

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 a Variance to Article 13 Confined Feedlot Regulations to allow new R-1 (Suburban Residence District) parcels to be established within 1,000 feet of an existing confined feeding operation. Parcels 39.008.3400 and 39.008.3500. 47794 and 47844 191st Avenue Way Zumbrota, MN 55992. Part of the SW ¼ of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township.

Application Information:

Applicant: Goodhue County Zoning Department
Address of zoning request: 47794 and 47844 191st Avenue Way Zumbrota, MN 55992.
Parcel 39.008.3400 and 39.008.3500
Abbreviated Legal Description: Part of the SW ¼ of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township
Township Information: Pine Island is in agreement
Zoning District: A-1 Agricultural Protected

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 two parcels (39.008.3400 and 39.008.3500) are located in Part of the SW ¼ of the SW ¼ of Section 08 TWP 109 Range 15 in Pine Island Township. Parcels are in a cluster with other dwellings being rezoned from A-1 to R-1. A farming operation on the Reese property appears to have existed since at least the 1960's based on an aerial imagery review. Goodhue County did not require a setback from feedlots for new R-1 zones or new dwellings in 1974 when the homes were constructed. 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 requirements to allow parcels 39.008.3400 and 39.008.3500 to be rezoned from A-1 to R-1 zoning district.

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.
- 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 Reese feedlot to be 97% to both parcels.
- 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 request for a variance to required setbacks from a dwelling to a registered feedlot is a reasonable use of the property. The properties were surveyed and dwellings constructed in 1974 when the farming operation on the neighboring parcel was active and there were no setbacks required from feedlots to R-1 Districts or Residences.

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.

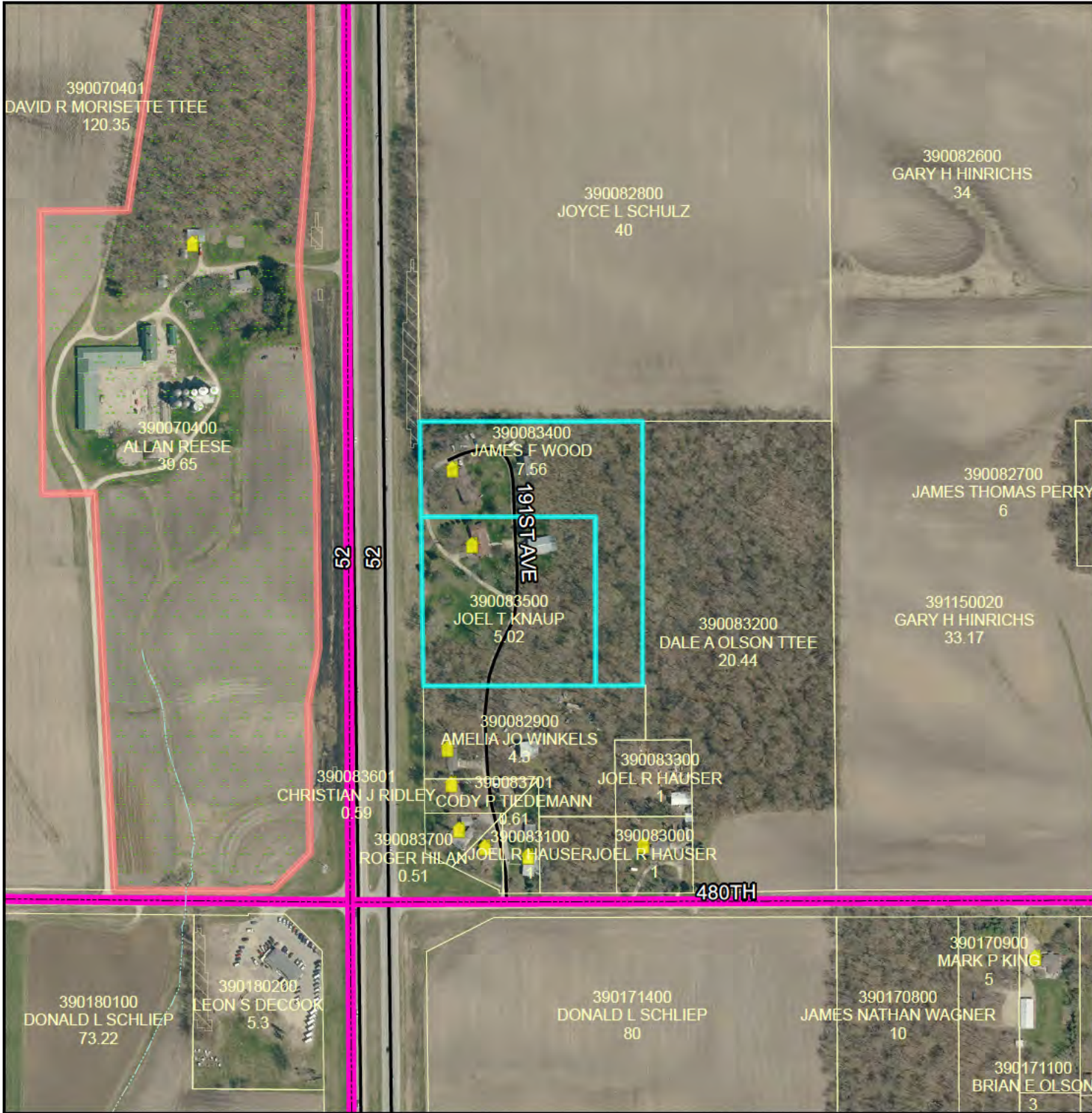
The Board should specify the facts and reasons that are the basis of the Board’s determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

