

## Decision Summary RA25014

This document summarizes my reasons for issuing Approval RA25014 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25014. 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 an approval. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On February 14, 2025, the Hutterian Brethren Church of Spring Ridge operating as Spring Ridge Holdings Ltd. (Spring Ridge Colony) submitted a Part 1 application to the NRCB to expand an existing multi-species CFO.

The Part 2 application was submitted on February 14, 2025. On March 7, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of chicken layers (plus associated pullets) from 16,000 to 50,400
- Constructing a layer barn #2 – 148.7 m x 33.5 m
- Constructing a manure shed – 18.6 m x 7.9 m attached to the layer barn
- Convert the use of the existing layer barn into pullet barn #2 (no construction)

The application also notified the NRCB of the proposed construction of a service area (34.1 m x 33.5 m) attached to the proposed layer barn. This facility is an “ancillary structure,” under section 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because it will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, this structure is part of the CFO but does not need to be permitted under the Act.

#### a. Location

The existing CFO is located at E ½ 6-47-6 W4M in the Municipal District (MD) of Wainwright, roughly 19 km north of Wainwright, Alberta. The terrain is slightly undulating with a general slope to the south towards Battle River, located 1,300 m south and east.

#### b. Existing permits

As the CFO existed on January 1, 2002, the CFO is grandfathered with a deemed approval under section 18.1 of AOPA. That deemed permit includes MD of Wainwright No. 61 Permit No. 95-2 issued February 27, 1995, and MD of Wainwright’s 1995 Approval Update issued April 19, 2001. This deemed approval allows the construction and operation of a multi-species CFO with the following animal capacity:

- 16,000 chicken layers,
- 32,000 chicken broilers,

- 1,600 ducks,
- 500 geese

The development permit also included a 500 sows farrow to finish operation; however, Spring Ridge Colony ceased to operate it and its facilities are currently decommissioned.

The determination of the CFO's deemed permit status under section 18.1 of AOPA is explained in Appendix C attached. The deemed facilities are listed in the appendix to the Approval RA25014.

## **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 MD of Wainwright, 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 Wainwright Edge newspaper in circulation in the community affected by the application on March 7, 2025, and
- sending 6 notification letters to people identified by the MD of Wainwright 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 Cenovus and the County of Vermilion River as they are right of way holders.

Ms. Laura Partridge, a senior water administration officer, responded on behalf of EPA. Ms. Partridge provided resources to verify water requirements at the colony. Ms. Partridge also included the *Water Act* licence application process if required.

The applicants are reminded that they are responsible for obtaining licences under the *Water Act*.

No other responses were received from any of the other organizations.

Approval RA25014 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 located.

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

I have determined that the proposed expansion is consistent with the land use provisions of the MD of Wainwright's municipal development plan. (See Appendix A for a more detailed discussion of the MD'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 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”. The MD of Wainwright is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Dana Smith, a director of development services with the MD of Wainwright, provided a written response on behalf of the MD. Ms. Smith stated that there are no intermunicipal development plan or area structural plans in effect for the proposed location. Ms. Smith indicated that a section of their municipal development plan (MDP) prohibits CFOs or manure storage facilities within 1.6 km of land used for residential uses.

The application’s consistency with the land use provisions of the MD of Wainwright’s MDP and the MD’s concern are addressed in Appendix A, attached.

No responses were received from any other person, organization, or member of the public.

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

New CFO facilities 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, or porous subsurface materials, and surface water systems an approval officer may require surface or groundwater monitoring for the facility. In this case a determination was made, and monitoring is not required.

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).)

For the sake of efficiency, I first assessed the CFO’s existing slurry tank (chicken manure) using the ERST. This appears to be the CFO’s highest risk facility because it contains liquid manure. The assessment found that this facility poses a low potential risk to groundwater and surface water. Because this is the CFO’s highest risk facility, I presume that the CFO’s other existing facilities also pose a low potential risk to both groundwater and surface water. From a review of other information gathered in the course of this application, I am satisfied that the screening provided by the ERST is adequate and that the presumption is not rebutted. A further assessment of the risks posed by these other facilities, using the ERST, is not necessary.

## **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. Smith also noted that the application meets the setbacks required by the MD of Wainwright's land use bylaw (LUB).

I have considered the effects the proposed CFO expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or section 109 of the *Water Act* in respect of the subject of this application. Furthermore, the application meets AOPAs 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 24, 2025).

