

## Decision Summary BA19019

This document summarizes my reasons for issuing Approval BA19019 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA19019. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at [www.nrcb.ca](http://www.nrcb.ca) under Confined Feeding Operations (CFO)/CFO Search. 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 August 9, 2019, Velthuis Farm Ltd. (Velthuis Farm) submitted a Part 1 application to the NRCB to expand an existing chicken broiler CFO. The application is to increase broiler chicken numbers to 93,000 and construct a new barn 107 m x 20 m and new solid manure storage pad 20 m x 12 m. The Part 2 application was submitted on November 15, 2019. On January 14, 2020 I deemed the application complete.

The application also includes construction of a fan room 20 m x 3.5 m, a service room 10 m x 5.5 m, and a control room 20 m x 3.5 m. These facilities are considered “ancillary structures,” under section 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because they will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, these structures do not need to be permitted under the act.

Under AOPA, this type of application requires an approval. (This is one of several types of “permits” issued under AOPA. For an explanation of the different types and when each one applies, see [www.nrcb.ca](http://www.nrcb.ca).)

#### a. Location

The existing CFO is located at SW 14-57-23 W4M in Sturgeon County, roughly 9 km north of the town of Gibbons, AB. The terrain is relatively flat and gently slopes to the southeast.

#### b. Existing permitted facilities

The CFO is grandfathered with a deemed approval (Sturgeon County Development Permit D-32- 98) under section 18.1 of AOPA. This deemed approval allows the construction and operation of a 200,000 broiler chicken CFO, however by January 1, 2002, the permit holder had only constructed facilities for a capacity of 60,000 broiler chickens. The CFO’s grandfathered status is explained in Appendix D. On May 18, 2017, Velthuis Farm received Authorization BA17001 to construct a new solid manure storage pad.

#### c. Amendment of Development Permit D-32-98

Section 23 of AOPA gives NRCB approval officers broad discretion to amend permits on their own motion. The development permit was approved for 200,000 broiler chickens however by January 1, 2002 only two out of six barns had been constructed. The remaining four barns have never been built. Under NRCB Permit Cancellations, AOPA Section 29 of the Operational Policy 2016-3 (part 3.1), if only part of a CFO is abandoned, a section 23 amendment should be completed to reduce the permitted livestock numbers to reflect what was constructed. There was no original construction completion deadline with this original permit, however, considering the amount of time that has passed since 2002 it is reasonable to conclude that the plan to construct the remaining barns by the original owner was abandoned.

I am therefore amending the deemed permit on my own motion under section 23 of AOPA and in accordance with NRCB's Construction Deadlines policy (Operational Policy 2015-1). Under the construction deadline policy an approval officer amendment is warranted if there is partial construction and a construction deadline has not been met. In this case, there was no formal construction deadline however it has been several years since the permit was issued and the last construction was completed. Therefore, the remaining facilities from this permit are no longer allowed to be constructed unless a new permit is issued by the NRCB for them. The amendment also proportionally reduces the permitted livestock capacity of the CFO to reflect the physical capacity of the remaining permitted facilities. Therefore, the new permitted numbers for Development Permit D-32-98 is 60,000 broiler chickens (this Approval BA19019 is to expand to 93,000 broiler chickens). The explanation of the grandfathering of 60,000 broiler chickens can be found in Appendix D, attached.

## **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 persons 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 mile. (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. Sturgeon County is an affected party (and therefore also a directly affected party) because the proposed expansion 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 Morinville Free Press, the Review newspaper and the Heartland Extra (online) on January 14, 2020. The NRCB also emailed referral letters and a copy of the complete application to Sturgeon County, Alberta Health Services (AHS), Alberta Environment and Parks (EP), Alberta Transportation. Twenty-two courtesy letters were sent to people identified by Sturgeon County as owning or residing on land within the affected party radius.

### **3. Responses from the municipality and referral agencies**

I received responses from Sturgeon County and AHS. No response was received from EP or Alberta Transportation (Alberta Transportation did however, issue a roadside development permit to the applicant).

Carla Williams, a development officer with Sturgeon County, provided a written response on behalf of the county. As noted in section 2, Sturgeon County is a directly affected party.

Ms. Williams stated that the application is consistent with the county's municipal development plan (MDP) and its applicable documents, and that the county supports the application. The application's consistency with the county's MDP is addressed in Appendix A, attached.

Ms. Williams also listed the setbacks required by the county's land use bylaw (LUB) and noted that the application meets these setbacks. Ms. Williams also indicated that the applicant must obtain a permit from Alberta Transportation prior to construction. The applicant has obtained an Alberta Transportation permit for this application.