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 to Article 13 Confined Feedlot Regulations to allow new R-1 (Suburban Residence District) parcels to be established less than 1,000 feet from an existing confined feeding operation. Parcels 39.008.3400 and 39.008.3500.

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

A-1 Zoned District

Part of the SW ¼ of the SW ¼ of Section 08
TWP 109 Range 15 in Pine Island Township..

Request for Variance to Article 13 Confined
Feedlot Regulations to allow new R-1
(Suburban Residence District) parcels 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		2% Annual Chance
	Shoreland		A
	Historic Districts		AE
	Parcels		AO
	Registered Feedlots		X
	Dwellings		
	Municipalities		



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Map Created January, 2024 by LUM



MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

A-1 Zoned District

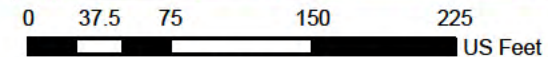
Part of the SW ¼ of the SW ¼ of Section 08
TWP 109 Range 15 in Pine Island Township..

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Feedlot Regulations to allow new R-1
(Suburban Residence District) parcels 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



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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

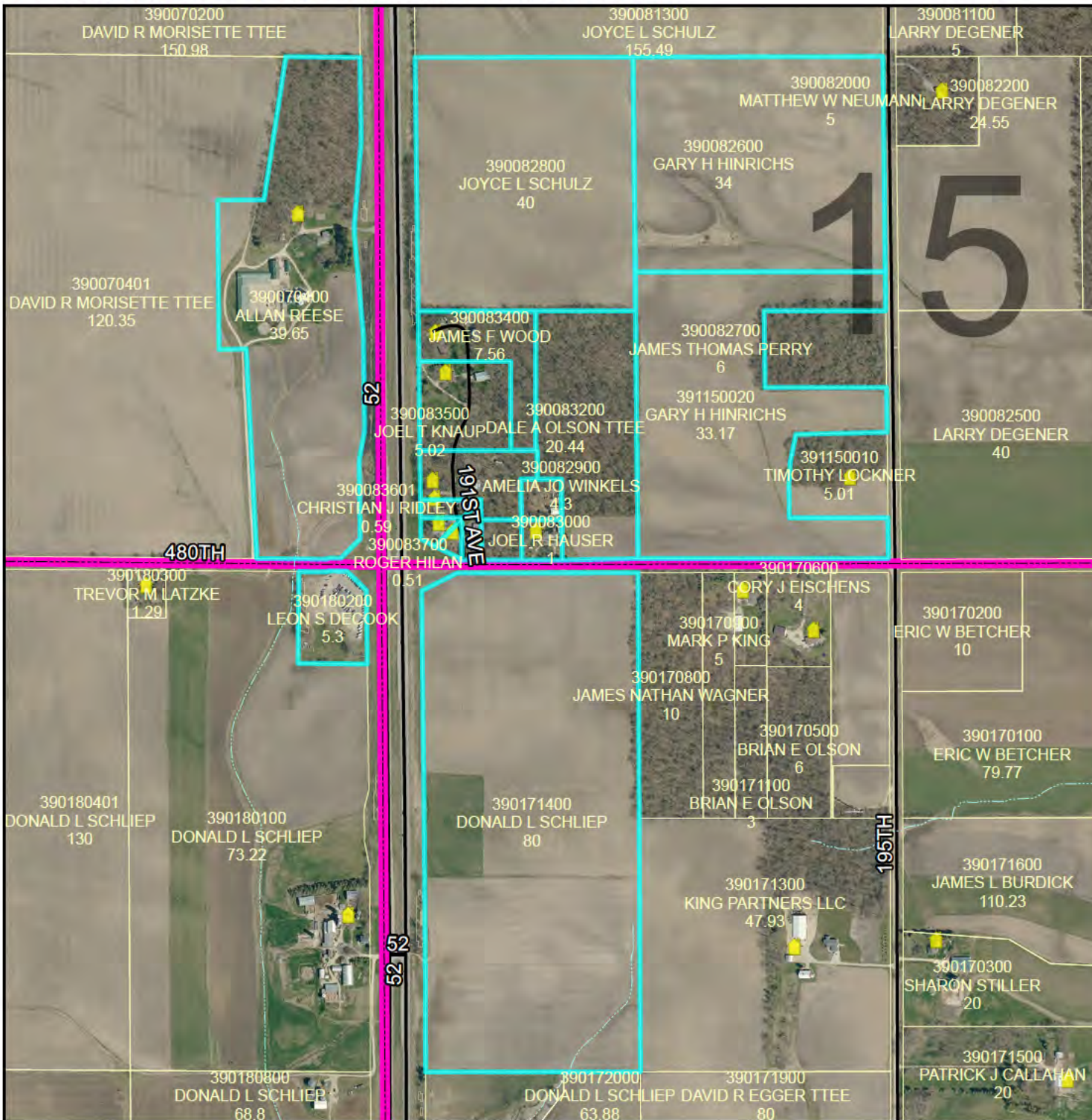
PLANNING COMMISSION

Public Hearing
January 22, 2024

A-1 Zoned District

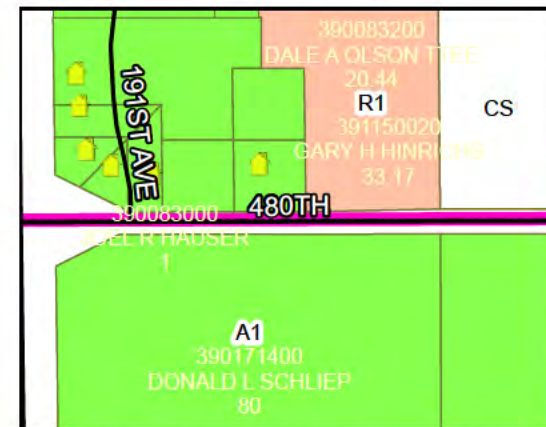
Part of the SW ¼ of the SW ¼ of Section 08
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Feedlot Regulations to allow new R-1
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Legend

