

Decision Summary LA24020

This document summarizes my reasons for issuing Approval LA24020 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24020. 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 April 22, 2024, Southwood Stock Farms Ltd. (Southwood) submitted a Part 1 application to the NRCB to expand an existing CFO. On October 21, 2024, Southwood requested a six-month extension to submit their Part 2 application. That request was granted.

The Part 2 application was submitted on March 28, 2025. On April 9, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing beef finisher numbers from 4,500 to 8,000
- Constructing west pens - 143.84 m x 45.72 m, total dimensions
- Construction north pens - 244.0 m x 298 m, total dimensions
- Constructing catch basin 2 – 38.1 m x 19.1 m x 2.5 m deep

The application also notified the NRCB of the proposed construction of receiving pens and hay bale storage. These facilities are “ancillary structures,” under section 1(1)(a.1) of the *Agricultural Operations, Part 2 Matters Regulation*, because they will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, these structures are part of the CFO but do not need to be permitted under the Act.

In an email from the applicant on July 21, 2025, they informed me that they wanted to add a second catch basin (catch basin 2), within the footprint of the proposed north pens, to increase capacity for run-off. Because the addition of the second catch basin is within the already proposed area for the north pens, the overall footprint of the CFO did not change, nor increase risk to the environment. Therefore, re-notifying the public and recirculating the application to the MD of Taber and referral agencies was not considered necessary.

a. Location

The existing CFO is located at SE 5-14-15 W4M in the Municipal District (MD) of Taber, roughly 10 km northeast of Vauxhall, Alberta. The terrain is flat with the nearest common body of water being a slough which is located approximately 0.5 km southeast of the CFO.

b. Existing permits

The CFO is currently permitted under NRCB Approval LA19033. This approval allows the operation of a 4,500 head beef finisher feedlot. The CFO's existing permitted facilities are listed in the Appendix of Approval LA24020.

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 2 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 MD of Taber, 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 Taber Times newspaper in circulation in the community affected by the application on April 9, 2025, and
- sending 51 notification letters to people identified by the MD of Taber as owning or residing on land within the notification distance.

The full application was made available for viewing at the NRCB office in Lethbridge 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 Transportation & Economic Corridors (TEC), and the Bow River Irrigation District (BRID). A copy of the application and responses expressing health concerns were sent to Alberta Health Services (AHS) for their comment.

I also sent a copy of the application to TC Energy (NGTL GP Ltd.), and Barrel Oil Corporation as they are utility right-of-way (ROW) holders on the subject land.

I received responses from Leah Olsen, a development and planning technologist with TEC, Bradley Calder, water administration technologist with EPA, Fereshteh Rezaei, GIS analyst and planner with TC Energy, and Kristen Dykstra, executive officer/public health inspector with AHS.

In her response, Ms. Olsen stated that TEC has no concerns or requirements with respect to this proposal, and a permit will not be required.

In his response, Mr. Calder stated that there is one registration under the *Water Act* for SE 05-147-15 W4 and there appear to be no water wells within the subject land. Mr. Calder stated the approximate water needed to support the proposed livestock numbers is about 92,922 m³ (75.33 acre-feet) and it appears the applicant has a sufficient water supply from the conveyance agreement with the BRID, for 102 acre-feet, to support the expansion.

In her response, Ms. Rezaei stated that TC Energy has no concerns with the project as proposed.

In her response, Ms. Dykstra stated that the NRCB considers potential impacts of CFOs, including potential public health impacts, and for concerned parties to connect with the Approval Officer to discuss concerns. If a member of the public has concerns or questions, they may contact AHS online (<http://ephisahs.albertahealthservices.ca/create-case>) or by phone (1-833-476-4743).

Approval LA24020 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*).

I did not receive any other responses.

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.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), I considered that document's Strategic Plan and Implementation Plan and determined that the application is consistent with those plans. In addition, there are no notices or orders under the Regulatory Details portion of the SSRP that apply to this application.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed expansion is consistent with the land use provisions of the MD of Taber's municipal development plan. (See Appendix A for a more detailed discussion of the county's planning requirements.) There is no applicable intermunicipal development plan (IDP).

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 two exceptions (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). The owners of those residences have signed a written waiver of the MDS requirement, with

- the use of the expansion factor, to their residences
- 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 protective layers 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.