Ms. Anderson, an environmental health officer at AHS, sent a response suggesting that any outstanding complaints regarding nuisances from the current operation should be addressed prior to expansion. There are no ongoing complaints regarding the operation nor are there any associated with this operation in NRCB records.

### **4. Responses from other directly affected parties**

The NRCB received responses from one other party.

The party who submitted a response owns or resides 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.

The directly affected party raised concerns regarding odour; groundwater contamination; historical approval of the location; taxes; and property values.

These concerns are addressed in Appendix B.

### **5. Environmental risk screening of existing and proposed facilities**

When reviewing a new approval application for an existing CFO, NRCB approval officers normally assess the CFO's existing buildings, structures, and other facilities, using the NRCB's environmental risk screening tool to determine the level of risk they pose to surface water and groundwater. This 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/Groundwater and Surface Water Protection on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca).) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was done with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: *Approvals*, part 8.13.

In this case, the risks posed by Velthuis Farm's existing CFO facilities were assessed in 2017. According to that assessment, the facilities posed a low risk to surface water and groundwater.

The circumstances have not changed since that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

I also assessed the proposed new barn and solid manure storage pad, using the NRCB's risk screening tool, and determined that they both pose a low 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.<sup>1</sup>

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

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

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from 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

I also determined that the proposed new barn is located within the required AOPA setback from an existing water well. However, as explained in Appendix C, this facility warrants an exemption from the 100 metre water well setback due to the well's construction and location upslope from the facility.

In addition, I assessed the effects of the proposed expansion on the environment. Consistent with NRCB policy, I presumed that these effects are acceptable because the application meets all of AOPA's technical requirements and the directly affected parties' concerns have been adequately addressed. I also presumed that the application's effects on the economy and community are acceptable, and that the proposed expansion is an appropriate use of land. Under NRCB policy, these presumptions are based on the application's consistency with the municipal development plan and land use bylaw. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.7.3.) Having carefully considered the information in the application and from the site visit, and after I reviewed the response from the directly affected parties, I do not see information to rebut these presumptions.

## 7. Terms and conditions

Approval BA19019 specifies the new permitted livestock capacity as 93,000 broiler chickens, and permits the construction of the new barn and solid manure storage pad.

Approval BA19019 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

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

the project descriptions in their application and accompanying materials.

In addition to the terms described above, Approval BA19019 includes conditions that:

- Set a deadline of December 1, 2022 for the approved construction to be completed
- Require the concrete used to construct the liner of the manure collection and storage portion of the solid manure storage pad and barn to meet the specification for category C (solid manure – wet) and category D (solid manure – dry), respectively, in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas”
- Require written confirmation that the concrete used for the manure collection and storage areas meets the required specifications.
- Prohibit Velthuis Farm from placing manure or livestock in the new barn or solid manure storage pad until the facilities have been inspected by the NRCB following their construction

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

#### **a. Conditions carried forward from previously issued permits**

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Approval BA19019: Development Permit D-32-98 and Authorization BA17001 (see NRCB Operational Policy 2016-7: *Approvals*, part 10.5). Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions, and then cancelling all existing permits once the new permit is issued. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

Therefore, in addition to containing the new terms and conditions summarized above, Approval BA19019 includes all existing terms and conditions from Development Permit D-32-98 and Authorization BA17001. Construction conditions that have been met are identified and included in an appendix to Approval BA19019.

## **8. Conclusion**

Approval BA19019 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA19019.

Velthuis Farm’s deemed approval, including Development Permit D-32-98, and NRCB-issued Authorization BA17001 are therefore cancelled, unless Approval BA19019 is held invalid following a review and decision by the NRCB’s board members or by a court, in which case Development Permit D-32-98 and Authorization BA17001 will remain in effect.

April 15, 2020

(Original signed)

Nathan Shirley  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Determining directly affected party status and concerns raised
- C. Exemptions from water well setbacks
- D. Grandfathering determination
- E. Explanation of conditions in Approval BA19019

## APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may approve 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.”)

Velthuis Farm’s CFO is located in Sturgeon County and is, therefore, subject to that county’s MDP. Sturgeon County adopted the latest revision to this plan on April 22, 2014, under Bylaw #1313/13.

