

Decision Summary RA22002X

This document summarizes my reasons for issuing Approval RA22002X under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Decision Summary RA22002, Technical Document RA22002, and in Board Decision 2022-05/RA22002. Those documents are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the board decision, the *Agricultural Operation Practices Act* (AOPA) 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 January 11, 2022, Rylan Penner, and R&T Penner Farms Ltd., submitted a Part 1 application to the NRCB to expand an existing broiler chicken CFO. The Part 2 application was submitted on January 13, 2022. On January 18, 2022, I deemed the application complete.

The proposed expansion involves an increase from 50,000 to 75,000 broiler chickens and the construction of a new barn (96.3 m x 15.2 m).

On March 1, 2022, I denied the application as it was not consistent with a setback policy in Camrose County's municipal development plan (MDP). Aside from the inconsistency with the MDP, I determined that the application met all of AOPA's other requirements, with standard permit conditions, with exception to the 100 m water well setback which warrants an exemption. In Decision Summary RA22002 I provided recommended permit conditions for the NRCB board members' consideration, in the event the NRCB's board reviewed the denial of Application RA22002.

A representative of R&T Penner Farms Ltd. requested a board review of the denial of Application RA22002. The board was asked to exercise its discretion to allow their proposed expansion to be permitted notwithstanding the application's inconsistency with the MDP. The board granted the applicant's review request and conducted a review by way of a written hearing.

On May 9, 2022, the board released its decision directing me to issue an approval subject to the conditions related to technical matters set out in Decision Summary RA22002. (See NRCB Board Decision 2022-05/RA22002, available on the NRCB website.)

In issuing this approval, I am adopting the reasoning in Board Decision and Decision Summary.

2. Terms and conditions

a. Conditions from previous permits

For clarity, and pursuant to NRCB policy, I consolidated the deemed registration, including Camrose County issued development permit 99-105, into Approval RA22002X (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 terms and conditions summarized in Decision Summary RA22002, Approval RA22002X includes all existing terms and conditions from the deemed registration.

The only written conditions in the deemed registration were located in Camrose County's development permit 99-105. That permit contained two construction conditions, both of which are already met, related to the already existing poultry barn (#2) at the CFO site. Those conditions will be carried forward and are identified as already met in the appendix to Approval RA22002X.

3. Conclusion

In consideration of Decision Summary RA22002, and following the direction in Board Decision 2022-05/RA22002, Approval RA22002X is issued.

The deemed registration, including Camrose County issued development permit 99-105 is therefore superseded, unless Approval RA22002X is held invalid by a court, in which case the deemed registration will remain in effect.

May 11, 2022

(Original Signed)
Jeff Froese
Approval Officer