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 Taber is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Mr. Tom Anderson, a development officer with the MD of Taber, provided a written response on behalf of the MD of Taber. Mr. Anderson stated that the application appears to be consistent with the MD of Taber's land use provisions of the municipal development plan (MDP) and falls outside of the confined feeding operation restricted area as defined in in the MDP. He stated there are no intermunicipal development plans (IDP) or area structure plans affecting this application and the surrounding lands within two miles are zoned "Rural Agricultural". The application's consistency with the land use provisions of the MD of Taber's municipal development plan is addressed in Appendix A, attached.

Mr. Anderson further stated the clean water storage expansion identified in the application does not meet required municipal setbacks and as such, the MD of Taber would require a development permit application for the proposed clean water storage expansion prior to its construction. He also stated the landowner may be required to enter in a Road Use Agreement with the MD of Taber. Clean water storage and road use agreements are not the responsibility of the NRCB under AOPA. The response from the MD of Taber was forwarded to the applicant for their information and action. In an email from the applicant on June 11, 2025, they have indicated they received a permit from the MD of Taber for the clean water storage.

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). John and Betty Jensma, and Johan and Margaretha Siemens provided MDS waivers and are directly affected parties. Additionally, John and Betty Jensma sent a letter of support for the application, which is discussed in Appendix B.

Apart from municipalities, any member of the public may request to be considered "directly affected." The NRCB received 6 responses from 9 individuals.

All of the 9 people who submitted responses own or reside on land within the 2 mile notification

distance. 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)

The directly affected parties raised concerns regarding nuisances, road use and maintenance, manure storage and spreading, dead animal disposal, corporate farming, property values, effects on economy, quality of life, health concerns, management of operation, effects on the environment, and the location of the CFO. These concerns are addressed in Appendix B.

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 groundwater monitoring for the facility. Based on the information in the application, as well as the information I gathered from a site visit, I did not identify any reasons to implement a groundwater monitoring condition for the new 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.) 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 Southwood's existing CFO facilities were assessed in 2016 and 2019 using the ERST. According to those assessments, 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 the most recent 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.

Mr. Anderson did not list the setbacks required by the MD of Taber's land use bylaw (LUB) but noted the proposed pen expansion appears to meet the setbacks. The proposed facilities meet 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 statements of concerns 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.

I am not aware of a written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>), accessed July 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. In doing so, I had before me information in the application, a response from the MD of Taber, submissions from directly affected parties, and my own observation from a site visit.

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 in Appendix B about manure storage and spreading, and effects on the environment.

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. See the discussion in Appendix B about nuisances, road use, corporate farming, effects on the economy, quality of life, health concerns, and location of the CFO.

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). The land where the CFO is located is zoned Rural Agricultural. In my view, this presumption is not rebutted.

10. Terms and conditions

Approval LA24020 specifies the cumulative permitted livestock capacity as 8,000 beef finishers and permits the construction of the north pens, west pens, and catch basin 2.

Approval LA24020 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 LA24020 includes conditions that generally address construction deadlines, 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 LA24020: Approval LA19033 (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. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. All conditions of Approval LA19033 have been carried forward.

11. Conclusion

Approval LA24020 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA24020.

Southwood's NRCB-issued Approval LA19033 is therefore superseded, and its content consolidated into this Approval LA24020, unless Approval LA24020 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA19033 will remain in effect.

July 29, 2025

(original signed)
Kelsey Peddle
Approval Officer

Appendices:

- A. Consistency with the municipal land use planning
- B. Determining directly affected party status and concerns raised by directly affected parties
- C. Explanation of conditions in Approval LA24020

APPENDIX A: Consistency with the 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). In this case, no IDP applies.

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.)

Southwood’s CFO is located in the MD of Taber and is therefore subject to that county’s MDP. The MD of Taber adopted the latest revision to this plan on September 28, 2021, under Bylaw No. 1980.

As relevant here, policies 5.1.13-5.1.15 of the MDP apply to CFOs.

Policy 5.1.13 states that “[c]onfined feeding operations should be discouraged in the areas shown in Map 2 as “Restricted” and as reviewed by council from time to time.” Southwood’s CFO is not within any of the “restricted” areas in Map 2 of the MDP. Therefore, the application is consistent with this policy.

