

## Decision Summary RA24031

This document summarizes my reasons for issuing Registration RA24031 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24031. 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.

Under AOPA this type of application requires a registration. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On June 19, 2024, Ron and Sheila Hamilton (Hamilton) submitted a Part 1 application to the NRCB to change the animal category/type from sheep, chicken broilers, and chicken layers to turkey broilers at an existing multi-species CFO. Because this is a net increase in odour production and a change in livestock category, an application is required.

The Part 2 application was submitted on September 18, 2024. On October 8, 2024, I deemed the application complete.

The proposed change in animal category/type and involves:

- Decreasing the permitted number of chicken broilers from 6,000 to zero
- Decreasing the permitted number of chicken layers from 300 to zero
- Decreasing the permitted number of sheep from 300 to zero
- Increasing the permitted number of turkey broilers from 0 to 1,700 (the applicant initially requested 3,400 turkey broilers, but reduced it via an email on September 27, 2024)
- Converting the existing chicken layer barn into a turkey barn

No construction is proposed in this application.

#### a. Location

The existing CFO is located at SW 16-48-20 W4M (Lot 1) in Camrose County, approximately 11 km north of Camrose, Alberta. The topography of the area is undulating.

#### b. Existing permits

To date, the CFO has been permitted under NRCB Registration RA07028. That permit allowed the construction and operation of a 6,000 poultry broiler, 300 poultry layer, and 300 sheep CFO. The CFO's existing permitted facilities are listed in the appendix to the Registration RA24031.

## 2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are "affected" by a registration application. Section 5 of AOPA's Part 2 Matters Regulation

defines “affected parties” as:

- in the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 101 metres. Therefore, the notification distance is ½ mile. (The NRCB refers to this distance as the “notification distance”.)

None of the CFO facilities are located within 100 m of a bank of a river, stream, or canal.

A copy of the application was sent to Camrose County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in Camrose Booster newspaper in circulation in the community affected by the application on October 8, 2024, and
- sending 12 notification letters to people identified by Camrose County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours.

### **3. Notice to other persons or organizations**

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

A referral letter and a copy of the complete application was emailed to Alberta Environment and Protected Areas (EPA).

Ms. Laura Partridge, a senior water administrator with EPA, responded on their behalf. Ms. Partridge indicated that no additional licensing is required.

### **4. Alberta Land Stewardship Act (ALSA) regional plan**

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the existing CFO is located.

## **5. Municipal Development Plan (MDP) consistency**

I have determined that the proposed conversion is consistent with the land use provisions of Camrose County's municipal development plan. (See Appendix A for a more detailed discussion of the County's planning requirements.)

## **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed conversion:

- 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

The two existing water wells do not meet the required setback from the existing barns. Registration RA07028 assessed this and issued a water well monitoring condition for these wells. No construction is proposed as part of this application.

With the terms and conditions summarized in part 9 and in Appendix B, the application meets all relevant AOPA requirements.

## **7. Responses from municipality and other directly affected parties**

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the Act as "directly affected." Camrose County is an affected party (and directly affected) because the proposed conversion is located within its boundaries.

Ms. Kim Hunter, a development officer with Camrose County, provided a written response on behalf of Camrose County. Ms. Hunter stated that the application is consistent with Camrose County's land use provisions of the municipal development plan. The application's consistency with the land use provisions of Camrose County's municipal development plan is addressed in Appendix A, attached.

Ms. Hunter also listed the setbacks required by Camrose County's land use bylaw (LUB) and noted that she could not determine if the setbacks were met. No construction is proposed with this application.

No other responses were received.

## **8. Environmental risk of CFO facilities**

As part of my review of this application, I assessed the risk to the environment posed by the CFO's existing manure storage facilities and manure collection areas. I used the NRCB's environmental risk screening tool (ERST) to assist in my assessment of risk to surface water and groundwater (see NRCB Operational Policy 2016-7: Approvals, part 9.17). The tool

provides for a numeric scoring of risks, which can fall within 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).)

My assessment found that the existing poultry barns score a low potential risk to groundwater and surface water.

## 9. Terms and conditions

Registration RA24031 specifies the cumulative permitted livestock capacity as 1,700 turkey broilers.

Registration RA24031 contains terms that the NRCB generally includes in all AOPA registrations, including terms stating that the applicant must follow AOPA requirements.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Registration RA24031: Registration RA07028 (see NRCB Operational Policy 2016-7: Approvals, part 11.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. 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. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Appendix B discusses which conditions from the historical permits are or are not carried forward into the new registration.

## 10. Conclusion

Registration RA24031 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA24031.

Hamilton's NRCB-issued Registration RA07028 is therefore superseded, and its content consolidated into this Registration RA24031, unless Registration RA24031 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Registration RA07028 will remain in effect.

January 29, 2025

(Original signed)  
Lynn Stone  
Approval Officer

## Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Registration RA24031

## **APPENDIX A: Consistency with the municipal development plan**

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

“Land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 22(2.1) 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”.) “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 9.2.7.)

Hamilton’s CFO is located in Camrose County and is therefore subject to that county’s MDP. Camrose County adopted the latest revision to this plan on March 26, 2024, under Bylaw 1540.

Below are the MDP policies that apply to CFOs.

Policy 4.3.7 requires that applications for a new or expanding CFO “meet the Agricultural Operations Practices Act (AOPA)”. This is likely not a land use provision. At any rate, as discussed above, the application meets all relevant AOPA requirements.

Policy 4.3.8 states that “at the discretion of County Council, large CFOs shall be prohibited in the County”. However, the MDP does not define “large CFO.” This policy is likely not a “land use provision” because it calls for discretionary judgements about the acceptable maximum size of a CFO.

Policy section 4.3.9 states that the County does not support new CFOs that are “within 3,219 m (2 miles) from any recreational lake, or 1,610 m (1 mile) from any hamlet”. Hamilton’s CFO is not new; therefore, this provision does not apply. Regardless, there are no hamlets within 1 mile of the CFO.

Policy 4.3.10 states that “development of new or expanding CFOs adjacent to other municipal neighbours shall be as outlined in the applicable IDP.” The site is not located in an area covered by an IDP, or any other planning documents.

Policy 4.3.11 states that “AOPA regulations shall apply to those new or expanding CFOs outside of the areas identified in 4.3.9 and 4.3.10.” The application meets all AOPA requirements.

For these reasons, I conclude that the application is consistent with the land use provisions of Camrose County’s MDP. The County’s written response supports this conclusion.

## **APPENDIX B: Explanation of conditions in Registration RA24031**

Registration RA24031 carries the water well monitoring condition from Registration RA07028. The wording of this condition has been updated to reflect current NRCB practices. All previous construction conditions have been met.