

Decision Summary RA25006

This document summarizes my reasons for issuing Approval RA25006 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25006. All decision 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. 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 an approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On January 16, 2025, Jan-Willem Lok on behalf of Willempje and Teunis Lok (Lok) submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on February 13, 2025. On February 27, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of chicken broilers from 70,000 to 120,000
- Constructing an addition to poultry barn 1 – 51.8 m x 21.6 m (170 ft. x 71 ft.) for total dimensions of 143.2 m x 21.6 m
- Constructing an addition to poultry barn 2 – 51.8 m x 21.6 m (170 ft. x 71 ft.) for total dimensions of 143.2 m x 21.6 m

a. Location

The existing CFO is located at SW 9-45-27 W4M in the County of Wetaskiwin, roughly 10 km southwest of Falun, Alberta. The terrain is undulating with a general slope to the south and southwest.

b. Existing permits

To date, the CFO has been permitted under NRCB Approval RA16005. That permit allowed the construction and operation of a 70,000 chicken broiler CFO. The CFO's existing permitted facilities are listed in the appendix to the Approval RA25006.

2. Notices to affected parties

Under section 19 of AOPA, the NRCB notifies (or directs 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:

- 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 person or 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 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 the size of this CFO the specified 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 the County of Wetaskiwin, 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 Pipestone Flyer newspaper in circulation in the community affected by the application on February 27, 2025, and
- sending 6 notification letters to people identified by the County of Wetaskiwin as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours at the Red Deer NRCB office.

3. Notice to other persons or organizations

Under section 19 of AOPA, 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).

I also sent a copy of the application to Mancal Energy Inc. as they are a right of way holder.

Ms. Laura Partridge, a senior water administration officer, responded on behalf of EPA. Ms. Partridge stated that a Water Act licence and groundwater evaluation report are required. She also noted that there is an existing water registration that requires a change in ownership. The applicant is reminded that they are required to obtain all necessary water licences.

No other responses were received.

Approval RA25006 does not relieve the permit holder from complying with other applicable laws, such as safety codes, other municipal bylaws, provincial legislation (e.g. *Historical Resources Act*), and federal legislation (e.g. *Migratory Birds Convention Act*).

4. Alberta Land Stewardship Act (ALSA) regional plan

Section 20(10) 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 to be located.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed expansion is consistent with the land use provisions of the County of Wetaskiwin'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 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 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 and manure collection areas

With the terms and conditions summarized in part 10 and in Appendix D, 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." The County of Wetaskiwin is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Amber Tripp, a development officer, provided a written response on behalf of the County of Wetaskiwin. Ms. Tripp stated that the application is consistent with the County of Wetaskiwin's land use provisions of the municipal development plan (MDP). The application's consistency with the land use provisions of the County of Wetaskiwin's MDP is addressed in Appendix A, attached.

Apart from municipalities, any member of the public may request to be considered "directly affected." The NRCB received six responses.

Of the six individuals and/or parties who submitted responses, four own or reside on land within the 0.5 mile notification distance for affected persons. Because of their location within this distance, and because they submitted a response, they qualify for directly affected party status. (See NRCB Operational Policy 2016-7: Approvals, part 7.2.1)

Two of the respondents do not own or reside on land within the 0.5 mile notification distance for affected persons. Of these two respondents, I consider neither of them to be directly affected by the approval application. Appendix B sets out my reasons for determining which respondents are directly affected.

The directly affected parties raised concerns regarding odour, dead animal disposal and predators, traffic volume and road safety, surface water risks, groundwater supply, and property value. These concerns are addressed in Appendix C.

8. Environmental risk of CFO facilities

New MSF/MCAs which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, porous subsurface materials, or surface water systems an approval officer may require groundwater monitoring for the facility. A determination was made that monitoring is not required due to the solid nature of the manure and because the proposed concrete liner meets AOPA requirements.

When reviewing a new approval application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST 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.) 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 supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: Approvals, part 9.17.

In this case, the risks posed by Lok's existing CFO facilities were assessed in 2016 using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

There have been no changes related to groundwater or surface water protection, or CFO facilities since that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

9. Other factors

Because the approval application is consistent with the MDP land use provisions, and meets the requirements of AOPA and its regulations, I also considered other factors.

AOPA requires me to consider matters that would normally be considered if a development permit were being issued. The NRCB interprets this to include aspects such as property line and road setbacks related to the site of the CFO. (*Grow North*, RFR 2011-01 at page 2). Approval officers are limited to what matters they can consider though as their regulatory authority is limited.

Ms. Tripp listed the setbacks required by the County of Wetaskiwin's land use bylaw (LUB) and noted that the application meets these setbacks.

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of any statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or

under section 109 of the *Water Act* in respect of the subject of this application. Furthermore, the application meets AOPA's technical requirements.