Policy 5.1.14 lists four development setbacks in relation to roads and property lines. While the property line and road setbacks were not identified in Technical Document LA24020, the proposed facilities meet these setbacks. The MD of Taber also confirmed in their response that the application meets these setbacks.

Policy 5.1.15 lists items for the NRCB to consider in its review process. These items are:

- (a) The proximity of the operation to open bodies of water and the topography of the surrounding lands in order to minimize any negative impacts to drinking water supplies;
- (b) The cumulative effect of a new approval on any area near other existing confined feeding operations;
- (c) Environmentally sensitive areas shown in the report, *Municipal District of Taber Environmentally Sensitive Areas in the Oldman River Region*;
- (d) Give notice to adjacent land owners even in the case of applications for registration or authorization.

Item (a) refers to the impact of the operation on drinking water supplies. The environmental risk of the existing facilities was scored by the NRCB’s ERST and found that these facilities pose a low potential risk to surface water and groundwater. In addition, there are no water wells on the

site according to the Alberta Water Well database and EPA, and the closest body of water is a slough which is located approximately 0.5 km from the CFO. For these reasons, the CFO is unlikely to contribute to any contamination of drinking water supplies. Therefore, the application is consistent with this policy.

Item (b) is likely not a “land use provision” because it calls for project-specific, discretionary judgements about the types of cumulative effects that should be considered and the acceptable maximum levels of each of those effects. In a 2011 decision, the NRCB Board stated that consideration of cumulative effects is “not within the Board’s regulatory mandate. As a statutory decision maker, the Board takes its direction from the authorizing legislation. AOPA does not provide for cumulative effects assessment.” (*Zealand Farms*, RFR 2011-02, p. 5). Therefore, I do not consider this provision relevant to my MDP consistency determination.

For item (c), Southwood’s CFO is not within any of the areas designated as of regional, provincial, or national significance in the referenced report. Therefore, the application is consistent with this policy.

Item (d) is likely not a “land use provision” because of its procedural focus and thus I do not consider it relevant to my MDP consistency determination. At any rate, as explained above, the NRCB sent out notification letters to people identified by the M.D. of Taber as owning or residing on land within the notification distance of 2 miles. The NRCB also gave notice in the Taber Times and on the NRCB website. The application therefore meets the notification requirements of AOPA.

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

APPENDIX B: Determining directly affected party status and concerns raised by directly affected parties

The following individuals qualify for directly affected party status because they own a residence within the minimum distance separation (MDS) and waived the MDS requirement in writing:

- John & Betty Jensma – NE 32-13-15 W4
- Johan & Margaretha Siemens – NE 5-14-15 W4

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

Letter of support

John and Betty Jensma, who are directly affected parties because they signed an MDS waiver, also submitted a letter of support for the application. In their response, they stated that they have been neighbours of the CFO for 14 years and have not experienced any problems. They stated the feedlot is well looked after and are confident the expansion will not create any concerns.

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:

- Harvey & Kathy Pepneck – SE & NE 4-14-15 W4
- Jason & Twyla Van Hal – NW & SW 32-13-15 W4, NW 29-13-15 W4, SW 5-14-15 W4, SW & NE 30-13-15 W4, SE 6-14-15 W4
- Andrew & Donna Van Hal – NW 29-13-15 W4
- Harry Pickering – SW 29-13-15 W4, SW 27-13-15 W4
- Harold Unruh – NE 12-14-16 W4, NW 4-14-15 W4, N ½ of SW 4-14-15 W4
- Kurt Gertzen – NW 28-13-15 W4

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

In their responses, the directly affected parties raised the following concerns:

- Nuisances
- Road use and maintenance
- Manure storage and spreading
- Dead animal disposal
- Corporate farming
- Property values
- Effects on the economy
- Quality of life
- Health concerns
- Management of operation
- Effects on the environment
- Location of CFO

Nuisances

Many of the directly affected parties raised concerns regarding nuisances from the CFO including dust from the CFO, constant odours from CFO, odours from irrigating land with catch basin contents, noise from machinery and bellowing calves, light pollution, and flies.