Finally, I considered the effects of the proposed expansion on the environment, the economy, and the community, and the appropriate use of land. In doing so, I had before me information in the application, views from the MD of Wainwright, and my own observations from a site visit.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, I presumed that the effects in the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted.

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.

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

## **10. Terms and conditions**

Approval RA25014 specifies the cumulative permitted livestock capacity as 50,400 chicken layers (plus associated pullets), 32,000 chicken broilers, 1,600 ducks and 500 geese; and permits the construction of the layer barn with the attached manure shed.

Approval RA25014 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 RA25014 includes conditions that generally address a construction deadline, document submission and a construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval RA25014: municipal development permit no. 95-2 and the approval update issued on April 19, 2001 (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 approval.

## **11. Conclusion**

Approval RA25014 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25014.

Spring Ridge Colony's deemed approval, including municipal development permit no. 95-2 and the approval update, are therefore superseded, and their content consolidated into this Approval RA25014, unless Approval RA25014 is held invalid following a review and decision by the NRCB's board members or by a court, in which case they will remain in effect.

May 30, 2025

(Original signed)

Francisco Echegaray, P. Ag.  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Approval RA25014
- C. Determination of deemed permit status

## 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.)

Spring Ridge Colony’s CFO is located in the MD of Wainwright and is therefore subject to that municipal districts’ MDP. The MD of Wainwright adopted the latest revision to this plan on June 20, 2023, under Bylaw 1694.

Section 7.3 of the MDP relates to intensive agricultural operations and CFOs.

Policy 7.3.1 states that the MD of Wainwright supports the development of new or expanding CFOs “in the Agricultural and Rural Development Area, where there is limited potential for land use conflict”. I interpret this as being a general guiding principle. According to the MD of Wainwright’s Land Use Bylaw 1695, Spring Ridge Colony’s CFO is in the land use district Agricultural, where intensive agriculture is a discretionary use.

Policy 7.3.2 states that CFOs must meet MDS requirements, as set out in AOPA. Spring Ridge Colony’s application meets the AOPA MDS requirements.

Policy 7.3.3 specifies four areas (a.- d.) where the MD of Wainwright considers CFO development to be inappropriate. CFOs shall not be permitted:

*a. Within 1.6 km of land used for residential, commercial, recreational or institutional use or land designated for such uses;*

Subsection (a) essentially creates exclusion zones surrounding areas based on specific land use or land designation. The land surrounding Spring Ridge Colony’s site is zoned as agricultural, and is used for agricultural purposes; therefore, it is not designated or used for commercial, recreational, or institutional purposes.

This policy suggests that there is a 1.6 km setback to residences, regardless of how the land is zoned. The MD of Wainwright’s response indicated that their interpretation is residential uses other than those within the colony itself, and instead refers to adjacent or neighboring residential dwellings beyond the colony.

In my view, the first portion of Policy 7.3.3.a. modifies AOPA's MDS to residences by making it a blanket 1.6 km. The NRCB's board (see *Wyntjes*, Board Decision 2007-11 at 6 et seq.) and Approvals Policy (see the NRCB Operational Policy 2016-7: Approvals, part 9.2.8) have made it clear that approval officers should not consider MDP provisions that are based on, but modify and render more stringent, AOPA's MDS requirements. Thus, this policy cannot be considered for purposes of my MDP consistency determination.

*b. Within 100.0 m of a water body, watercourse, or ravine;*

This policy is not a specific land use provision but adds additional setbacks to general water bodies or water ways. AOPA already has requirements for setbacks to common bodies of water, which this application meets. The closest body of water is a slough located 300 metres from the proposed layer barn.

*c. Within 1.6 km of an urban municipality, an intermunicipal development plan boundary, or a hamlet; or*

The proposed CFO expansion meets this setback.

*d. Within the Environmentally Significant Area*

Spring Ridge Colony's CFO is not located within the Environmentally Significant Area, as identified on Map A4 of the MDP.

Policy 7.3.4 states that the NRCB has jurisdiction over CFOs, and that all CFOs must meet AOPA's requirements, specifically MDS and land base requirements. This is not a specific land use provision but is a statement of law and jurisdiction. As noted in section 6 of this decision summary, Spring Ridge Colony's application meets these requirements.

Policy 7.3.5 states that in addition to MDS, CFOs are not allowed within 2.4 km (1.5 miles) of the corporate boundaries of:

- a. any urban municipality;*
  - b. multi-lot country residential areas;*
  - c. Hamlets;*
  - d. the Lakeside Residential District in the MD of Wainwright Land Use Bylaw; and*
  - e. Dillberry Provincial Park;*
- which areas shall be considered an urban fringe when calculating the regulations approved under AOPA.*

The application meets these setbacks.

