

Decision Summary RA18092

This document summarizes my reasons for issuing Approval RA18092 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA18092. That document and the full application are available from the decisions search engine on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca. My decision is based on the act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

1. Background

On December 18, 2018, Ivonne Van Aken on behalf of Clear Sky Poultry Ltd. submitted a Part 1 application to the NRCB to construct a new 76,000 broiler chicken confined feeding operation (CFO). The Part 2 application was submitted on December 21, 2018. On January 16, 2019, I deemed the application complete.

The proposed CFO involves:

- Permitting 76,000 broiler chickens
- Constructing two broiler chicken barns (each 108.5 m x 19.5 m)

The application also includes construction of a service building (28.7 m x 7.6 m) connecting the proposed broiler barns. This facility is an “ancillary structure,” under sections 1(b.6) of AOPA and 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because it is directly related to the barns but will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, this structure does not need to be permitted under the act.

Under AOPA, this type of application requires an approval.

a. Location

The proposed CFO is located at NE 10-42-27 W4M in Ponoka County, roughly 14 km southwest of Ponoka, Alberta. The terrain is slightly undulating with a general slope to the west towards an unnamed creek, located approximately 1.1 km from the proposed CFO facilities.

2. Notices to affected parties

Under section 19 of AOPA, the NRCB is required to notify (or direct the applicant to notify) all parties that are “affected” by an approval application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is or is to be located
- any other municipality whose boundary is within a specified distance from the CFO, depending on the size of the CFO
- all individuals who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For this application, the distance is 0.5 miles. (The NRCB refers to this distance as the “affected party radius.”)

Municipalities that are affected parties are defined by the act to be “directly affected” and are entitled to provide evidence and written submissions. Ponoka County is an affected party (and therefore also a directly affected party) because the proposed facility is located within its boundaries.

All other parties who receive notice of the application may request to be considered “directly affected.” Under NRCB policy, all individuals who own or reside on land within the affected party radius are presumed to be “directly affected” if they submit a written response to the notice within the prescribed timeline. See NRCB Operational Policy 2016-7: *Approvals*, part 6.2.

Under section 20 of the act, all directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions regarding the application.

All directly affected parties are also entitled to request an NRCB board review of the approval officer’s decision on the approval application.

The NRCB published notice of the application in the Ponoka News on January 16, 2019 and posted the full application on the NRCB website for public viewing. The NRCB also emailed referral letters and a copy of the complete application to Ponoka County, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), Just Freehold Energy Corp, Alberta Products Pipeline Ltd, and faxed a copy to Vermilion Resources Ltd. Twelve courtesy letters were sent to people identified by Ponoka County as owning or residing on land within the affected party radius.

3. Responses from the municipality and referral agencies

I received responses from the County, AEP, AHS, and Alberta Products Pipeline Ltd (APPL).

Mr. Tom Webber, the assistant chief administration officer with Ponoka County, provided a verbal response on behalf of the County. As noted in section 2, Ponoka County is a directly affected party.

Mr. Webber stated that the County is not opposed to this application. The application’s consistency with Ponoka County’s municipal development plan and land use bylaw are addressed in Appendix A, attached.

Mr. Gordon Watt, an executive officer / public health inspector with AHS, provided a response that recommends approval based on the information received from the application. Mr. Watt also commented that water wells serving the property be greater than 100 metres to the closest point of manure storage and that the operation be compliant with applicable legislation.

Ms. Laura Partridge, a senior water administration officer with AEP, requested the applicant to reapply for a water license as the current application is incomplete.

The applicant signed a declaration in their Part 2 application stating that they would apply for a water license separately from an NRCB permit. The permit holder is reminded through issuance of this NRCB decision that they are required to comply with all applicable rules and regulations, including those under the *Water Act*.

The NRCB also received a response from Alberta Products Pipeline Ltd. (APPL) stating no approval from APPL is necessary if the proposed construction is located over 100 m from their pipeline.

4. Responses from other directly affected parties

The NRCB received three responses to this application from directly affected parties.