Approval officer's conclusions

AOPA's MDS requirements are a proxy for minimizing odours, flies, dust, noise, light, and other nuisance effects from CFOs. Southwood's proposed CFO expansion meets the MDS to neighbouring residences, with two exceptions in which the owners of those residences have signed MDS waivers. To ensure MDS is met, a condition is included in this approval that requires Southwood to provide written documentation from a professional surveyor to verify that the distance from the residence located on NW 32-13-15 W4, to the nearest portion of the west pens, exceeds 626.0 m, to the nearest 0.1 m. Some of the parties outside of the MDS may experience odours and other nuisance impacts, including from land application of manure or catch basin contents. These impacts may not be trivial to those parties, however, the frequency of these exposures will likely be limited and of short duration.

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 the member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its 24-hour reporting line (1-866-383-6722). A NRCB inspector will follow up on the concern.

Road use and maintenance

Many of the directly affected parties brought forward concerns regarding road use and maintenance in the area. Specifically, they stated there is a lot of dust from heavy trucks using the local roads, increased traffic day and night, roads around the CFO are in poor shape and unable to handle daily wear and tear, there are too many approaches to the CFO, increased traffic would make the roads unsafe for school bus routes, and there is currently a lot of traffic related to the CFO in which the drivers are improperly licensed and transporting overloaded and unstrapped loads. They also stated that they believe that road maintenance should not be a burden on the taxpayers and the MD of Taber needs to commit to better road maintenance.

Approval officer's conclusions

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. It would be impractical and inefficient for the NRCB to attempt to manage road use or upgrades through AOPA permits (see Operational Policy 2016-7: *Approvals* part 9.13). The NRCB's Board has stated "field staff do not have the requisite expertise to develop, mediate or enforce road use agreements/conditions" whereas "municipalities own the roads within their jurisdiction, have the knowledge and expertise to determine what is required in road use agreements, and have the jurisdiction to implement and enforce road use agreements." (*Hutterian Brethren of Murray Lake*, RFR 2020-09, p.4)

Manure storage and spreading

Some of the directly affected parties raised concerns regarding manure being spread without incorporation, stockpiling of manure on the dry corners of irrigated land, neighbours are not benefitting from the manure being produced by the CFO, and soil testing needs to be done on the land manure is applied to. They also stated that the lands listed for manure application in the Part 2 application are rented and the owners do not consent to continued use of their property for manure disposal. They stated that rental agreements are subject to change which raises concern about long-term sustainability.

Approval officer's conclusions

Section 24(5)(a) of the *Standards and Administration Regulation* states that manure does not need to be incorporated after surface application on forage or on directly seeded crops. However, the manure must be applied at least 150 m away from any residence. This setback helps to mitigate odour from manure spreading without incorporation.

Section 5(1) and (2) of the *Standards and Administration Regulation* allows for the short term stockpiling of solid manure, with "short term" being an accumulated total of not more than 7 months over a period of 3 years. Under section 5(3) of that regulation, it states that solid manure must not be stored less than 150 m from the nearest residence that is not under the control of the owner or operator of the storage area.

Section 24(3)(d) of the *Standards and Administration Regulation* states that "a person who applies or stores manure, organic materials or compost must...satisfy an approval officer that for the first year following the granting of an application, the applicant has access to sufficient land to meet the land base requirements determined in accordance with the Code." The Manure Characteristics and Land Base Code, adopted in section 2.1 of the *Standards and Administration Regulation* under AOPA, lays out the required land base for manure application for all livestock types. As noted in Technical Document LA24020, Southwood provided sufficient land to meet the requirements.

Regulations under AOPA set nutrient application limits to prevent the soils from being overloaded with nitrogen. Section 25 of the *Standards and Administration Regulation* under AOPA also requires operators to test soils on farmland to which manure is applied to for salts and nitrogen at least every three years, and to make these records available for inspection by the NRCB.

Complaints about CFOs, including manure spreading and stockpiling, can be reported to the NRCB's 24-hour reporting line (1-866-383-6722). An NRCB inspector will follow up on the concern.

Dead animal disposal

Two of the directly affected parties raised concern about the disposal of dead animals, stating that the applicant is composting their dead animals across the road.