For these reasons, I conclude that the application is consistent with the land use provisions of the MD of Wainwright's MDP that I may consider.



## **APPENDIX B: Explanation of conditions in Approval RA25014**

Approval RA25014 includes several conditions, discussed below, and cancel some conditions from municipal development permit no. 95-2 (see section 2 of this appendix). Construction conditions from historical municipal development permit no. 95-2 that have been met are identified in the appendix to Approval RA25014.

### **1. New conditions in Approval RA25014**

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

Spring Ridge Colony proposes to complete construction of the proposed new layer barn with the attached manure shed by November 30, 2028. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2028, is included as a condition in Approval RA25014.

#### **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 RA25014 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the layer barn with the attached manure shed 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. Spring Ridge Colony to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the layer barn with the attached manure shed.

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 RA25014 includes a condition stating that Spring Ridge Colony shall not place livestock or manure in the manure storage or collection portions of the new layer barn, nor place manure in the attached manure shed until NRCB personnel have inspected the facilities and confirmed in writing that they meet the approval requirements.

### **2. Conditions not carried forward from municipal development permit no. 95-2.**

Approval RA25014 includes the terms and conditions in municipal development permit no. 95-2, except those noted below.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions # 2 and 3 from municipal development permit no. 95-2 should be deleted and therefore are not carried forward to Approval RA25014. These two conditions were related to the swine operation that the colony ceased to operate, and its facilities are currently decommissioned.

## APPENDIX C: Determination of deemed permit status

Spring Ridge Colony claims that its CFO is grandfathered (that is, it has a “deemed” permit) under section 18.1 of AOPA. I am treating that as a request for a determination of deemed permit status. A grandfathering determination is necessary in this case to determine which facilities are grandfathered and, therefore, exempt from having to meet AOPA regulations under section 20(1.2) of AOPA).

See [NRCB Operational Policy 2023-1: Grandfathering \(Deemed Permit\)](#), part 3.1.

Under section 11(1) of the Administrative Procedures Regulation under AOPA, because I am cross appointed as an NRCB inspector, I conducted an investigation into the deemed permit status of the CFO. I also determined the capacity of the CFO that was constructed pursuant to a municipal development permit before January 1, 2002.

In this case, the operator bears the onus of providing sufficient evidence to support their claim (see NRCB Operational Policy 2023-1: Grandfathering (Deemed Permit), part 2.3).

The CFO was originally permitted by the MD of Wainwright on February 27, 1995, under development permit no. 95-2 and an update to it issued April 19, 2001. This permit (and the update) allowed the construction and operation of a multi-species CFO with:

- 16,000 chicken layers,
- 32,000 chicken broilers,
- 1,600 ducks,
- 500 geese
- 500 sows farrow to finish

This development permit is a deemed (i.e. grandfathered) approval under section 18.1(1)(b) of AOPA. The CFO’s deemed facilities are listed in an Appendix of Approval RA25014.

### Notice:

Under section 11 of the Administrative Procedures Regulation, notice of a deemed permit determination is not required if the CFO was constructed pursuant to a development permit issued before January 1, 2002. See also Operational Policy 2023-1: Grandfathering (Deemed Permit), part 5.2.1.

### Findings:

Under section 18.1(2)(c), the CFO’s deemed capacity is the capacity stated in the CFO’s development permit. Therefore, the CFO has a deemed capacity of:

- 16,000 chicken layers,
- 32,000 chicken broilers,
- 1,600 ducks, and
- 500 geese

The development permit also included a 500 sows farrow to finish operation; however, Spring Ridge Colony ceased to operate the swine operation in the early 2000s, and its facilities are currently decommissioned. Therefore, the swine component of the CFO will not be included in Approval RA25014.

Validity today:

Finally, Operational Policy 2023-1: Grandfathering (Deemed Permit), part 9.0 suggests that field services staff assess the validity of a deemed permit today.

Under Operational Policy 2023-1: Grandfathering (Deemed Permit), part 9.1, I considered whether the CFO has been abandoned since January 1, 2002. I considered factors relevant to abandonment, as identified in [Operational Policy 2016-3: Permit Cancellations under AOPA Section 29](#). As noted in a site visit and discussions with the operator, apart from the swine operation, the CFO facilities have been in continuous use since 2002. I therefore conclude this CFO has not been abandoned.