As relevant here, section 1.4.4 of Sturgeon County’s MDP states that the county “[s]hall support ‘right to farm legislation’ by applying the requirements outlined within ... AOPA.” This is a general policy statement and likely not a “land use provision,” so I do not consider it to be directly relevant to my MDP consistency determination. However, this policy provides general guidance for interpreting the MDP’s more CFO-specific policies.

Section 1.4.4 of the MDP further states that, when “referred to” by the NRCB, the county “will apply the objectives of the Integrated Regional Growth Strategy (IRGS)” in the county’s “referred evaluation” of proposals for new or expanding CFOs. This policy appears to be intended solely at guiding the county’s development of its own response to an AOPA permit application, so the policy likely isn’t relevant to my MDP land use consistency determination.

At any rate, none of the IRGS’ “objectives” preclude Velthuis Farm’s proposed expansion. Besides stating several “pro growth” objectives, the IRGS includes a map that identifies the land where Velthuis’ CFO is located as “primary industry” (which includes agriculture). However, the map also states that the county “does not regulate Confined Feeding Operations...” Therefore, Velthuis’ proposed construction is either consistent, or at least not inconsistent, with the IRGS.

The CFO is located in an area designated as “Neighbourhood D” on Map 5 of the MDP. Part 9 of the MDP lists policies for this “Neighbourhood.” Section D.1(e) of part 9, states that the county discourages new CFOs and CFO expansions within specified setbacks from:

- the municipal boundary of the town of Redwater; and
- other Sturgeon County communities with densities greater than those specified for “Residential Type 4.” (The densities for that residential type are listed on page 35 of the MDP.)

Under this section, the setback distances are set by reference to the distances in the Part 2 Matters Regulation under AOPA, for determining “affected parties” with respect to an AOPA permit application. That distance is 0.8 km for Velthuis Farm’s CFO.

It is uncertain whether this MDP policy is a valid “land use provision” and, therefore, whether it is relevant to my MDP consistency determination. At any rate, Velthuis Farm’s CFO is not within any of the setbacks in section D.1(e) of the county’s MDP.

For these reasons, I conclude that the application is consistent with the land use provisions of the county’s MDP. The county’s non-objection to the proposed expansion supports this conclusion.

NRCB Approvals Policy 8.2.3 and NRCB Board Decision 2015-01 Folsom Dairy Ltd., at pp 5-6 states that an approval officer should only consider a municipality’s land use bylaw (LUB), if the text of MDP provides a clear intent to adopt an LUB. In my view, the MDP does not show a clear and direct intention to incorporate the LUB. In addition, the agricultural section of the LUB makes no mention of CFOs and section 2.3 of the LUB states CFOs do not require a development permit but shall be in conformance with the applicable regulations of the bylaw as well as in accordance with other applicable legislation. Therefore I will not be considering the LUB.

## **APPENDIX B: Determining directly affected party status and concerns raised**

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

R. & M. Beile  
NE 10-57-23 W4M

Therefore, because they submitted a response in a timely manner, under NRCB policy this individual is presumed to be “directly affected” by the application. (See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.)

The directly affected party raised the following concerns in written submission and phone call: odour; increase in taxes; groundwater contamination; cumulative effects; and property values.

**Increase in odours at the CFO facilities** – Concern about a potential increase in odours particularly when barn change-overs occur.

### **Approval officer’s conclusion:**

AOPA’s minimum distance separation (MDS) is a means for mitigating odour and other nuisance impacts from CFOs such as flies. Velthuis Farm’s application for the CFO expansion meets the required MDS to neighbouring residences. Therefore, I am to presume the odour and other nuisance impacts will be acceptable.

Complaints about CFO-related issues can be reported to the NRCB’s 24 hour response line (1-866-383-6722) and will be followed up on by an NRCB inspector. Neighbours can also call any NRCB office during regular business hours if they have questions about permit conditions or ongoing AOPA operational requirements.

**Groundwater quality** – Concern regarding groundwater contamination from manure storage facilities at the CFO.

### **Approval officer’s conclusion:**

In the decision summary and in Technical Document BA19019, the proposed CFO facilities meet all AOPA technical requirements. Several of these requirements are designed to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from reaching and contaminating groundwater. As noted above, because the proposed CFO facilities meet or exceed the AOPA requirements, I concluded that the proposed facilities provide protection for groundwater.

As noted above, a recent risk screening has verified that the CFO’s proposed facilities pose a low potential risk to both groundwater and surface water.

**High density of CFOs (cumulative effects) and location of proposed facility** – Concern about the number of poultry barns in the immediate area was raised.