I am not aware of any written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>, accessed April 17, 2025).

Finally, I considered the effects of the proposed expansion on the environment, the economy, and the community, and the appropriate use of land.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted and the directly affected parties' concerns have been addressed (see the discussion on the dugout concern in Appendix C).

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP then the proposed development is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted and the directly affected parties' concerns have been addressed. Appendix C includes a discussion on roads, water supply, and property values.

I also presumed that the proposed expansion is an appropriate use of land because the application is consistent with the land use provisions of the municipal development plan for land designated as "agriculture". (See NRCB Operational Policy 2016-7: Approvals, part 9.10.9). In my view, this presumption is not rebutted.

10. Terms and conditions

Approval RA25006 specifies the cumulative permitted livestock capacity as 120,000 chicken broilers and permits the construction of the additions to the two poultry barns.

Approval RA25006 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 RA25006 includes conditions that generally address construction deadlines, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix D.

For clarity, and pursuant to NRCB policy, I consolidated Approval RA16005 with Approval RA25006 (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. All of the conditions from the historical permit were met and are therefore not carried forward. The completed conditions are listed in an appendix to Approval RA25006.

11. Conclusion

Approval RA25006 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25006.

Lok's previously issued Approval RA16005 is therefore superseded, and its content consolidated into this Approval RA25006, unless Approval RA25006 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA16005 will remain in effect.

May 14, 2025

(Original signed)
Lynn Stone
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Explanation of conditions in Approval RA25006

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may only approve an application for an approval or amendment of an approval 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 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”.) “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 9.2.7.)

Lok’s CFO is located in the County of Wetaskiwin and is therefore subject to that county’s MDP. The County of Wetaskiwin adopted the latest revision to this plan on April 11, 2023, under Bylaw 2023/05.

As relevant here, section 11.6 of the MDP aims to “support” CFOs while “minimizing conflicts with surrounding land uses and negative impacts on the environment through land stewardship best practices”. Additionally, the MDP notes that, while CFOs are under provincial jurisdiction, it is the County’s intent to “restrict new or expanded CFOs only in those locations where they are incompatible with neighbouring land uses or negatively impact sensitive environmental features”. The MDP also reports the County’s view that the *Municipal Government Act* “requires” the County to identify where new CFOs may be located.

Objective 11.6.1 supports CFOs at “appropriate locations”.

Objective 11.6.2 references the requirements of AOPA in determining Minimum Distance Separation for CFOs.

Objective 11.6.3 states 5 areas in which the County prohibits new or expanded CFOs within specified distances of the areas listed in the objective. Lok’s CFO is located outside all the specified setbacks, and therefore, the application is consistent with this objective.

Objective 11.6.4 states that, notwithstanding objective 11.6.3, the County will support expanding or upgrading existing CFOs where “upgrades in technology and/or practices result in improved manure management and/or mitigation of negative impacts on surrounding land uses and the environment”. As noted in section 8 of the decision summary, the CFO’s proposed facilities pose a low potential risk to both groundwater and surface water, which arguably may “result in improved manure management and/or mitigation of negative impacts on surrounding land uses and the environment”. However, this policy likely isn’t a “land use provision” because it calls for discretionary judgements about what applications the County will support.

In addition, this policy may well be precluded from my consideration under section 20(1.1) of AOPA, which precludes an approval officer from considering MDP provisions “respecting tests

or conditions related to the construction of or the site for a confined feeding operation or manure storage facility” and regarding the land application of manure.

Objective 11.6.5 refers to CFOs within the setbacks in 11.6.3 that are “not in operation for a period of ten (10) years or more”, in which case the County considers these operations to be “without proper authorization to resume operation or expand”.

AOPA is provincial legislation that determines which above-threshold operations have “authorization” to operate. AOPA sets out the conditions for a CFO operating and obtaining a permit, including a few circumstances where the NRCB can cancel a permit. An MDP policy that purports to override AOPA’s regulation on that point cannot be a valid land use provision; and therefore, I am precluded from considering this provision. Nevertheless, Lok’s CFO is not within these setbacks.

Objective 11.6.6 states the County’s support for “new residences where the residence is associated with a CFO within the Minimum Distance Separation of an existing CFO”. I interpret this to be a requirement as relating to the development of residences near CFOs, not development of CFOs. The permitting of residences is within the municipality’s jurisdiction.

Objective 11.6.7 states that the County requires CFO proponents to “demonstrate that their development will not result in environmental impacts from their proposed operation” and *may* recommend to the NRCB that an “Environmental Impact Assessment” be submitted along with the application. This is likely not a land use provision and the NRCB Board has guided approval officers to disregard requests for environmental impact assessments for being a “test or condition” (RFR 2008-02 Hutterian Brethren of Silver Springs, at page 4). Nevertheless, the County has made no such request for this application. Additionally, the proposed expansion meets AOPA’s environmental protection standards.