All of the parties who submitted responses own or reside on land within the 0.5 mile radius for affected persons. Because of their location within this radius, they are presumed to be directly affected by the application. See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.

The directly affected parties raised concerns regarding:

- water usage
- water contamination
- disposal of deceased animals
- manure storage and application
- location of broiler barns
- property values
- nuisances (odour and traffic)
- health effects relating to odour
- stocking density
- consideration of moving the location of the CFO

These concerns are addressed in Appendix B.

5. Environmental risk screening of proposed facilities

As part of my review of this application, I assessed the risk to surface water and groundwater posed by the CFO's proposed manure storage facilities. I used the NRCB's environmental risk screening tool for this purpose (see NRCB Operational Policy 2016-7: *Approvals*, part 8.13). The tool provides for a numeric scoring of risks, which can fall within either a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Guides on the NRCB website at www.nrcb.ca.)

The screening tool indicated that all of the CFO's proposed facilities pose a low potential risk to groundwater and surface water.

6. Other factors considered

The application meets all relevant AOPA requirements, with the terms and conditions summarized in part 7.¹

In addition, the proposed CFO is consistent with the land use provisions of Ponoka County's municipal development plan and with Ponoka County's land use bylaw. (See Appendix A for a more detailed discussion of the county's planning requirements.)

With respect to the act's technical requirements, the proposed CFO:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are

1. For a summary of these requirements, please see the [2008 AOPA Reference Guide](#), available on the NRCB website at www.nrcb.ca/Guides.

- known as the “minimum distance separation” requirements, or MDS).
- Meets the required AOPA setbacks from water wells, springs and common bodies of water.
 - Has sufficient means to control surface runoff of manure.
 - Meets AOPA’s nutrient management requirements regarding the land application of manure.
 - Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities.

In addition, I assessed the effects of the proposed CFO on the environment. Consistent with NRCB policy, I determined that these effects are presumed to be acceptable because the application meets all of AOPA’s technical requirements. I have carefully considered the concerns raised by the directly affected parties, and in my view, those concerns have been adequately addressed by the application and conditions. I also determined that the application’s effects on the economy and community are presumed acceptable, and that the proposed CFO is an appropriate use of land. Under NRCB policy, these determinations are based on the application’s consistency with the municipal development plan and land use bylaw. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.) In my view, the concerns and evidence I have before me do not overturn these presumptions.

7. Terms and conditions

Approval RA18092 specifies the new permitted livestock capacity as 76,000 broiler chickens and permits the construction of two broiler chicken barns.

Approval RA18092 also contains terms that the NRCB generally includes in all AOPA approvals, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

In addition to the terms described above, Approval RA18092 includes conditions that:

- Set a deadline of November 30, 2021 for the approved construction to be completed.
- Require the concrete used to construct the liner of the manure collection and storage portions of both broiler barns to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas”.
- Require written confirmation from a qualified third party that the concrete used for the manure collection and storage areas meets the required specifications.
- Prohibit Clear Sky Poultry from placing manure or livestock in the broiler barns until the facilities have been inspected by the NRCB following their construction.

For an explanation of the reasons for these conditions, see Appendix C.

8. Conclusion

Approval RA18092 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA18092.

March 28, 2019

(Original Signed)
Fraser Grant
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Concerns raised by directly affected parties
- C. Explanation of conditions in Approval RA18092

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may grant an application for an approval only if the approval officer finds that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

The NRCB interprets the term “land use provisions” as covering MDP policies that provide generic directions about the acceptability of various land uses in specific areas and that do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.5.) Under this interpretation, the term “land use provisions” also excludes MDP policies that impose procedural requirements. In addition, section 20(1.1) of the act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions.”)

Clear Sky Poultry’s CFO is located in Ponoka County and is therefore subject to that county’s MDP. Ponoka County adopted the latest revision to this plan on October, 2018, under Bylaw #6-08 MDP.

Section 2 of the MDP contains eight numbered policies that relate to applications for new CFOs under AOPA. These eight policies are discussed below. (Three other MDP policies relate to CFOs below the AOPA threshold or to proposed residential developments near existing CFOs.)

