

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** April 28<sup>th</sup>, 2025  
**Report date:** April 18<sup>th</sup>, 2025

**PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by Donna Lexvold (Applicant) on behalf of the Bombay Dairy Company (Owner) to allow construction of a manure storage pit that will be 685 feet from a neighboring dwelling when new construction shall meet a 91% odor annoyance free rating distance to a dwelling. The property is zoned A-1. Parcel 44.028.1301. 5492 County 30 Blvd, Kenyon MN, 55946. W1/2 of SW1/4 of Section 28, Twp 110, Range 17 in Wanamingo Township.

**Application Information:**

Applicant: Donna Lexvold (Applicant) on behalf of the Bombay Dairy Company (Owner)  
Address of zoning request: 5492 County 30 Blvd, Kenyon MN, 55946  
Parcel 44.028.1301  
Abbreviated Legal Description: W1/2 of SW1/4 of Section 28, Twp 110, Range 17  
Township Information: Wanamingo Township signed the Township form with no comments made.  
Zoning District: A-1 (Agricultural Protection)

**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:**

Donna Lexvold (Applicant) on behalf of the Bombay Dairy Company (Owner) to allow construction of a manure storage pit that will be 685 feet from a neighboring dwelling when new construction shall meet a 91% odor annoyance free rating distance to a dwelling.

**Variance Standards:**

Variances 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. Variances 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:**

- Article 13, Section 7, subdivision 7 states that new construction on existing feedlots shall meet a 91% odor annoyance-free rating distance, as determined by the OFFSET odor evaluation model, to a dwelling. The odor annoyance-free rating, as determined by the OFFSET odor evaluation model, is at 88%.
- The property consists of one parcel containing approximately 81.57 acres. The minimum lot size in the A-1 District is 2 acres.
- By building a larger manure pit, they won't be hauling manure daily. They are keeping the manure pit as close as they can to the barn to make it easier to push manure into the pit and to maintain setback distances from neighboring dwellings.
- The Applicant's variance request is 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 to construct a manure pit is a reasonable use of property in the A-1 Zoning District.
- Alternative locations for the manure pit are limited on this parcel. There is shoreland to the north. There is also another dwelling to the southwest that would also impose limitations on the feedlots development.
- The surrounding property is zoned A-1. Land uses are primarily agricultural with low density residential dwellings.
- The Applicant's request for a variance appears unlikely to alter the essential character of the locality.

**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.**

- Feedlots are a permitted use in the A-1 Zoning District

*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 Donna Lexvold (Applicant) on behalf of the Bombay Dairy Company (Owner) to allow construction of a manure storage pit that will be 685 feet from a neighboring dwelling when new construction shall meet a 91% odor annoyance free rating distance to a dwelling.



RECEIVED

MAR 23 2025

# Variance

Land Use Management

For Staff Use Only	
Permit #	Z 25-0011
\$400 Receipt #	18663 DATE: 3/26/25

SITE ADDRESS, CITY, AND STATE				ZIP CODE:	
44656 Cty 1 Blvd Wanamingo MN 55983				55983	
LEGAL DESCRIPTION:					
Attached <input type="checkbox"/>					
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):	
44-028-1301	A-1			190' x 250' x 12'	
APPLICANT OR AUTHORIZED AGENT'S NAME					
Bombay Dairy Co - Donna Lexvold					
APPLICANT'S ADDRESS:			TELEPHONE:		
5492 Cty 30 Blvd			507-330 6237		
Kenyon MN 55946			EMAIL:		
			bombaydairy95@gmail.com		
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)		CURRENT OR PREVIOUS USE:	
<input type="checkbox"/> Road Right-Of-Way Setbacks	<input type="checkbox"/> % Lot Coverage	waste storage	
<input type="checkbox"/> Property Line Setbacks	<input type="checkbox"/> Bluff Setbacks	PROPOSED USE:	
<input type="checkbox"/> Height Limits	<input type="checkbox"/> Shoreland Setbacks	waste storage	
<input type="checkbox"/> Lot Width &/or Area	<input checked="" type="checkbox"/> Other (specify)	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:
<input type="checkbox"/> Subdivision Regulations	Feedlot Setback to Dwellings		

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.		
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:

*Donna Lexvold*

Date: 3-26-25



## REQUEST SUMMARY

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

Article: 13 Section: 7 Name: Subsection 7 - Confined Feeding Regulations

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:

We currently raise dry cows and heifers on this site. There is limited space to store manure so we haul almost daily. With a manure pit we would have one year storage and have the ability to haul all the manure and ~~inject~~ inject into ground. About 4 days of hauling.