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

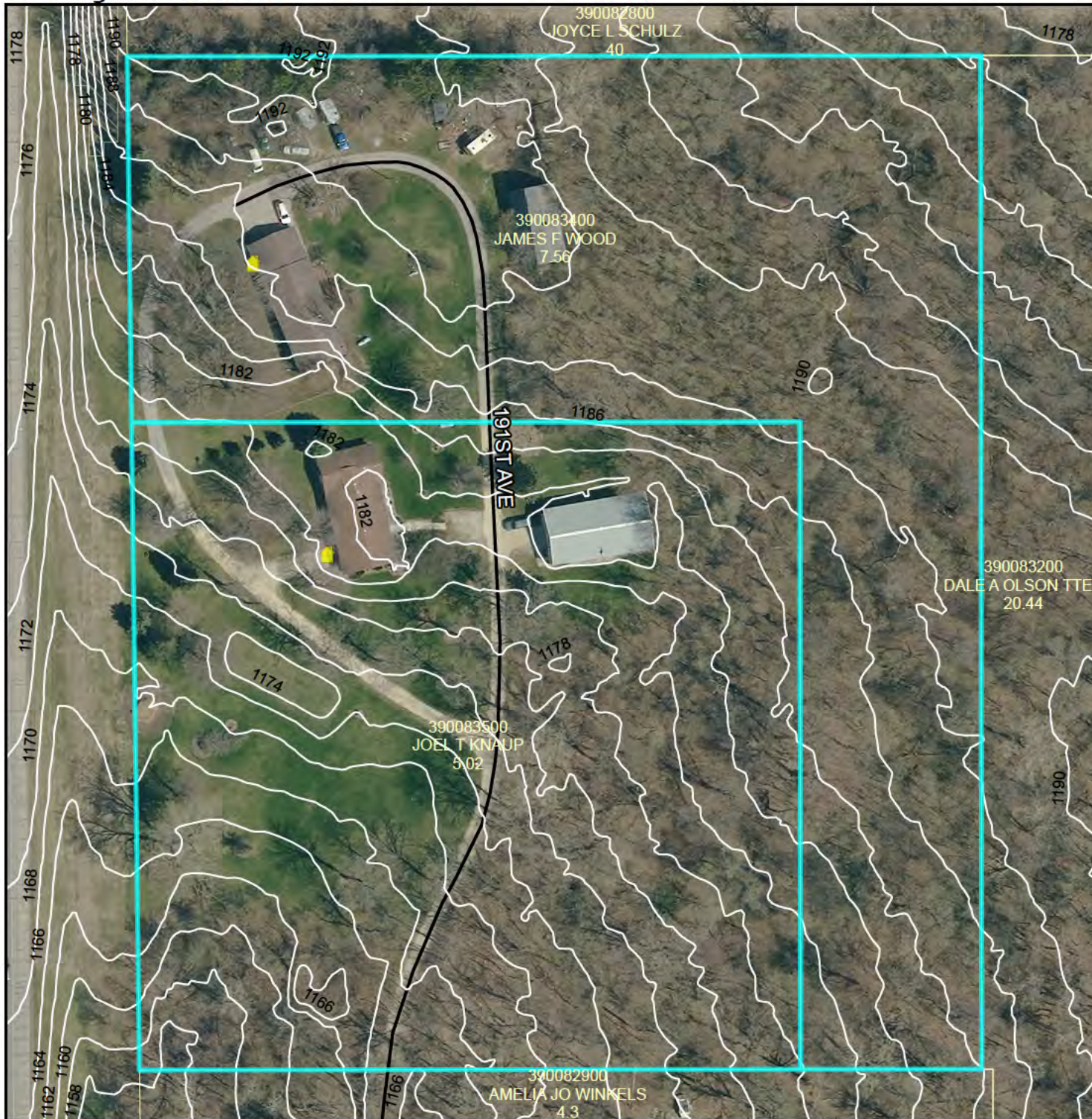


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
January 22, 2024

A-1 Zoned District

Part of the SW ¼ of the SW ¼ of Section 08
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Request for Variance to Article 13 Confined
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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



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JAN 20 2022

Feedlot registration form

Feedlot Program

Doc Type: Feedlot Registration



104 East 3rd Avenue - PO Box 335
Goodhue, MN 55027
651-923-5286 Ext. 4

PA

JAN 20 2022

Instructions: Minn. R. ch. 7020 requires most owners of livestock operations to provide information requested in this form to the Minnesota Pollution Control Agency (MPCA) at least once in a four-year cycle, unless a permit application has been made. Feedlots with a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit cannot use this form to document change of name or ownership.

Submittal Instructions:

For feedlots located in a delegated county: Send this form to your County Feedlot Officer

Active / Inactive

RECEIVED

JAN 20 2022

Facility name and address The information below reflects a change to the name of an existing registered facility.

Facility name: Reese Farm Registration number: 049-72680
Facility Address: 47665 Highway 52 Blvd Parcel ID number: 39-007-0400
City: Zumbrota State: MN Zip code: 55992
Phone: _____ Email: _____

Ownership information The information below reflects a change of ownership of an existing registered facility.

Feedlot owner Same as feedlot name and address **Contact person** Same as feedlot owner information
Name: _____ Name: _____
Address: _____ Address: _____
City: _____ State: _____ City: _____ State: _____
Phone: _____ Zip: _____ Phone: _____ Zip: _____
Email: _____ Email: _____

Facility locational information