Under policy 2.1, the county “encourages” the development of CFOs to add value to crop production and provide “more employment and income per acre of land.” However, policy 2.1 also states that the environment and neighbours’ rights “must be protected.” This policy likely isn’t a “land use provision,” but it provides a general context for interpreting and applying the other policies in section 2.

Policy 2.2 states the county’s “belie[f] that very large CFOs are inappropriate in this part of Alberta, and requests the NRCB not to allow them here.” This policy defines “very large” as “more than ten times” the threshold for approvals in the Part 2 Matters Regulation under AOPA. In this case, a “very large” chicken broiler CFO would have over 600,000 broiler chickens. Clear Sky Poultry’s proposed CFO is for 76,000 broiler chickens, so the proposed CFO is consistent with this policy.

Policy 2.3 has two parts. The first part lists five setbacks and one exclusion zones for new or expanding CFOs. Clear Sky Poultry CFO is not within any of these restricted areas.

The second part of policy 2.3 calls for “very strict conditions on manure handling and storage in the Chain Lakes and Maskwa Creek watersheds. Clear Sky Poultry CFO is not within any of these watersheds and is consistent with this section of the MDP.

Policy 2.4 calls for the NRCB to “set strict rules for the timely incorporation of manure within a mile of any urban municipality or rural residence.” This is a “test or condition” under section 20(1.1) of AOPA, so I am precluded from considering this policy. At any rate, Clear Sky Poultry’s CFO will be subject to the Standards and Administration Regulation under AOPA. This regulation provides rules for the land application of manure, including timely incorporation in specified circumstances. These rules are “strict,” which is consistent with this MDP policy.

Policy 2.5 precludes the siting of CFOs within two miles of “any lake” unless the “regulators” are “convinced” that the CFO’s manure management system is “fail-safe” and the CFO poses “no reasonable risk of contamination of the lake.”

Policy 2.5 is likely not a “land use provision” because its “fail-safe” and “reasonable risk” tests call for discretionary, CFO-specific judgements. The provision may also be a “test or condition,” which I am precluded from considering by AOPA section 20(1.1). At any rate, there are no lakes within two miles of the proposed CFO.

Policy 2.6 precludes new or expanded CFOs where there is “any risk that runoff will contaminate domestic water supplies.” Policy 2.6 likely is not a “land use provision” because it calls for discretionary judgements about acceptable risks. (on its face, “any risk” is a low risk threshold, but the threshold is presumably more than “minor” or “significant.”) At any rate, the proposed CFO meets AOPA’s technical requirements, which are designed to minimize the risks to surface and groundwater.

Policy 2.8 states that “where a *new* CFO is proposed, the minimum distance separation (MDS) should be contained entirely within land owned by the operator or the CFO.” Policy 2.8 goes on to state that this requirement may be waived if the other party (neighbour) agrees to the MDS encroachment in writing.

The NRCB’s board (see *Wyntjes*, Board Decision 2007-11 at 6 et seq.) and approvals policy (see NRCB Operational Policy 2016-7, *Approvals*, part 8.2.5) have made it clear that approval officers should not consider MDP provisions that are based on, but modify and render more stringent AOPA’s MDS requirements.

Policy 2.8 uses, but essentially modifies, AOPA’s MDS requirements. In AOPA, the MDS is measured to the residential building located on that property rather than to the property line. Thus, this policy cannot be considered for purposes of my MDS consistency determination. Regardless, Clear Sky Poultry’s application meets the AOPA MDS requirement, as noted in part six above.

Last, Policy 2.11 states that the county “may develop policies to reduce the nuisance caused by the spreading of manure near residences,” including ones that require the immediate incorporation of manure and limits on the timing or rate of manure application. I am unaware of any manure application policies that the county has developed under Policy 2.11. At any rate, section 20(1.1) of AOPA precludes me from considering Policy 2.11 because it relates to manure application.

For these reasons, I conclude that the application is consistent with the relevant land use provisions of Ponoka County’s MDP. As noted above, Ponoka County’s response did not raise any concerns with this application, which confirms my conclusion.