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

We will continue to haul manure as we have in the past. With a new pit there will be less

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:

The location of the pit is close to the barn to make it easier to push manure in.

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

NA - Really no alternatives available that would be far enough away from neighbors

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

~~There is an alternative plan.~~  
There is not an alternative plan.

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

I think the neighbors would prefer we haul 4 days out of the year rather than daily. We are trying to be good stewards of the land and make the best use of the manure possible.



## TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Wanamingo

Goodhue County

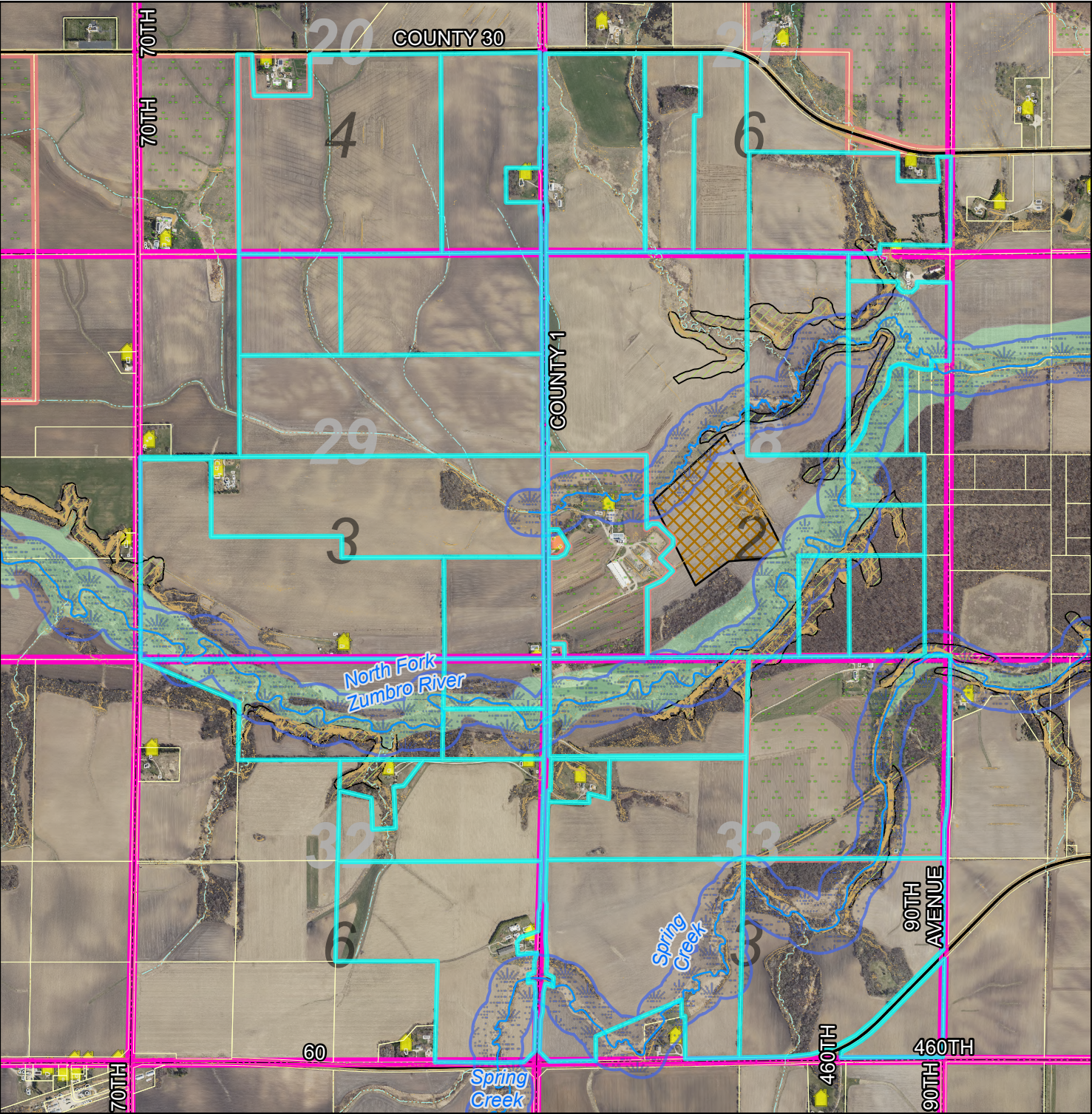
Parcel # 440281301

APPLICANT INFORMATION			
Last Name	Bombay Dairy		First
Street Address		5492 Cty 30 Blvd	
City	Kenyon	State	MN
Email Address	bombaydairy 95@gmail.com		
Township	110	Range	17
Section		28	
Phone 507 2518283			
ZIP 55946			
PROJECT INFORMATION			
Site Address	44656 Cty 1 Blvd Wanamingo MN 55983		
Property Owner:	Bombay Dairy		
Type of Project	waste storage	Proposed Use	manure storage
