

## Decision Summary BA25013

This document summarizes my reasons for issuing Approval BA25013 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA25013. 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 29, 2025, Springside Poultry Ltd. (Springside) submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on April 29, 2025. On May 21, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing livestock numbers from 27,000 broiler breeders to 35,000 broiler breeders
- Constructing broiler breeder barn 5 – 51 m x 13.4 m

#### a. Location

The existing CFO is located at Pt. NE 32-57-25 W4M in Sturgeon County, roughly five km northwest of the Town of Legal, AB. The terrain is flat, sloping to the southeast. The nearest common body of water is a seasonal drainage 1.2 km to the northeast.

#### b. Existing permits

To date, the NRCB has issued Approval BA16017 and Authorizations BA21016, BA23002, and BA25002. Collectively, these NRCB permits allow Springside to construct and operate a poultry CFO with 27,000 broiler breeders and 11,000 pullets. The CFO's existing permitted facilities are listed in the appendix to Approval BA25013.

## 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 0.5 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 Sturgeon 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 Morinville Free Press the newspaper in circulation in the community affected by the application on May 21, 2025, and
- sending 17 notification letters to people identified by Sturgeon County as owning or residing on land within the notification distance.

The full application was made available for viewing at the NRCB office in Morinville 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), and Alberta Transportation & Economic Corridors (TEC).

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

A response from EPA indicated they have no reports of incidents regarding the application and have no concern with the application.

A response from TEC notified the applicant that a roadside development permit is needed due to the proximity of the proposed construction to highway 2. The applicant has been made aware of this requirement.

Approval BA25013 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 located.

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

I have determined that the proposed expansion is consistent with the land use provisions of Sturgeon 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 nearby residences, with one exception (AOPA setbacks are known as the “minimum distance separation” requirements, or MDS). The owner of that residence has signed a written waiver of the MDS requirement to their residence
- 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 the 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.” Sturgeon County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

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

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

The NRCB considers a person who owns a residence within the MDS of the CFO, and who waives the MDS requirements in writing to be automatically considered a directly affected (See NRCB Operational Policy 2016-7: *Approvals*, part 7.2.1). Scott Goerz provided an MDS waiver and is a directly affected party.

## 8. Environmental risk of CFO facilities

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 8.13.

In this case, the risks posed by Springside's existing CFO facilities were assessed in 2017 and 2021 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.

New manure collection areas which clearly meet or exceed AOPA requirements are automatically assumed to pose a low risk to surface and groundwater. However, there may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, an approval officer may require monitoring for the facility. In this case a determination was made, and monitoring 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. Williams also listed the setbacks required by the County's land use bylaw (LUB) and noted that the application meets these setbacks. Ms. Williams also noted that an Alberta Transportation and Economic Corridors permit is required as the land is within 800 m of a provincial highway. The applicant has been made aware of this and is reminded that they must obtain this permit if required by Alberta Transportation and Economic Corridors.

I have considered the effects the proposed CFO expansion may have on natural resources administered by provincial departments. A copy of the application was provided to EPA who replying stating they had no concerns with the application.

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 25, 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, having considered all the information before me (including in Technical Document BA25013, and from my site visit), 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 land use provisions then the proposed expansion is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted based on the information available.

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 because I did not see any information that suggested it was not an appropriate use of land

## **10. Terms and conditions**

Approval BA25013 specifies the cumulative permitted livestock capacity as 35,000 broiler breeders and 11,000 pullets and permits the construction of the broiler breeder barn 5.

Approval BA25013 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 BA25013 includes conditions that generally address construction deadlines, 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 BA25013: Approval BA16017 and Authorizations BA21016, BA23002, and BA25002 (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.

## **11. Conclusion**

Approval BA25013 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA25013.

Springside's NRCB-issued Approval BA16017 and Authorizations BA21016, BA23002, and BA25002 are therefore superseded, and their content consolidated into this Approval BA25013, unless Approval BA25013 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval BA16017 and Authorizations BA21016, BA23002, and BA25002 will remain in effect.

July 7, 2025

(Original signed)

Nathan Shirley  
Approval Officer

## **Appendices:**

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Approval BA25013

## APPENDIX A: Consistency with municipal land use planning

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), and any applicable intermunicipal development plan (IDP).

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.)

Springside’s CFO is located in Sturgeon County and is, therefore, subject to that county’s MDP. Sturgeon County adopted the latest revision to this plan on April 22, 2014, under Bylaw #1313/13.

As relevant here, section 1.4.4 of Sturgeon County’s MDP states that the county “[s]hall support ‘right to farm legislation’ by applying the requirements outlined within ... AOPA.” This is a general policy statement and likely not a “land use provision,” so I do not consider it to be directly relevant to my MDP consistency determination. However, this policy provides general guidance for interpreting the MDP’s more CFO-specific policies.

Section 1.4.4 of the MDP further states that, when “referred to” by the NRCB, the county “will apply the objectives of the Integrated Regional Growth Strategy (IRGS)” in the county’s “referred evaluation” of proposals for new or expanding CFOs. This policy appears to be intended solely at guiding the county’s development of its own response to an AOPA permit application, so the policy likely isn’t relevant to my MDP land use consistency determination.

The CFO is located in an area designated “Neighbourhood C” on Map 5 of the county’s MDP. According to Section C.1(b) of the MDP, the county aims to minimize land-use conflicts in Neighborhood C between “working landscapes and residential communities” by discouraging the “expansion” of CFOs within specified distance of several listed towns. Section C.1(b) also refers to Appendix A-2 of the MDP, which lists linear distance for CFOs from town boundaries, and appears to be based on the “affected party” notification distance from AOPA’s Part 2 Matters Regulation.

Under this section, the setback distances are set by reference to the distances in the Part 2 Matters Regulation under AOPA, for determining “affected parties” with respect to an AOPA permit application. That distance is 0.8 km for Springside’s CFO.

It is uncertain whether this MDP policy is a valid “land use provision” and, therefore, whether it is relevant to my MDP consistency determination. At any rate, Springside’s CFO is not within any of the setbacks in section C.1(b) of the county’s MDP and therefore, meets this section.

For these reasons, I conclude that the application is consistent with the land use provisions of the county's MDP. The county's non-objection to the proposed expansion supports this conclusion.

## **APPENDIX B: Explanation of conditions in Approval BA25013**

Approval BA25013 includes several conditions, discussed below. Construction conditions from Approval BA16017 and Authorizations BA21016, BA23002, and BA25002 that have been met are identified in the appendix to Approval BA25013.

Approval BA25013 includes several conditions, discussed below:

### **a. Construction Deadline**

Springside proposes to complete construction of the proposed broiler breeder barn 5 by January 1, 2026. This time-frame is considered to be unreasonable for the proposed scope of work. To allow for delays or unforeseen circumstances the deadline of December 1, 2026, is included as a condition in Approval BA25013.

### **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 BA25013 includes a condition requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of broiler breeder barn 5 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. Springside to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the proposed barn.

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 BA25013 includes a condition stating that Springside shall not place livestock or manure in the manure storage or collection portions of the broiler breeder barn 5 until NRCB personnel have inspected the facility and confirmed in writing that it meets the approval requirements.