In my view, under sections 1.4, 1.6, 4.10, 17.5 and in Appendix A, the MDP clearly intends to incorporate Ponoka County’s Land Use Bylaw (LUB) #7-08 (see NRCB Operational Policy 2016-7: *Approvals*, part 8.2.3). Accordingly, I considered the LUB. Under that bylaw, the subject land is currently zoned as agricultural. CFOs are listed as a permitted land use within this land use zoning, provided that they hold the required authorization (or permit) under AOPA. As noted in part 1 of this decision summary, Clear Sky Poultry’s CFO will be permitted by the NRCB under Approval RA18092.

APPENDIX B: Concerns raised by directly affected parties

Concerns from directly affected parties

The following persons own or reside on land within the “affected party radius,” as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation, and submitted statements of concern:

Scott Bodin and Jari Dixon

NE 10-42-27 W4M

William Bos

SW 14-42-27 W4M

Jackie Wepruk and Frederick (Rick) Austin

NW 11-42-27 W4M

Therefore, under NRCB policy, these individuals are presumed to be “directly affected” by the application. See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.

The directly affected parties raised a number of concerns which are summarized and listed below, together with my analysis and conclusions.

Applicant’s response to the statements of concern

In an email dated February 23, 2019, Ms. Ivonne Van Aken, on behalf of Clear Sky Poultry, responded to some of the issues raised in the statements of concern. Clear Sky Poultry’s responses are included on pages 25 to 27 of Technical Document RA18092.

- 1. Water usage** – all of the parties questioned if sufficient groundwater supply existed to support this CFO as well as what impact this may have on their own water supply.

Applicant’s response:

The applicant indicated that they will be drilling the water well according to the Water Act.

Approval officer’s conclusions:

Alberta Environment and Parks is responsible for licensing the use of water in the province. The water licensing process includes an opportunity for neighbours to provide input. Therefore, for efficiency and to avoid inconsistent regulation, NRCB approval officers generally do not consider water supply concerns when reviewing AOPA permit applications, other than ensuring that applicants sign one of the water licensing declarations listed in the Part 2 application form. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.10). The application includes a signed declaration indicating that Clear Sky Poultry acknowledges that they will need a new water licence and that they plan to apply for a license under the *Water Act* independently of an AOPA permit (see page three of Technical Document RA18092).

A copy of this decision will also be forwarded to AEP for its information.

Clear Sky Poultry is reminded that it is responsible for obtaining the appropriate license for the proposed CFO. As part of their declaration, Clear Sky Poultry understands that if they start constructing any facilities after Approval RA18092 is issued, but before receiving its

water license, any such construction is at their own risk if the water license application is denied.

- 2. Water contamination** – two parties questioned the potential for run off, urine, feces, and carcasses to cause contamination or impact water quality. I interpret this as concerns relating to surface water and groundwater from the CFO and manure spreading lands.

Applicant's response:

The applicant confirmed that the water well will be constructed according to the *Water Act* so there is reduced potential for contamination.

Approval officer's conclusions:

As noted in this decision summary and in Technical Document RA18092, the proposed CFO facilities meet all AOPA technical requirements. Several of these requirements are designed to prevent or minimize manure leakage from the CFO facilities and thus to prevent manure from reaching and contaminating groundwater and surface water. As noted in section 5 of the decision summary, I assessed the CFO's facilities, using the NRCB's environmental risk screening tool, in order to determine the level of any risk they pose to groundwater and surface water. The distance to the closest common body of water is over 550 metres away from the proposed broiler barns. At the time of the site visit there were no water wells on the property, however, the applicant will be installing a water well at least 100 metres away from any manure collection or storage facility. The CFO poses a low risk to groundwater and surface water.

Sections 24 and 25 of the Standards and Administration Regulation lay out the requirements for the land application of manure. AOPA has requirements to protect the soil, groundwater, and surface water from excessive application of manure nutrients. These include soil testing requirements, soil salinity limits, nitrate-nitrogen limits, and setbacks from water bodies, water wells, and residences. Operators are required to keep manure spreading and soil sampling records and must provide them to the NRCB upon request.