Structure Type	Cement	Replacement	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Variance #	225-0011	Conditional Use Permit #	
Zoning District:	Lot size	Structure dimensions 150 X 250 X 12	
DISCLAIMER AND SIGNATURE			
<p>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</p>			
Signature	Wayne Lyskel		Date 3-15-25
TOWNSHIP APPROVALS			
<p>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</p>			
Signature	Tony Stume		Title CHAIR
Date		3-20-25	
Signature	Title		Date
Application fee _____ Receipt Number _____ Expiration Date _____			

**The granting of this permit does not exempt the permittee from having to secure other permits from other Local (Goodhue County), State, or Federal units of government which may have jurisdiction over portions of the authorized project.**



PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



**BOARD OF ADJUSTMENT**

Public Hearing  
April 28th, 2025

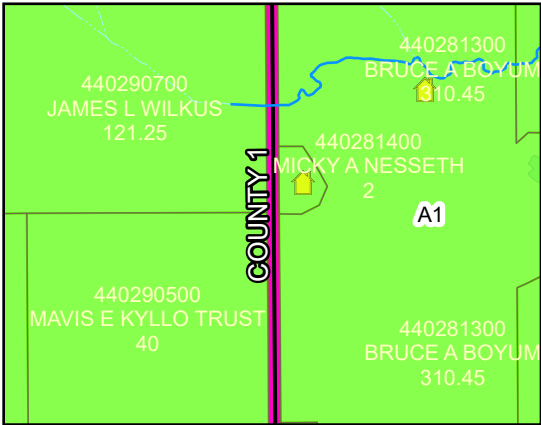
Donna Lexvold (Applicant) on behalf of  
the Bombay Dairy Company (Owner)  
A-1 Zoned District.

The W1/2 of the SW1/4 of Section 28,  
Twp 110, Range 17 in Wanamingo Township.

Request for Variance to allow construction  
of a manure storage pit that will be 685 feet  
from a neighboring dwelling when 1000 feet  
is required.