County: Goodhue City/Township: Pine Island
Township (26-71 or 101-168): 109 Range (1-51): 15 Section (1-36): 7 1/4 Section (NW, NE, SW, SE): SE 1/4 of 1/4 Section (NW, NE, SW, SE): NE

Any surface waters or tile intakes within 1,000 feet of the facility? (If Yes, indicate types below) Yes No
 Lake/Pond larger than 25 acres Wetland Drainage ditch River/Stream/Creek Tile intake
Is any part of the facility within 300 feet of a river/stream? Yes No
Any part of the facility located within a delineated flood plain (100 year flood)? Yes No
Any part of the facility located within designated shoreland? Yes No
Any part of the facility within 300 feet of a known sinkhole? Yes No

Facility operations information (indicate components that are currently part of your livestock or poultry operation)

Animals on pasture for part of the year Yes No
Open lots (dirt, concrete, other) that are designed as animal holding areas Yes No
Buildings that are designed for animal confinement or as animal holding areas Yes No
If yes to either above, what is the shortest distance from an animal holding area to a well? (including unused or unsealed wells) 400 feet
A liquid manure storage structure Yes No
A manure stockpile (solid manure storage area) Yes No
If yes to either above, what is the shortest distance from a manure storage area to a well? (including unused or unsealed wells) _____ feet
If you closed a liquid manure storage area or permanent manure stockpile since your last registration, complete the following:
Date closed: _____ Liquid storage Solid storage Date closed: _____ Liquid storage Solid storage



Number of animals at the facility

If you currently do **not** maintain animals at the site, list the date that you last had animals (mm/dd/yyyy): / /

Enter in column C the maximum number of animals that you have maintained (standing herd or flock size) at the facility at any given time **in the past five years**.