If a person or a party has concerns regarding manure storages, spreading or other CFO-related issues, those concerns can be reported to the NRCB's 24 hour reporting line (1-866-383-6722). The call will be followed up on by an NRCB inspector. Neighbours and concerned parties can also call any NRCB office during regular business hours if they have questions about permit conditions or ongoing AOPA operational requirements.

- 3. Disposal of deceased animals** – two parties questioned how dead animals will be disposed and what the legal process is for disposal.

Applicant's response:

The applicant indicated that Clear Sky Poultry is planning on using an incinerator or composter for dead stock, and are currently waiting on quotes before deciding which of the two methods they will use.

Approval officer's conclusions:

AOPA does not expressly require that I consider dead animal disposal as part of my application review. Dead animal disposal is regulated by the *Animal Health Act*, which is enforced by the Animal Health and Assurance Division of Agricultural and Forestry.

Livestock operators are required to follow the act, which includes requirements for the disposal of dead stock.

According to the Disposal of Dead Animals Regulation, sections 9 and 11 confirm that incinerating and composting dead animals are approved methods of dead animal disposal.

- 4. Manure Storage and Application** – two parties questioned how manure will be managed at the proposed CFO and to ensure the applicant has available land exclusive to the application for spreading.

Applicant' response:

The applicant confirmed that manure will be dealt with according to NRCB guidelines.

Approval officer's conclusions:

The applicant has proposed to handle manure collection via short term solid manure storage. Short term manure storages are regulated by section 5 of the Standards and Administration (SAR). A short term manure storage can only be used for a brief period (maximum seven months in three years). They must be located away from residences (more than 150 metres), out of flood plains, and water bodies (required setback distances are based on the slope of the land towards the water body). Operators are required to keep manure spreading and soil sampling records and must provide them to the NRCB upon request.

For this application, 154.3 hectares of land, in the black zone, is required for manure spreading. The applicant identified 220.8 hectares, of which I determined that 191.5 hectares are suitable for spreading. I confirmed this information through aerial photography and site visit.

Under section 24(2)(a) of the SAR, a permit applicant must satisfy the approval officer that they have access to sufficient land base to apply their manure for the first year following the granting of the application. The applicant demonstrated at the time of application that these manure spreading lands are available. These manure spreading lands may change over time and the CFO operator must keep records to show where their manure has been spread.

The requirement to demonstrate that access to a sufficient manure spreading land base for this CFO, at the time of the application, has been met.

If a member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its toll free reporting line (1-866-383-6722). A NRCB inspector will follow up on the concern.

- 5. Location of broiler barns** – one party asked for clarification as to where the broiler barns will be located as well as how many barns are legally allowed to be constructed?

Approval officer's conclusions:

Technical Document RA18092 sets out where the two barns are proposed to be located. AOPA does not prescribe where a CFO should be located. AOPA stipulates that the location must be consistent with the county's MDP, which is the county's planning document, and that it must meet the minimum distance separation from neighbouring

homes. Additionally, as indicated in Appendix A, above, the county considers the proposed CFO to be a permitted use under its land use bylaw.

- 6. Property values** – two parties raised concerns regarding the effect of the CFO on their property value and the ability for resale.

Approval officer's conclusions:

In several review decisions, the NRCB's board members have consistently stated that concerns regarding effects on land or property values are "not a subject for [the board's] review under AOPA" or for approval officers' consideration of permit applications. According to the board, impacts on property values are a land use issue which is a "planning matter dealt with by municipalities in municipal development plans and land use bylaws." (See *Zealand Farms*, RFR 2011-02, P.5; see also *Pigs R Us Inc.*, RFR 2017-11/BA17002 page 6, stating that effects on land values are "not a relevant Board consideration when the development is consistent with the MDP's land use provisions.")

At any rate, as explained in Appendix A above, Clear Sky Poultry's application is consistent with the land use provisions of the county's MDP, and with the county's LUB, which indicates that the proposed CFO is an appropriate land use in the area.

- 7. Nuisances** (odour and traffic) – two parties had concerns regarding the odour produced from the CFO as well as concerns related to increased traffic and the noises associated with the traffic.

