

## Decision Summary RA25029

This document summarizes my reasons for issuing Approval RA25029 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25029. 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 April 7, 2025, the Hutterian Brethren Church of Valley View (Valley View Colony) submitted a Part 1 application to the NRCB to expand an existing multi-species CFO.

The Part 2 application was submitted on April 7, 2025. On April 23, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of chicken layers from 15,000 to 25,000
- Constructing a layer barn with attached manure storage facility – 66.3 m x 20.5 m and 15 m x 10.4 m (previously permitted in Approval RA23004; proposing to modify dimensions and layout)

The application also notified the NRCB of modifying the dimensions of the previously proposed layer office and service room (18.3 m x 12.7 m and 22.8 m x 14.7 m). 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 N½ 9-32-26 W4M and S½ 16-32-26 W4M in Kneehill County, roughly 6 km southwest of Torrington, Alberta. The terrain is generally flat, with a general slope to the east. An intermittent creek is located approximately 1.1 km east of the proposed facilities.

#### b. Existing permits

To date, the NRCB has issued Approval RA23004 and Authorization RA24047. Collectively, these NRCB permits allowed Valley View Colony the construction and operation of a multi-species CFO. The CFO’s existing permitted facilities are listed in the appendix to the Approval RA25029.

## **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 1.5 miles. (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 Three Hills Capital newspaper in circulation in the community affected by the application on April 23, 2025, and
- sending 26 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 at the NRCB office in Red Deer during regular business hours.

## **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.

Referral letters and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA), Alberta Agriculture and Irrigation (AGI), and Alberta Transportation & Economic Corridors (TEC).

I also sent a copy of the application to Ember Resources Inc. and Crossroads Gas Co-op Ltd. as they are right of way holders.

Ms. Brittany Van Norman, assistant development and planning technologist, responded on behalf of TEC. Ms. Van Norman stated that a roadside development permit is required from TEC. A copy of her response was forwarded to the applicant. The applicant is reminded that they are required to obtain said permit.

No other responses were received.

Approval RA25029 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 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 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." Kneehill County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Barb Hazelton, manager of planning and development with Kneehill County, 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. The application's consistency with the land use provisions of Kneehill County's municipal development plan 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

In Approval RA24047, the proposed layer barn was found to pose a low potential risk to surface and groundwater. The change in layout and dimensions proposed in this application does not affect the previous assessment.

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 Valley View Colony's existing dry cow/heifer barn was assessed in 2024; the dairy barn, calf barn, EMS, and previously proposed layer barn was assessed in 2023; and the beef feedlot and catch basin were assessed in 2013 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

The circumstances have not changed since those assessments were 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. Hazelton also listed the setbacks required by Kneehill County's land use bylaw (LUB) and noted that the application meets these setbacks.

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://eab.gov.ab.ca/status.htm>, accessed June 19, 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 Kneehill County, 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 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 RA25029 specifies the cumulative permitted livestock capacity as:

- 122 milking cows (plus associated dries and replacements)
- 25,000 chicken layers
- 2,000 beef finishers
- 7,200 nursery to finisher hogs
- 1,200 chicken broilers
- 1,200 ducks
- 400 geese
- 300 turkeys

and permits the construction of the layer barn with attached manure storage.

Approval RA25029 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 RA25029 includes conditions that generally address construction deadline, document submission and 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 permits with Approval RA25029: Approval RA23004 and Authorization RA24047 (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 RA25029 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25029.

Valley View Colony's NRCB issued Approval RA23004 and Authorization RA24047 are therefore superseded, and their content consolidated into this Approval RA25029, unless Approval RA25029 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA23004 and Authorization RA24047 will remain in effect.

July 7, 2025

*(original signed)*  
Lynn Stone  
Approval Officer

### Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Approval RA25029

## **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.)

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

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...”

Valley View Colony’s 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: Explanation of conditions in Approval RA25029**

Approval RA25029 includes several conditions, discussed below, and carries forward a number of conditions from Approval RA23004 (see sections 2 of this appendix). Construction conditions from historical permits that have been met are identified in the appendix to Approval RA25029.

### **1. New conditions in Approval RA25029**

#### **a. Construction deadline**

Valley View Colony proposes to complete construction of the proposed new layer barn with attached manure storage as well as the office/service room by December 2026. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of December 31, 2026 is included as a condition in Approval RA25029.

#### **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 RA25029 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the layer barn with attached manure storage 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. Valley View 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 attached manure storage.

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 RA25029 includes a condition stating that Valley View Colony shall not place livestock or manure in the manure storage or collection portions of the new layer barn, nor manure on the storage pad until NRCB personnel have inspected the layer barn with attached manure storage and confirmed in writing that it meets the approval requirements.

### **2. Conditions carried forward from Approval RA23004**

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that decommissioning conditions 13-16 and operating conditions 17-20 from Approval RA23004 should be carried forward as written.