Objective 11.6.8 states that the County “requests” the NRCB to include conditions in their decisions requiring CFO proponents to “enter into agreements with the County, which may include dust control, road use, and off-site levies...”. The NRCB does not have direct responsibility for regulating road use. Section 18 of the *Municipal Government Act* gives counties “direction, control and management” of all roads within their borders. In addition, municipalities have the knowledge, expertise, and jurisdiction to implement and enforce road use agreements. Nevertheless, the County has made no such request for this application.

For the above reasons, I consider the application to be consistent with the land use provisions of the County of Wetaskiwin’s MDP. The County’s response to the application supports this conclusion.

APPENDIX B: Determining directly affected party status

The following individuals qualify for directly affected party status because they submitted a response to the application and they own or reside on land within the notification distance, as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation:

- Dayna Lull & Lenny Cooper (NE 8-45-27 W4M)
- Larry & Laurel Dreichel (NE 5-45-27 W4M)
- Lyle Breitreuz (SW 16-45-27 W4M)
- Jerry & Brenda Blanchard (Pt NE 8-45-27 W4M)

See NRCB Operational Policy 2016-7: Approvals, part 7.2.1.

A person who is not specified in section 5 of the Part 2 Matters Regulation as an affected party can also qualify for directly affected party status. However, they have the burden to demonstrate they are directly affected by the application. The following individuals that submitted a response to the application may fall under this category:

- Norman Breitreuz (SE 17-45-27 W4M)
- Peter & Nicole Braun (NE 20-45-27 W4M)

Under NRCB policy, a person has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate all the following five elements (see NRCB Operational Policy 2016:7 Approvals, part 7.2.1):

1. A plausible chain of causality exists between the proposed project and the effect asserted;
2. The effect would probably occur;
3. The effect could reasonably be expected to impact the party;
4. The effect would not be trivial; and
5. The effect falls within the NRCB regulatory mandate under AOPA.

Norman Breitreuz's land is located 0.5 miles north of Lok's CFO, but his residence is outside of the boundary of the 0.5 mile notification radius. He raised concerns about dead animal disposal, predators, and road use. None of these concerns are under the regulatory mandate of the NRCB. Mr. Breitreuz briefly discussed concerns about environmental contamination, erosion, pollution, risk, exposure and harm. However, he did not provide sufficient details for me to assess if a plausible chain of causality exists, or that the effects would probably occur, or to conclude that he is directly affected by the application.

Peter & Nicole Braun's land is located 3.2 km north of Lok's CFO. They raised concerns about road use/traffic, unsecured loads on the road, and unsafe driving practices. None of these concerns are under the regulatory mandate of the NRCB. The Brauns raised a general concern about the disposal of chicken manure and health concerns but provided no additional details for me to determine how they might be affected by the application.

Using these factors, I conclude that neither of the two parties qualify for directly party status. Nevertheless, most of these parties' concerns are the same as those that are directly affected parties and are addressed below.

In summary, the following are directly affected parties:

- Dayna Lull & Lenny Cooper (NE 8-45-27 W4M)
- Larry & Laurel Dreichel (NE 5-45-27 W4M)
- Lyle Breitzkreuz (SW 16-45-27 W4M)
- Jerry & Brenda Blanchard (Pt NE 8-45-27 W4M)

APPENDIX C: Concerns raised by directly affected parties

Other than the municipality, the directly affected parties raised the following concerns: odour, dead animal disposal and predators, traffic volume and road safety, surface water risks, groundwater supply and contamination, and property values.

A few parties raised concerns about odour from the site.

Approval officer's comments:

AOPA's minimum distance separation (MDS) requirements are a proxy for keeping odours, flies, noises, dust and other nuisance impacts at acceptable levels from CFOs, based on land zoning. The proposed CFO expansion meets the MDS to all neighbouring residences. It is presumed that nuisance effects from a proposed expansion of a CFO will be acceptable if the MDS has been met.

Often, any issues that arise relating to the operation of a CFO 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 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.

A few parties raised concerns about dead animal disposal, including an increase in coyotes due to the presence of chicken carcasses.

Approval officer's comments:

The disposal of dead animals is not under the jurisdiction of the NRCB; Alberta Agriculture and Irrigation (AGI) has jurisdiction under the *Animal Health Act*. Because AGI has expertise in this area, the NRCB defers to their greater knowledge and refers related concerns to AGI.

Several respondents expressed concerns about traffic volumes, safety practices, and road maintenance.

Approval officer's comments:

The NRCB does not have direct responsibility for regulating road use or maintenance, or traffic safety or volumes. Section 18 of the *Municipal Government Act* gives counties "direction, control and management" of all roads within their borders. Because of this, it would be impractical and inefficient for the NRCB to attempt to manage road use through AOPA permits (see Operational Policy 2016-7 Approvals, part 9.13).