Applicant's response:

The applicant acknowledged that there might occasionally be some smell associated with operations. The applicant also acknowledged that there will be a slight increase in traffic but that it will not cause a major disturbance.

Approval officer's conclusions:

AOPA's minimum distance separation (MDS) is a means for mitigating odour and other nuisance impacts from CFOs. Clear Sky Poultry's CFO will be located outside of the required MDS from other existing residences. For land zoned as "Agriculture", the minimum distance requirement is 225 m. The closest neighbour is approximately 424 m away. The NRCB measured the distances to the nearest houses using Google Earth (see Technical Document RA18092 for more detail). Notwithstanding the CFO's distances to its nearest neighbours, it is reasonable to expect that there may be some odour and other nuisances when the new CFO is operational, however, the frequency of these exposures will likely be limited and of short duration.

Traffic on county roads may increase as a result of the new CFO. However, the county has jurisdiction over the management of the local roads and did not raise concerns over potential increase in traffic.

Often, any issues that arise relating to the operation of a CFO and other disagreements, can be resolved through good communication between neighbours and the CFO operator. However, if a member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its toll free reporting line (1-866-383-6722). A NRCB inspector will follow up on the concern.

- 8. Health effects relating to odour** – one applicant provided a response regarding the health effects that might be incurred by the odour produced by the proposed CFO.

Approval officer's conclusions:

AOPA does not expressly require the nuisance or health effects of a proposed development, when deciding whether to issue an approval under the act.

Approval officers refer all applications to Alberta Health Services (AHS) for its information, and for it to identify any potential health issues related to the proposed developments.

As per NRCB Operational Policy 2016-7: *Approvals*, part 8.8., I referred this application to AHS for its comments. After the deadline for submission of statement of concerns (SOCs), I also referred all SOCs that identified health concerns and issues to AHS. AHS responded that the nearest neighbour is identified as exceeding 400 meters which meets the 100 meter setback AHS requires for areas of manure storage to water wells or surface water. Therefore, the health concern related to odour (air quality) is addressed or mitigated provided that operators meet regulatory setbacks and use established common farming practices.

- 9. Stocking density** – one applicant provided a response regarding the importance of the proposed barn meeting the *Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chickens, and Turkeys*.

Applicant's response:

The applicant confirmed that stocking density will be within the Code of Practice set out by the Alberta Chicken Producers and Chicken Farmers of Canada.

Approval officer's conclusions:

AOPA does not have any requirements that the approval officer refer to the *Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chickens, and Turkeys*. Therefore, this is not considered in my review of the application.

- 10. Consideration of moving the location of the CFO** – one party questioned if there is any consideration of moving the location of the CFO to another location or to the far south corner of the land.

Approval officer's conclusions:

Under AOPA I am required to consider the information provided in the application. The location of the CFO that Clear Sky Poultry has applied for meets all relevant AOPA requirements. AOPA does not prescribe where a CFO should be located. AOPA stipulates only that the location must be consistent with the county's MDP, which is the county's planning document, and that it must meet the required minimum distance separation from neighbouring homes. Additionally, as indicated in Appendix A, above, the county considers the proposed CFO to be a permitted use under its land use bylaw.

APPENDIX C: Explanation of conditions in Approval RA18092

Approval RA18092 includes several conditions, discussed below:

a. Construction Deadline

Clear Sky Poultry proposes to complete construction of the proposed broiler barns by November 30, 2021. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2021 is included as a condition in Approval RA18092.

b. Post-construction inspection and review

The NRCB's general practice is to include conditions in new or amended permits to ensure that the new or expanded facilities are constructed according to the required design specifications. Accordingly, Approval RA18092 includes conditions requiring:

- the concrete used to construct the liner of the manure collection and storage portion of the broiler barns to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- the permit holder shall provide written confirmation, signed by a qualified third party, that the concrete used for the manure collection and storage area meets the required specifications.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval RA18092 includes a condition stating that Clear Sky Poultry shall not place livestock or manure in the manure storage portions of the new broiler barns until NRCB personnel have inspected the broiler barns and confirmed in writing that they meet the approval requirements.