### **Approval officer’s conclusion:**

AOPA does not expressly require approval officers to consider the cumulative effects of proposed developments together with those of other existing CFOs or other activities in the area, and the NRCB’s board members have directed approval officers to ignore

cumulative effects in their permitting decisions. For example, in a 2011 decision, the board stated that consideration of cumulative effects is “not within the Board’s regulatory mandate. As a statutory decision maker, the Board takes its direction from the authorizing legislation. AOPA does not provide for cumulative effects assessment.” (*Zealand Farms*, RFR 2011-02 at 5.)

**Decrease in property values and increase in taxes** – Concern was raised that CFOs reduce property values and property taxes are increasing.

**Approval officer’s conclusion:**

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, e.g. *Pigs R Us Inc.*, RFR 2017-11/BA17002 page 6; *Brad Towle*, RR 2017-09 page 3.)

The NRCB does not have control over the regulation of property taxes as this is a municipal planning issue.

## APPENDIX C: Exemptions from water well setback

According to the application, one water well is located approximately 78 metres from the proposed barn. I have confirmed this information by site visit and use of satellite imagery.

Because of this proximity, the applicant's proposed barn conflicts with a regulation under AOPA, which prohibits the construction of manure storage facilities (MSFs) within 100 metres of water wells.<sup>2</sup> However, the regulation allows approval officers to grant an exemption from this prohibition. I must therefore consider whether an exemption is appropriate in this instance.

Under the regulation, the test for granting an exemption is whether the "aquifer into which the well is drilled is not likely to be contaminated" by the proposed MSF. (According to the regulation, when granting an exemption, an approval officer may require the applicant to implement a "groundwater monitoring program.")

The regulation also makes it clear that the applicant has the burden of proving that an exemption is warranted.

In considering whether an applicant has met that burden, approval officers presume that the risks of direct aquifer contamination from the MSF are low if the applicant's proposed MSF meets AOPA's technical requirements to control runoff and leakage. However, when determining whether an MSF that meets AOPA's technical requirements should be exempted from the 100 metre water well setback requirement, approval officers also assess whether water wells that are less than 100 metres from the MSF could act as conduits for aquifer contamination.

Approval officers assess the following factors to determine the risk of aquifer contamination via the water well:

- How the well was constructed
- Whether the well is being properly maintained
- The distance between the well and the proposed MSF
- The estimated water well pumping rate
- Whether the well is up- or down-gradient from the MSF and whether this gradient is a reasonable indication of the direction of surface and groundwater flow between the two structures

These presumptions and considerations are based on NRCB Operational Policy 2016-7: *Approvals*, part 8.7.1.

In addition, the NRCB has developed a "water well exemption screening tool," based on the factors listed above, to help approval officers assess the groundwater risks associated with a nearby water well and to decide whether an exemption from the 100 metre setback to a well is warranted.<sup>3</sup> This tool consists of a two-stage risk screening process; each stage provides a numeric risk "score" based on the information inputted into the tool. The first stage focuses on the well's construction. If the well scores less than 10 at this stage, the tool suggests granting a

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<sup>2</sup> Standards and Administration Regulation, Alta. Reg. 267/2001, section 7(1)(b).

<sup>3</sup> A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca).

setback exemption for the subject facility. If the well scores above 28, the tool recommends denying the exemption. Scores between 10 and 28 require applying the second stage of the screening process, which focuses on the gradient and other factors bearing on the risk of manure runoff or leachate reaching the water well. If the risk score at this stage is over 20, the tool suggests denying the setback exemption to the subject well.

The well in question is:

- Water well ID 267403: is located adjacent to the existing north barn approximately 78 m from the new proposed barn. It has a perforated casing from 30.48 m to 57.91 m. This well log lacks lithology. However, as the site is relatively flat, the other well ID 1690053 (located approximately 115 m NE of well 267403) likely is very similar in lithology. That well indicates sand at surface followed by alternating sandstone and shale formations and a water bearing sandstone at 53.64 m. The well is placed upslope from barn 1 and is being properly maintained as it is in use. The well log test indicates a pumping rate of 8.3 igpm.

An exemption from the 100 metre setback to water well ID 257403 is warranted, for the following reasons:

- The MSF meets all other AOPA technical requirements, as noted in the attached decision summary and documented in Technical Document BA19019. Therefore, the risk of manure-contaminated water leaking or running off from the MSFs is low.
- In the unlikely event that any manure did leave the MSFs, it is unlikely to migrate directly into the aquifer into which the wells are drilled because of the distance from surface to the water bearing formation and the present glacial till from 3.66 m to 6.10 m.
- In the unlikely event that any manure reaches the wells, the manure is unlikely to actually enter the wells and flow down the well into the aquifer. This risk pathway is very unlikely because of each individual wells' construction, landscaping, and location up slope from the facilities.

