

Decision Summary FA21002X

This document summarizes my reasons for issuing Approval FA21002X under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Decision Summary FA21002, Technical Document FA21002, and in Board Review Decision 2022-16/FA21002 (issued December 19, 2022). Those documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search.

1. Background

On September 30, 2021, the Hutterian Brethren of Cleardale applied to the NRCB to expand an existing un-grandfathered beef confined feeding operation (CFO).

The proposed expansion involved:

- Increasing livestock numbers from 3,000 to 6,000 beef finishers
- Constructing new pens – 549 m x 58 m
- Constructing new catch basin – 112.2 m x 44.5 m x 5.5 m
- Permitting pens and catch basin (already constructed):

Pens:

- 274 m x 52.5 m
- 170.6 m x 64 m
- 309 m x 64 m

Catch basin:

- 112.17 m x 44.5 m x 5.49 m

Through my review of the application, I carried out a grandfathering determination and determined that the facilities that the applicant claimed were “grandfathered,” in fact were not (see Appendix E of DS FA21002). Because of this, all of the existing facilities constituted unauthorized construction and would also need to be permitted. Those unauthorized facilities include all of the above items (except the “new catch basin”), and all of the below items:

- Pens 1-4 - 180' x 180' (55 m x 55 m each)
- Pens 5-7 - 182' x 210' (55 m x 64 m each)
- Pens 8-10 - 160' x 208' (49 m x 63 m each)
- North barn pen - 500' x 788' (152 m x 240 m)
- South barn pen - 500' x 272' (152 m x 83 m)

My review of the application determined that the proposed CFO met all of the AOPA technical requirements, however, was not consistent with the land use provisions of Clear Hills County's municipal development plan (MDP). Because of that I denied the application on October 12, 2022. In the decision summary accompanying the denial, I completed a technical review of the application, considered concerns raised by directly affected parties (see Appendix C of DS FA21002), and recommended permit conditions in the event the denial were overturned following a Board review (see Appendix D of DS FA21002).

The Hutterian Brethren Church of Cleardale requested a review of my decision. On November 15, 2022, the NRCB Board scheduled a review. The Board's decision granting the review request is available on the NRCB's website (Hutterian Brethren Church of Cleardale, RFR 2022-14/FA21002.) The sole issue under review related to inconsistency of the application with the county's land use provisions.

The Board conducted a written Review hearing. On December 19, 2022 the Board issued Review Decision 2022-16/FA21002. In their decision, the Board exercised their discretion under section 25(4)(g) of AOPA and, notwithstanding its inconsistency with the MDP, directed the approval officer to issue an approval for the application as described in application FA21002.

2. Conclusion

In consideration of Board Decision 2022-16/FA21002, Technical Document FA21002, and Decision Summary FA21002, Approval FA21002X is issued.

December 20, 2022

(Original Signed)

Nathan Shirley
Approval Officer