Approval officer's conclusions

The disposal of dead animals is regulated under the *Animal Health Act*, which is administered by Alberta Agriculture and Irrigation. AOPA does not address dead animal

disposal and approval officers will not include new conditions relating to dead animal disposal in permits under AOPA (Operational Policy 2016-7: *Approvals* part 9.15). Future concerns about the disposal of dead animals at a CFO should be forwarded to Alberta Agriculture and Irrigation.

Corporate farming

Some of the directly affected parties raised concerns that the CFO is no longer operating as a family farm, and the CFO has the potential to turn into a much larger operation. They also stated that corporate farming entities are impersonal, are irrespective of neighbours and their wellbeing, and bring new dynamics to a neighbourhood.

Approval officer's conclusions

AOPA does not provide guidance on when a CFO is considered a “corporate” CFO or a “family farm”, it only sets out threshold levels on when an operation requires a permit under AOPA. AOPA does recognize, however, that some CFOs are larger in scale than other operations (for example, in MDS calculations, notification distance, and other technical requirements). Regardless of the size of the operation, all CFOs that require an NRCB permit must follow all of the rules and regulations of AOPA. Consistent with NRCB Operational Policy 2016-7: *Approval*, part 9.10.9, if the application is consistent with the land use provisions of the MDP, then the proposed development is presumed to have an acceptable effect on the community. As noted in section 5 and Appendix A of this decision summary, the proposed CFO expansion meets the land use provisions of the MD of Taber's MDP.

Property values

Two of the directly affected parties raised concerns about property values, stating that there has been an increase in acreage properties in the area that individuals have invested considerable amounts of money into, and the proposed expansion will decrease the value of nearby acreages, land, and farmyards.

Approval officer's conclusions

The land the CFO is located on, and surrounding lands within 2 miles, are zoned “Rural Agricultural.” The NRCB's Board has consistently stated that concerns regarding effect on property values are “not a subject for [the board's] review under AOPA” or for approval officer's consideration of permit applications. According to the Board, “impacts on property values are a land use issue, best dealt with by municipalities through land use provisions applied in municipal development plans and land use bylaws.” (*Double T Cattle*, RFR 2022-08, p. 8)

Effects on the economy

Some of the directly affected parties raised concerns about the effects on the economy, specifically the economic burden the CFO has placed on them and will continue to do with the proposed expansion. They stated that they have had to pay for their own dust mitigation, which can be very expensive, and they have had to install air conditioning in their homes to cool them down in the summer, as the smell from the CFO prevents them from opening their windows.

Approval officer's conclusions

Consistent with NRCB Operation Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the land use provisions of the MDP, then the proposed development is presumed to have an acceptable effect on the economy. The land is zoned Rural Agricultural. As noted in section 5 and Appendix A of this decision summary, the proposed CFO expansion meets the land use provisions of the MD of Taber's MDP.

Quality of life

Some of the directly affected parties raised concerns about their quality of life. They stated that the tranquil environment in the area is turning into an area that is as busy as a metropolitan city, and that they are unable to enjoy their property and the outdoors with their family, as they are now confined to their house because of the poor air quality.

Approval officer's conclusions

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the land use provisions of the MDP, then the proposed development is presumed to have an acceptable effect on the community. As noted in section 5 and Appendix A of this decision summary, the proposed CFO is consistent with the land use provisions of the MD of Taber's MDP.

AOPA's MDS requirements are a proxy for minimizing odours and other nuisance effects from CFOs. Southwood's proposed CFO expansion meets the MDS to neighbouring residences, with two exceptions in which the owners of those residences have signed an MDS waiver. Some of the parties outside of the MDS may experience odours and other nuisance impacts and these impacts may not be trivial to those parties, however, the frequency of these exposures will likely be limited and of short duration.

Health concerns

Some of the directly affected parties raised concerns for their health, stating that they have respiratory discomfort from lingering, pungent odours from the CFO. They also stated that they have to limit their activities outdoors due to respiratory health issues.

Approval officer's conclusions

As stated previously in this decision summary, a copy of the application and the responses that expressed health concerns, were sent to AHS for comment after health concerns were brought forward (see section 8.7.5 of Operational Policy 2016-7: Approvals).

A representative of AHS stated that the NRCB considers potential impacts of CFOs, including potential public health impacts, and for concerned parties to connect with the Approval Officer to discuss concerns. If a member of the public has concerns or questions, they may contact AHS online (<http://ephisahs.albertahealthservices.ca/create-case>) or by phone (1-833-476-4743).