**Legend**

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



0 500 1,000 2,000 3,000  
US Feet

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**BOARD OF ADJUSTMENT**

Public Hearing  
April 28th, 2025

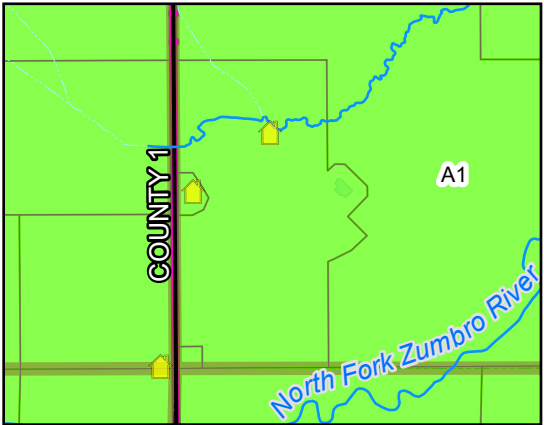
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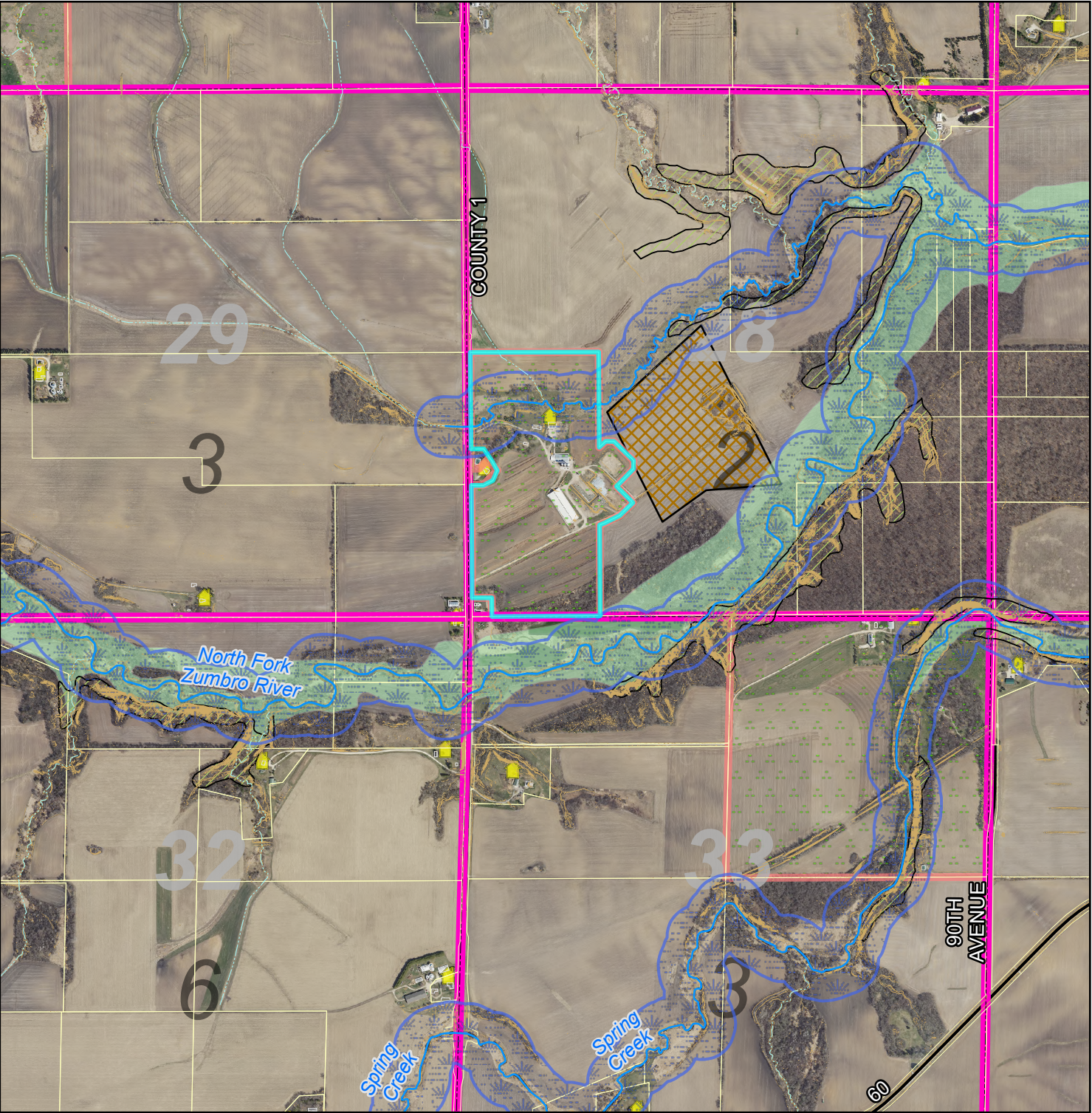
- |                            |                              |
|----------------------------|------------------------------|
| Intermittent Streams       | Bluff Impact Zones (% slope) |
| Protected Streams          | 20                           |
| Lakes & Other Water Bodies | 30                           |
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| Registered Feedlots        | AE                           |
| Dwellings                  | AO                           |
| Municipalities             | X                            |