In this case water well ID 257403 scored 20 in the first stage and 6 in the second stage following the risk screening process described above.

Based on these findings, an exemption from the 100 metre setback to this well is warranted and a water well monitoring program is not required.

## APPENDIX D: Grandfathering determination

The CFO was originally permitted by Sturgeon County on May 7, 1998 under Development Permit D-32-98. This permit allowed the construction and operation of a chicken broiler CFO with 200,000 chicken broilers (by January 1, 2002, only 2 barns had been constructed). Due to this development permit, the CFO is deemed to hold an approval (i.e. grandfathered) under section 18.1(1)(b) of AOPA. The CFO's deemed facilities are listed in the appendix of Approval BA19019.

Under section 18.1(2)(b), the CFO's deemed capacity is the number of livestock authorized by the CFO's development permit.

However, not all facilities were constructed by January 1, 2002 so that the CFO was operating at only 2 barns. In the last 20 years, the operator has abandoned or allowed to lapse the remainder of the permitted capacity. Accordingly, I must determine how much to reduce the permitted animal capacity in proportion with what actually existed on January 1, 2002.

Mr. Velthuis claims that his CFO's physical capacity on January 1, 2002 was 60,000 broiler chickens, which is less than the above-stated capacity in the 1998 municipal development permit. Therefore, to determine the CFO's deemed capacity, I must consider, among other things:

- What facilities existed at the site on January 1, 2002, including their dimensions, types of physical structures and other physical characteristics; and
- How each of those facilities was being used on January 1, 2002.

My consideration of facility usage includes the number and type of livestock in each facility and the purpose for the livestock's placement in each facility. I also consider how the facility was intended to be used through an entire livestock management period or cycle that included January 1, 2002. Evidence as to how the facilities were used in 2001 and previous years, and in the months and years following January 1, 2002, may be relevant to the two determinations listed above.

The following facilities were identified as existing on or before January 1, 2002, based on site visits, a discussion with the applicant, and historical aerial photos:

- Barn 1 – 15 m x 107 m
- Barn 2 – 15 m x 107 m

Using Technical Guideline Agdex 096-81 "Calculator for Determining Livestock Capacity of Operations as They Existed on January 1, 2002" to calculate capacity, I found that the capacity of site is 57,330 broiler chickens. Broiler poultry operations often switch between two categories known as Kentucky fried chicken size and broiler size, which have factors of 0.5 ft<sup>2</sup>/bird and 0.7 ft<sup>2</sup>/bird respectively. Therefore I applied a value of 0.6 ft<sup>2</sup>/bird to account for changing between the two categories. My calculation is shown below.

$$\begin{aligned} \text{Calculated bird \#} &= \frac{\text{barn ft}^2}{\text{ft}^2 \text{ per bird}} \\ \text{calculated bird \#} &= \frac{(351 \times 49) + (351 \times 49)}{0.6 \text{ ft}^2} \end{aligned}$$

$$57,330 = \frac{34,398}{0.6 \text{ ft}^2}$$

Based on these findings, I find that the claimed capacity is reasonable. Therefore, the CFO is considered to have a deemed capacity of 60,000 broiler chickens and a deemed approval.

## **APPENDIX D: Explanation of conditions in Approval BA19019**

Approval BA19019 includes several conditions, discussed below. Construction conditions that have been met are identified and included in an appendix to Approval BA19019.

### **1. New conditions in Approval BA19019**

#### **a. Construction Deadline**

Velthuis Farm's proposes to complete construction of the proposed new barn by November 1, 2022. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 1, 2022 is included as a condition in Approval BA19019.

#### **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 BA19019 includes conditions requiring:

- the concrete used to construct the liner of the manure collection and storage portion of the solid manure storage pad and barn to meet the specification for category C (solid manure – wet) and category D (solid manure – dry), respectively, in Technical Guideline Agdex 096-93 "Non-Engineered Concrete Liners for Manure Collection and Storage Areas"
- Velthuis Farm to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the new barn and solid manure storage pad.

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 BA19019 includes a condition stating that Velthuis Farm shall not place livestock or manure in the manure storage portions of the new barn or solid manure storage pad until NRCB personnel have inspected the facility and confirmed in writing that it meets the approval requirements.