

## Decision Summary RA25023

This document summarizes my reasons for issuing Approval RA25023 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25023. 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 March 17, 2025, Byron and Donna Toews, operating as Albanna Farms Ltd. (Albanna Farms) submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on April 9, 2025. On April 23, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of chicken pullets from 25,000 to 65,000
- Constructing a new pullet barn (pullet barn #2) – 216 ft. x 48 ft. (65.8 m x 14.6 m) with attached manure pit (at grade) – 12 ft. x 48 ft. x 8 ft. deep (3.7 m x 14.6 m x 2.4 m deep)

#### a. Location

The existing CFO is located at NW 6-31-24 W4M in Kneehill County, roughly 7 km northeast of Linden, Alberta. The terrain is undulating with a general slope towards the north and northeast.

#### b. Existing permits

To date, the CFO has been permitted under NRCB Approval RA22001. That permit allowed the construction and operation of a poultry CFO with a permitted livestock capacity of 33,200 chicken layers and 25,000 chicken pullets. The CFO's existing permitted facilities are listed in the appendix to the Approval RA25023.

## 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 Kneehill 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 the Three Hills Capital newspaper in circulation in the community affected by the application on April 23, 2025, and
- sending 12 notification letters to people identified by Kneehill County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours at NRCB’s Red Deer 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 Ember Resources Inc. and Apex Utilities Inc. as they are right of way holders.

No responses were received.

Approval RA25023 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 proposed expansion 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 Kneehill 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 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 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 C, the application meets all relevant AOPA requirements. The exemption that is required to address the AOPA requirements around the 100 metre water well setback is addressed in the following parts of this decision summary.

## 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.” Kneehill County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Barb Hazelton, a manager with Kneehill County Planning & Development, provided a written response on behalf of Kneehill County. Ms. Hazelton stated that the application is consistent with Kneehill County’s land use provisions of the municipal development plan (MDP). The application’s consistency with the land use provisions of Kneehill County’s MDP is 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. The information on this file supports the assumption that risks to groundwater and surface water are low.

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](http://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 Albanna Farms' existing CFO facilities were assessed in 2022 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, water wells, 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. Exemptions

I determined that the proposed pullet barn #2 is located within the required AOPA setback from a water well. As explained in Appendix B, an exemption to the 100 metre water well setback is warranted due to the construction of the water well, the location of the water well upslope from the layer barn, and the barn having walls and a roof, the aquifer is not likely to be contaminated.

## 10. 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. Hazelton also listed the setbacks required by Kneehill County's land use bylaw (LUB). I have assessed the setbacks and have determined that the proposed pullet barn 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 June 6, 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.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP then the proposed expansion 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 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.

## **11. Terms and conditions**

Approval RA25023 specifies the cumulative permitted livestock capacity as 33,200 chicken layers and 65,000 chicken pullets and permits the construction of pullet barn #2 with attached manure pit.

Approval RA25023 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 RA25023 includes conditions that generally address construction deadline, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval RA25023: Approval RA22001 (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. Approval RA25023's appendix includes the construction conditions that have already been met.

## **12. Conclusion**

Approval RA25023 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25023.

Previously issued Approval RA22001 is therefore superseded, and its content consolidated into this Approval RA25023, unless Approval RA25023 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA22001 will remain in effect.

June 13, 2025

(Original signed)  
Lynn Stone  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Exemptions from water well setback
- C. Explanation of conditions in Approval RA25023

## **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.)

Albanna Farms’ CFO is located in Kneehill County and is therefore subject to that county’s MDP. Kneehill County adopted the latest revision to this plan approved on March 11, 2025, under Bylaw 1905.

As relevant here:

Policy 12 of the MDP (Agriculture section) states that “no new or expansion of existing confined feeding operations (CFOs) will be allowed in the following:

- (i) In Hazard Lands or Environmentally Sensitive Lands as defined by the province and the 2010 Summit Report,
- (ii) Within 1.6 kilometres (1 mile) of any hamlet...
- (iii) Within 1.6 kilometres (1 mile) of any urban boundary...”

Albanna Farms’ existing CFO is not located within any of these setbacks or exclusion zones.

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

## APPENDIX B: Exemption from water wells setbacks

### 1. Water Well Considerations

The proposed pullet barn #2 is to be located less than 100 m from a water well. During a site visit, I confirmed that one water well is located approximately 83 m from it. This is in conflict with the section 7(1)(b) of the Standards and Administration Regulation (SAR) under AOPA.

Section 7(2), however, allows for exemptions if, before construction, the applicant can demonstrate that the aquifer into which the water well is drilled is not likely to be contaminated by the manure storage facility (MSF)/manure collection area (MCA), and, if required, a groundwater monitoring program is implemented.

The potential risks of direct aquifer contamination from the MSF/MCA are presumed to be low if the applicant's proposed MSF/MCA meets AOPA's technical requirements to control runoff and leakage. Approval officers also assess whether the water well itself could act as a conduit for aquifer contamination.

In this case, I felt the following factors were relevant to determine the risk of aquifer contamination via the water well:

- a. How the well was constructed
- b. Whether the well is being properly maintained
- c. The distance between the well and the proposed MSF/MCA
- d. Whether the well is up- or down-gradient from the MSF/MCA and whether this gradient is a reasonable indication of the direction of surface and groundwater flow between the two structures

These presumptions and considerations are based on NRCB Operational Policy 2016-7: Approvals, part 8.7.1.

The water well:

Based on information provided by the applicant and from the Alberta Environment and Parks (AEP) water well database, the water well located approximately 83 m west of the proposed pullet barn #2 is likely AEP water well ID # 295267. This well is reported to have been installed in 1999 and has a perforated or screened zone from 21.3 m to 45.7 m below ground level across stratigraphy. The well has an above ground casing. This well is used for domestic purposes. The well's log identifies protective layer or layers from 10.06 m to 13.72 m below ground level. The well has a shale trap seal from 17.98 m to 18.29 m below ground level. The well appeared to be in good condition at the time of my site inspection and its casing was protected by its adjacency to the house. The well is up-gradient of the CFO and MSF.

The NRCB has developed a "water well exemption screening tool," based on the factors listed above, to help approval officers assess the groundwater risks associated with a nearby water well.<sup>1</sup>

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<sup>1</sup> 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).

In this case, the results of the water well exemption screening tool suggest that an exemption is likely as seen in Technical Document RA25023.



## **APPENDIX C: Explanation of conditions in Approval RA25023**

### **a. Construction Deadline**

Albanna Farms proposes to complete construction of the proposed pullet barn #2 by December 31, 2025. In my opinion, allowing for two full construction seasons is more appropriate and would allow for unexpected delays. The deadline of December 31, 2026, is included as a condition in Approval RA25023.

### **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 RA25023 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of pullet barn #2 and the attached manure pit 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. Albanna Farms shall provide evidence or written confirmation from a qualified third party that the concrete used for the manure collection and storage area meets the required specifications.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, and to reduce risk to the operator, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval RA25023 includes conditions stating that Albanna Farms shall not place birds or manure in the manure storage or collection portions of pullet barn #2, or manure in the manure pit until NRCB personnel have inspected them and confirmed in writing that they meet the approval requirements.