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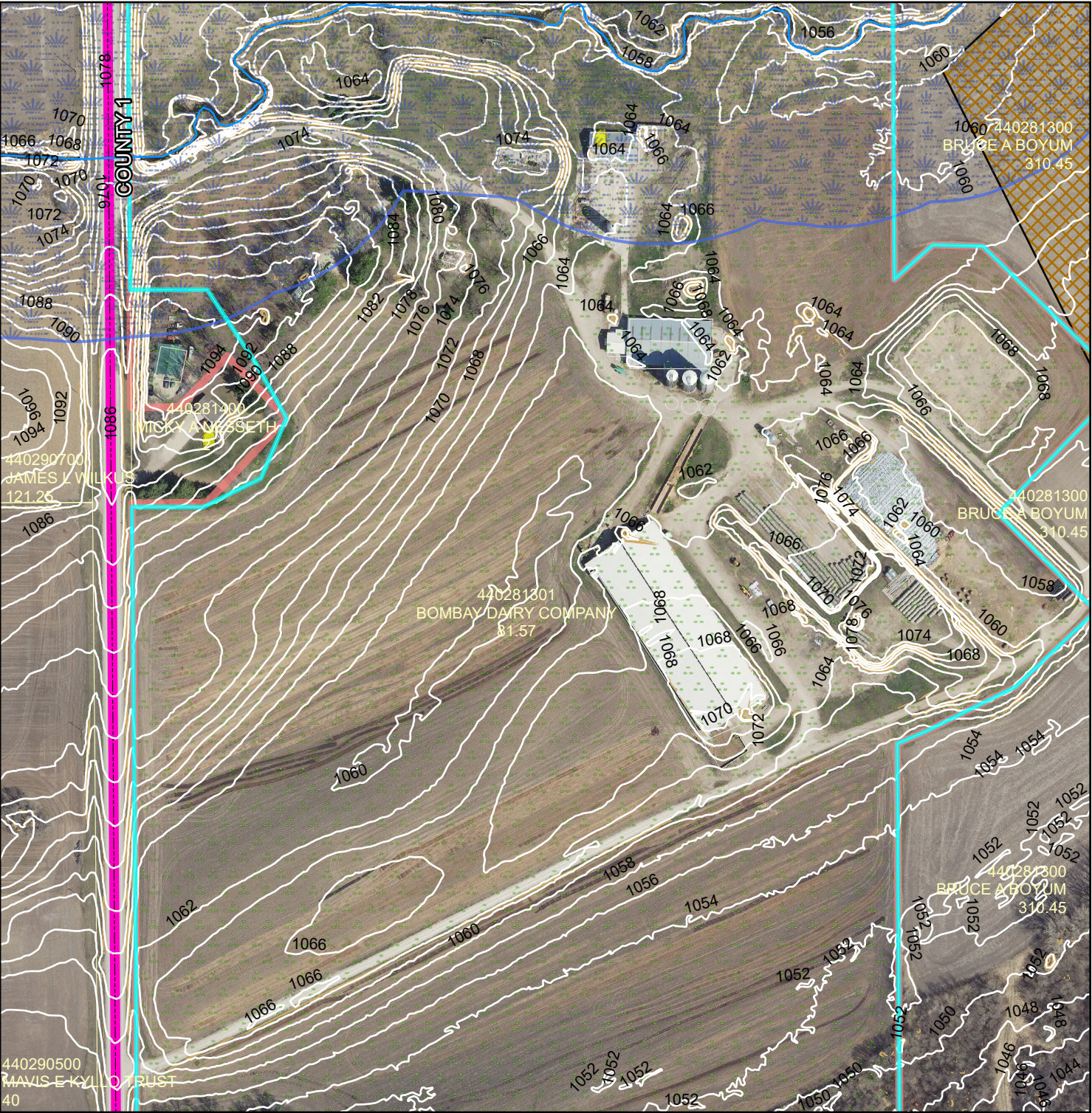
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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing  
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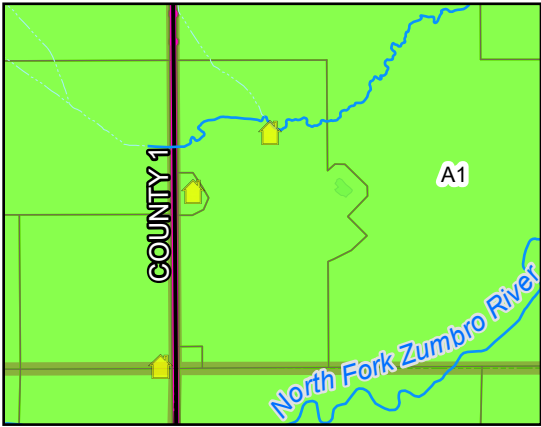
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| Shoreland                  |                              |
| Historic Districts         | FEMA Flood Zones             |
| Parcels                    | 2% Annual Chance             |
| Registered Feedlots        | A                            |
| Dwellings                  | AE                           |
| Municipalities             | AO                           |
|                            | X                            |



