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Why Daley Farms' Massive Factory Farm Expansion is Bad for Winona County & Does Not Comply with Our Winona County Ordinance

Daley Farms of Lewiston is proposing a massive expansion of its dairy operation in Winona County. Daley Farms, already one of the largest dairies in Minnesota, wants to add 3,000 cows, increasing its operation to a total of 4,628 cows. This is 5,968 animal units (a dairy cow is 1.4 animal units) and is almost four times Winona County's 1,500 animal unit cap. In addition:

- Each year it would drain 92 million gallons of the area's groundwater (almost three times Lewiston's annual use of 33 million gallons)
- It would produce 46 million gallons of manure and wastewater per year that would be spread within a 10-mile radius.
- Utica township — where the Daley farm is located — and nearby communities have nitrate levels nearing or above the maximum allowable safe drinking water level of 10 milligrams/liter.

To be granted a variance to the Winona County Ordinance and animal unit cap, eight criteria must be met. Daley Farms' request DOES NOT meet seven of the eight criteria.

Criterion 1: "The variance is in harmony with the intent and purpose of the ordinance." Daley Farms request for a variance does not meet this requirement.

The Winona County ordinance states: "No permit shall be issued for a feedlot having in excess of 1,500 animal units per feedlot site." To request an expansion four times that size is clearly not in harmony with the intent and purpose of the ordinance.

The ordinance does not allow an increase in non-conformity. The Daley operation is at 2,275 animal units now (1,728 cows) and already exceeds the animal unit cap. The Daley operation was this size when the ordinance was adopted and was "grandfathered in" with the understanding that no further expansion would be allowed. The Winona County Ordinance states: "No such use shall be expanded, changed, enlarged, or altered in a way that increases its non-conformity." This expansion would dramatically increase Daley Farms' non-conformity.

Criterion 2: "The variance request is consistent with the comprehensive plan." Daley Farms' request for a variance does not meet this requirement.

The Winona County Comprehensive Plan states as a goal: "Maintain, protect and improve the quality of groundwater resources particularly the high-yielding aquifers used for drinking water and connected to surface hydrological features." Daley Farms' proposed massive 3,000-cow expansion is clearly not consistent with this.

ATTEND and TESTIFY at the Board of Adjustments hearing on Thursday, Feb. 21, at 1 p.m., at the Tau Center, Winona State University (511 Hilbert Street, Winona). Join us for a Land Stewardship Project planning meeting in Room 215 of the Tau Center at noon. Having people testifying at the hearing is critical. RSVP to Barb, 612-722-6377; bsognfrank@landstewardshipproject.org

Criterion 3: “The applicant has established that there are practical difficulties in complying with the official control and proposes to use the property in a reasonable manner.” Daley Farms’ request for a variance does not meet this requirement.

There are no practical difficulties in complying with the official control. The operation is doing so now. The Daley Farms’ variance request is an extreme departure from the Winona County Zoning Ordinance and is not reasonable. A variance would essentially allow Daley Farms to consolidate the equivalent of four maximum-size 1,500 animal-unit farms on its land, dramatically increasing the concentration of manure in that location.

Criterion 4: “The variance request is due to special conditions or circumstances unique to the property not created by owners of the property since enactment of this ordinance.” Daley Farms’ request for a variance does not meet this requirement.

Daley Farms’ request is not created by anything unique to its property. It is based solely on circumstances of its own making, namely its desire to expand for purely economic interests.

Criterion 5: “The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety and welfare in the vicinity.” Daley Farms’ request for a variance does not meet this requirement.

The industrial-scale of this massive 3,000-cow expansion would absolutely alter the essential character of the locality, impair property values and negatively impact public health, safety and welfare. It will use 92 million gallons of the area’s groundwater and produce 46 million gallons of manure and wastewater per year, impacting the community’s groundwater quantity and quality. A 2018 report by the Minnesota Department of Agriculture found that 19.6% of the wells in Utica Township, where the Daley farm is located, tested above the safe drinking water level for nitrates. The Minnesota Department of Natural Resources states in Daley Farms’ Environmental Assessment Worksheet: “...the proposed rate and volume may interfere with other water uses or have negative impacts on nearby lakes, streams or wetlands.”

Criterion 6: “Economic considerations alone do not constitute practical difficulties.” Daley Farms’ request for a variance does not meet this requirement.

In its application, in public statements and in numerous newspaper articles, the Daleys have stated that the sole reason they want to expand is economic.

Criterion 7: “The variance cannot be alleviated by a reasonable method other than a variance and is the minimum variance which would alleviate the practical difficulty.” Daley Farms’ request for a variance does not meet this requirement.

In their variance application, the Daleys have noted that there are other methods which could serve to engage other family members in the family business. Also, the request can be alleviated by not seeking a variance.

For more information or questions, contact the Land Stewardship Project’s Barb Sogn-Frank at 612-722-6377 or bsognfrank@landstewardshipproject.org.