Then calculate the animal units in column D by multiplying the value in column C by the value in column B.

A	B	C	D
Animal type	Animal unit factor	Maximum number (head) maintained at anytime in past 5 years	Animal Units (B x C)
Dairy – mature cow (milked or dry) over 1,000 lbs.	1.4		
Dairy – mature cow (milked or dry) under 1,000 lbs.	1.0		
Dairy – heifer	0.7		
Dairy – calf	0.2		
Beef – slaughter steer or stock cow	1.0	10	10
Beef – feeder cattle (stocker or backgrounding) or heifer	0.7		
Beef – cow and calf pair	1.2		
Beef – calf	0.2		
Veal – calf	0.2		
Swine – over 300 pounds	0.4		
Swine – between 55 and 300 pounds	0.3		
Swine – under 55 pounds (and separated from sow)	0.05		
Horse	1.0		
Sheep or lamb	0.1		
Chickens – all sizes with liquid manure system	0.033		
Chickens – broiler 5 lbs. and over – dry manure system	0.005		
Chickens – broiler under 5 lbs. – dry manure system	0.003		
Chickens – layers 5 lbs. and over – dry manure system	0.005	40	40 0.2
Chickens – layers under 5 lbs. – dry manure system	0.003		
Turkeys – over 5 lbs.	0.018		
Turkeys – under 5 lbs.	0.005		
Ducks – dry manure system	0.01	20	20 0.2
Ducks – liquid manure system	0.01		
Other animals (not listed above – specify in space below):			
			Total AU 70 10.4

Signature (person completing the form) and Submittal

Print name: Allan G Reese

Title: _____

Signature: Allan Reese

Date: 1-14-22

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/23/2017

Farm Name	Reese to Knaup
Address or County	Goodhue County
Evaluator	K. Petit
Date	1-8-24

Clear All

OFFSET
Annoyance-free
97%

Source Edge to Nearest Neighbor (ft)	855
Source Edge to Property Line (ft)	100

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Beef - loose housing	55	118	1	6490	None	
Beef - loose housing	55	220	1	12100	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	

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
1/23/2017

Farm Name	Reese to Wood
Address or County	Goodhue County
Evaluator	K. Petit
Date	1-8-24

Clear All

OFFSET
Annoyance-free
97%

Source Edge to Nearest Neighbor (ft)	780
Source Edge to Property Line (ft)	100

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Beef - loose housing	55	118	1	6490	None	
Beef - loose housing	55	220	1	12100	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/m ²)	
H2S Flux (ug/s/m ²)	
NH3 Flux (ug/s/m ²)	
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/m ²)	
H2S Flux (ug/s/m ²)	
NH3 Flux (ug/s/m ²)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results



Farm Name	Reese to Wood
County	Goodhue County
Evaluator	K. Petit
Date	1-8-24

	Source Characteristics Summary				Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology	Percent	Odor ou/s/m ²	OFFSET OER	H2S ug/s/m ²	Ammonia ug/s/m ²	Odor ou/s	H2S ug/s	Ammonia ug/s
			Type	Treated							
Buildings											
Beef - loose housing	1	6490	None	0%	1.2	6.0	1.7	25.0	742	1026	15081
Beef - loose housing	1	12100	None	0%	1.2	6	1.7	25.0	1383	1912	28118
Area Sources											

*includes control technologies

Site Emissions	
Total Site Area (ft ²)	18,590
Total Odor Emission Factor (TOEF)	11
Total Site H2S Emissions (mg/s)	3
Total Site H2S Emission AVERAGE (lbs/day)	1
Total Site H2S Emission MAX (lbs/day)	1
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	43
Total Site Ammonia Emission AVERAGE (lbs/day)	8
Total Site Ammonia Emissions MAX (lbs/day)	16
Total Site Ammonia Emissions (tons/yr)	2

Source Edge to Nearest Neighbor (ft)	780
OFFSET Annoyance-free frequency	97%