In addition, municipalities own the roads within their jurisdiction and have the knowledge and expertise to determine if road use agreements are required. They also have the jurisdiction to implement and enforce road use restrictions and road use agreements.

A copy of this application was provided to the County of Wetaskiwin for their comments. In their response, the County did not express concerns about the application.

One party raised concerns about contamination of her livestock dugout, particularly regarding *E. coli*.

Approval officer's comments:

AOPA and its regulations contain several requirements to prevent or minimize manure leakage from CFO facilities and thus to prevent CFO manure from reaching and contaminating surface water. One of these requirements is the setbacks from common bodies of water set out in section 7(1)(c) of the Standards and Administration Regulation, which prohibits the construction of a manure storage facility or manure collection area less than 30 m from a common body of water.

Using mapping software and during a site inspection, I assessed the area's surface water bodies. The dugout in question appears to be approximately 237 m from the existing barn, and 325 m from the proposed addition, on the opposite side of Range Road 274. The dugout appears to be contained on the respondent's land, and not a common body of water.

The respondent included a copy of a water microbiology assessment dated April 25, 2024. The source was listed as an abandoned secondary well that the owners were looking to recommission. The report showed a presence of total coliforms, and an absence of E.coli.

As noted in section 8 of this decision summary, the NRCB assessed the CFO's proposed facilities to determine the potential risk they pose to surface water. According to the ERST, the CFO's proposed facilities pose a low potential risk to surface water. The existing facilities (barns) were assessed in a previous application and found that they also pose a low potential risk to surface water.

AOPA also has regulations for manure spreading, designed to protect surface water bodies. Section 24 of the Standards and Administration Regulation lists several requirements, including incorporating manure within 48 hours of spreading on cultivated land, a prohibition on spreading on frozen or snow-covered land (unless permitted by the Board or an inspector), and spreading setbacks to water bodies based on how the manure is applied and the slope of the land towards the common body of water. As part of this permit, Lok is required to follow all requirements under AOPA, including spreading regulations.

A few parties raised concern about potential impacts of the proposed expansion on drinking water supply.

Approval officer's comments:

Alberta Environment and Protected Areas (EPA) is responsible for licencing the use of groundwater and surface water in Alberta. The water licencing process includes an opportunity for members of the public 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 licencing declarations listed in the Part 2 application form. (See NRCB RFR 2024-04 *Ridder Farms* at p 6.)

The Lok's chose the declaration indicating that they are unsure if additional licensing is required, but acknowledged that they will be applying for water licensing separately from the AOPA process if one is needed. (see page 4 of 21 in Technical Document RA25006)

One party raised a concern about potential contamination of their groundwater supply.

Approval officer's comments:

As noted in the decision summary above, and documented in Technical Document RA25006, the proposed CFO facilities meet all AOPA's 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 in section 8 of this decision summary, the NRCB assessed the CFO's proposed and existing facilities to determine the potential risk they pose to groundwater. According to the ERST, the CFO's proposed and existing facilities pose a low potential risk to groundwater. I determined that groundwater monitoring is not required at this site.

Regulations under AOPA set nutrient application limits for nitrogen and salinity. These requirements are designed to minimize the potential for groundwater to be impacted by manure. The Standards and Administration Regulation under AOPA also requires operators to test soils on farmland to which manure is applied, for salts and nitrogen at least every three years, and to make these records available for inspection by the NRCB.

As noted in section 6 of this decision summary, and further documented in Technical Document RA25006, the proposed CFO expansion meets all AOPA technical requirements, including setbacks from springs, common bodies of water, and water wells; having sufficient means to control surface runoff of manure; nutrient management requirements regarding the land application of manure; and groundwater protection requirements for the floors and liners of manure storage facilities.

One party raised concern about the potential impact the application may have on neighbouring property values.

Approval officer's comments:

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..." *Zealand Farms*, RFR 2011-02 at 4, and *Pigs R Us Inc.* RFR 2017-11/BA17002 at 6.

As explained in Appendix A and part 5 of this decision summary, Lok's application is consistent with the land use provisions of the County's MDP and the zoning for the area, which suggest that the proposed CFO expansion is an appropriate use of land in the area.

APPENDIX D: Explanation of conditions in Approval RA25006

Approval RA25006 includes several conditions, discussed below:

a. Construction Deadline

Lok proposes to complete construction of the proposed additions by 2027. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2027, is included as a condition in Approval RA25006.

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 RA25006 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the poultry barns additions 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”.
- b. Lok to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the poultry barns additions.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed in accordance with the permit requirements. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval RA25006 includes conditions stating that Lok shall not place livestock or manure in the manure storage or collection portions of the new poultry barns additions until NRCB personnel have inspected the additions and confirmed in writing that they meet the approval requirements.