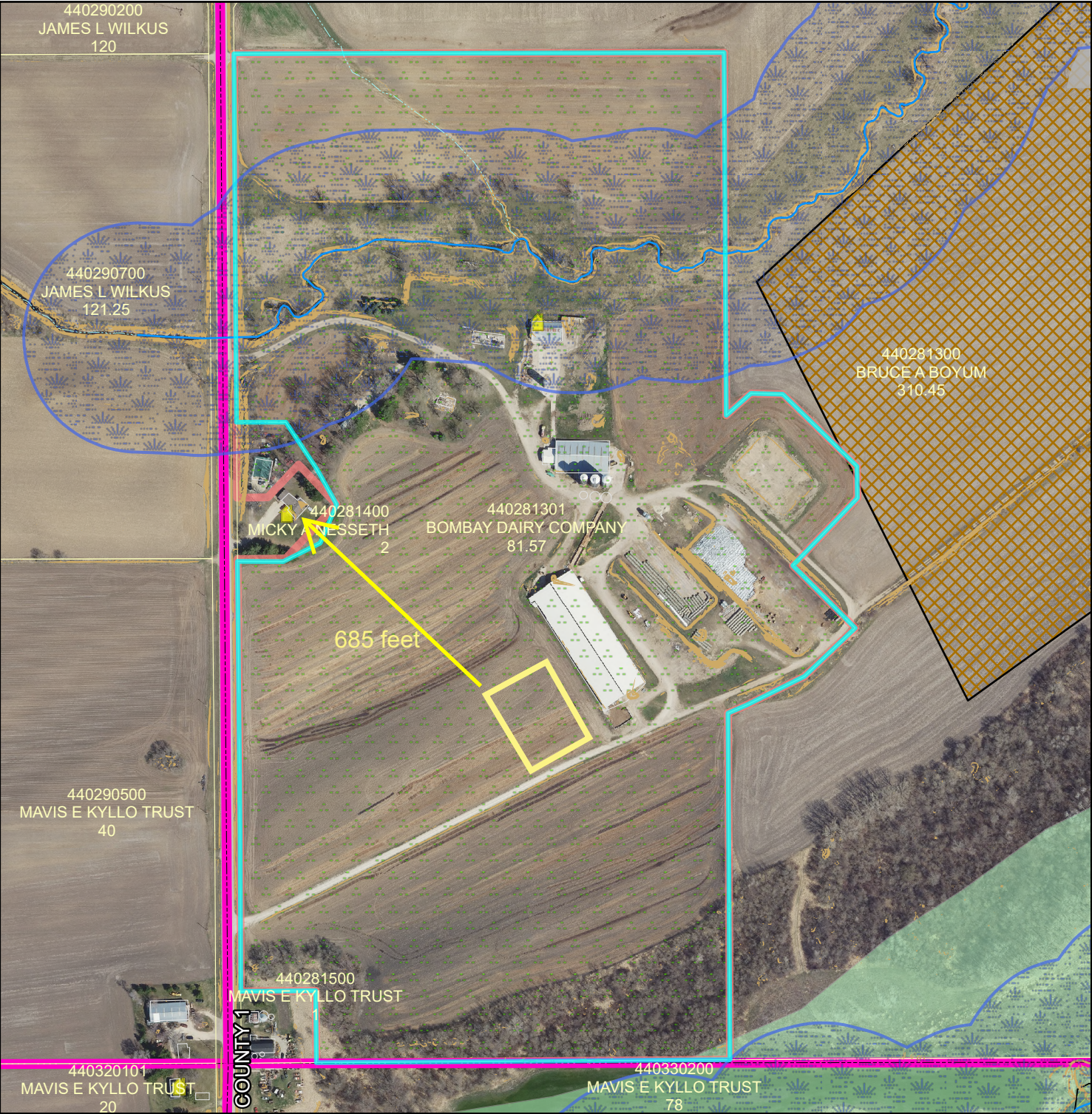
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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing  
April 28th, 2025

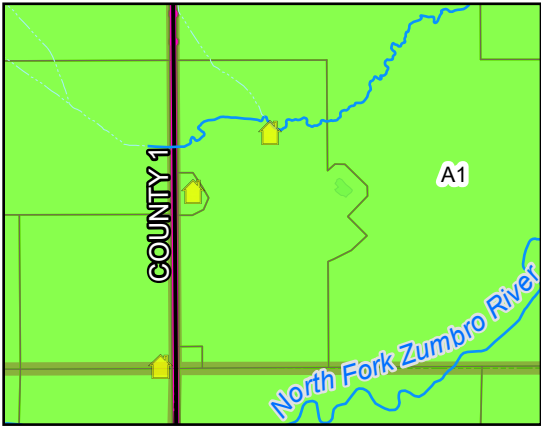
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| Parcels                    | 2% Annual Chance             |
| Registered Feedlots        | A                            |
| Dwellings                  | AE                           |
| Municipalities             | AO                           |
|                            | X                            |



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