Southwood's proposed expansion meets all of AOPA's technical requirements. AOPA's MDS requirements are a proxy for minimizing odours and other nuisance effects, such as ammonia from CFOs. Southwood's proposed CFO expansion meets the MDS to all

neighbouring residences, with two exceptions in which the owners of those residences have signed MDS waivers. Some of the parties outside of the MDS may experience odours and other nuisance impacts and these impacts may not be trivial to those parties, however, the frequency of these exposures will likely be limited and of short duration. In addition, Approval LA24020 states “The permit holder shall comply with the requirements of the Agricultural Operation Practices Act (AOPA) and the regulations passed pursuant to that Act”.

Based on my experience and from previous responses from AHS to similar health related concerns, general air quality is addressed and mitigated by the minimum distance separation (MDS), guidelines, and industry best management practices. The applicant is encouraged to follow best management practices.

Management of operation

Two of the directly affected parties raised concerns regarding the current management of the CFO. In their response, they stated that cattle have escaped the feedlot in the past in which significant damage was caused, disrupting the surrounding properties, fields, and yards.

Approval officer’s conclusion

While the NRCB has no jurisdiction over this aspect of an operation, the operator is encouraged to ensure their cattle do not escape the confines of the CFO.

Effects on the environment

Some of the directly affected parties raised concerns the proposed expansion will have on the environment. In their responses, they stated the expansion will reduce the air quality, contaminate water, cause soil degradation, and a loss of biodiversity. They stated the proposed expansion will put prime irrigation land out of production, that high monetary value and top-yielding farmland should stay as farmland, and the topsoil that is to be removed to allow for the construction should be stored, or else the natural soil structure will be disrupted and diminish the land’s ability to support healthy crops and vegetation in the future. They also stated that the applicant is burning questionable materials late at night and on weekends that emit toxic smells.

Approval officer’s conclusion

If an application meets all of AOPA’s technical requirements, then I may presume that the environmental effects of the proposed development will be acceptable (Operational Policy 2016-7: Approvals, part 9.10.9(1)). As noted in section 6 of this decision summary and further documented in Technical Document LA24020, the proposed expansion meets all AOPA technical requirements.

AOPA and its regulations contain several requirements to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from a CFO from reaching and contaminating surface water and groundwater. One of these requirements is the setback from water wells set out in Section 7(1)(b) of the Standards and Administration Regulation, which prohibits the construction of a manure storage facility or manure collection areas (MSF/MCA) within 100 m of water wells. Another requirement 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. During my site visit, I did not note any common bodies of water within 30 m of the proposed CFO facilities, nor any water wells within 100 m.

Location of the CFO

Some of the directly affected parties raised concerns about the location of the CFO. In their responses, they stated that there are several neighbouring residences in close proximity to the CFO and the CFO should be located on unproductive, low-yielding land.

Approval officer's conclusions

AOPA does not require an applicant to justify a selected site for the proposed development, but rather, only that the proposed site is able to meet various requirements of the legislation. As stated previously, Southwood's proposed CFO expansion meets the MDS requirements to nearby residences, with two exceptions in which the owners of those residences have signed MDS waivers, is located on land zoned "Rural Agricultural", and meets the land use provisions of the MD of Taber's MDP.

APPENDIX C: Explanation of conditions in Approval LA24020

Approval LA24020 includes several conditions, discussed below, and carries forward all conditions from Approval LA19033. Construction conditions that have been met from historical permits are identified in the appendix to Approval LA24020.

a. Construction Deadline

Southwood proposes to complete construction of the proposed new pens and catch basin 2 by August 31, 2028. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of August 31, 2028, is included as a condition in Approval LA24020.

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 LA24020 includes conditions requiring:

- a. Southwood to provide to the NRCB written documentation from a professional surveyor to verify that the distance from the residence located on NW 32-13-15 W4, to the nearest portion of the west pens, exceeds 626.0 m, to the nearest 0.1 m.

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 LA24020 includes conditions stating that Southwood shall not place livestock or manure in the manure storage or collection portions of the west and north pens, nor allow manure impacted run-off to enter catch basin 2 until NRCB personnel have inspected the pens and catch basin and confirmed in writing that they meet the approval requirements.