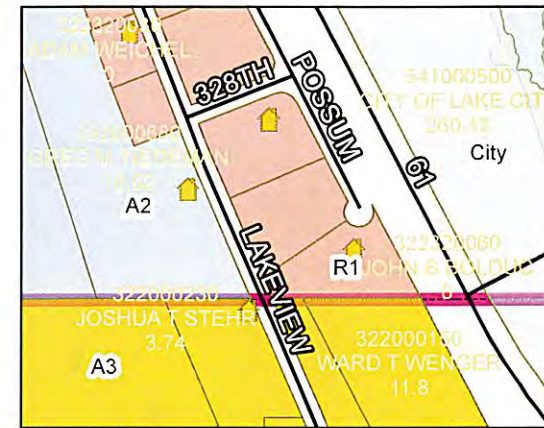
David Hart (Owner)
R1 Zoned District

Lot 2 Block 2 of the Lakeview
Heights Third Addition in Florence
Township.

Request for Variance, to Article 13 Confined
Feedlot Regulations to allow a new dwelling
to be established within 1,000 feet of an
existing confined feeding operation.

Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X



DATA DISCLAIMER: Goodhue County assumes
NO liability for the accuracy or completeness of this map
OR responsibility for any associated direct, indirect,
or consequential damages that may result from its use
or misuse. Goodhue County Copyright 2023.

2022Aerial Imagery
Map Created December, 2023 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

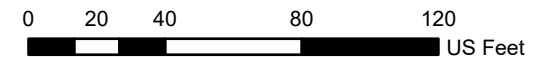
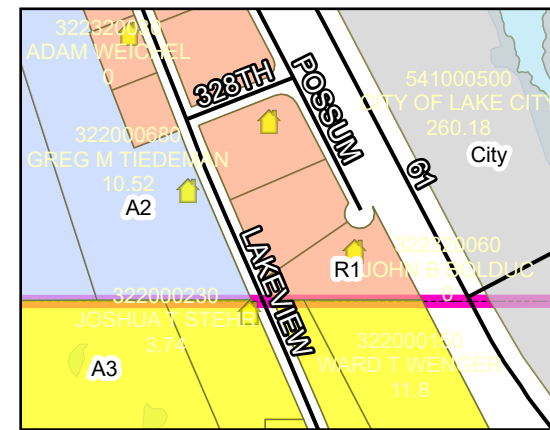
David Hart (Owner)
R1 Zoned District

Lot 2 Block 2 of the Lakeview
Heights Third Addition in Florence
Township.

Request for Variance, to Article 13 Confined
Feedlot Regulations to allow a new dwelling
to be established within 1,000 feet of an
existing confined feeding operation.

Legend

Intermittent Streams	Bluff Impact Zones (% slope) 20
Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	FEMA Flood Zones
Shoreland	2% Annual Chance
Historic Districts	A
Parcels	AE
Registered Feedlots	AO
Dwellings	X
Municipalities	



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2023.

2020 Aerial Imagery
Map Created December, 2023 by LUM



Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/21/2017

Farm Name	Tiedeman
Address or County	Goodhue
Evaluator	K. Petit
Date	1/2/2024

Clear All

OFFSET
Annoyance-free
98%

Source Edge to Nearest Neighbor (ft)	445
Source Edge to Property Line (ft)	215

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Beef - loose housing	45	60	1	2700	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results

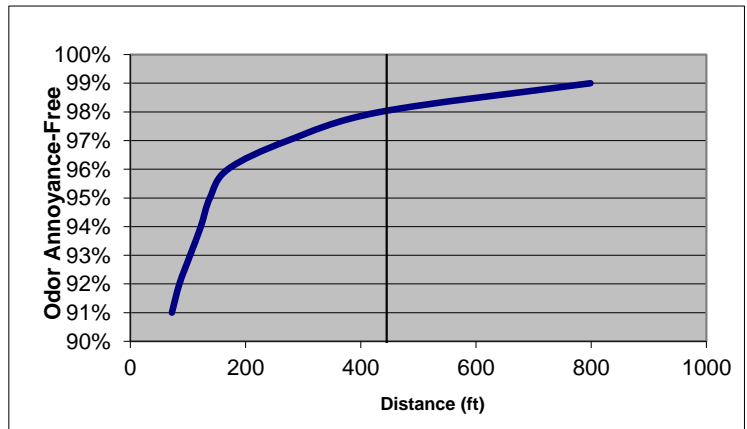


Farm Name	Tiedeman
County	Goodhue
Evaluator	K. Petit
Date	1/2/2024

Source Characteristics Summary	Flux Rates (with control technology)				Source Emission Rates*						
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor	OFFSET	H2S	Ammonia	Odor	H2S	Ammonia
					ou/s/m2	OER	ug/s/m2	ug/s/m2	ou/s	ug/s	ug/s
Buildings											
Beef - loose housing	1	2700	None	0%	1.2	6.0	1.7	25.0	309	427	6274
Area Sources											

Site Emissions	
Total Site Area (ft2)	2,700
Total Odor Emission Factor (TOEF)	2
Total Site H2S Emissions (mg/s)	0
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	6
Total Site Ammonia Emission AVERAGE (lbs/day)	1
Total Site Ammonia Emissions MAX (lbs/day)	2
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	445
OFFSET Annoyance-free frequency	98%



*includes control technologies