

Decision Summary RA25021

This document summarizes my reasons for issuing Registration RA25021 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25021. 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 a registration. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On March 7, 2025, Nathan Van del Pol on behalf of Westside Poultry Ltd. (Westside Poultry) submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on May 20, 2025. On June 12, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing livestock numbers from 50,000 to 57,000 chicken broilers
- Constructing an addition on broiler barn 1 - 98 m x 13 m (total barn dimensions 158 m x 13 m)
- Constructing a new solid manure storage pad - 12.8 m x 18.3 m (42 ft. x 60 ft.)
- The applicant also requested to modify the wording of his water well testing condition to reflect current NRCB monitoring practices (from an “inflexible” condition to a “flexible” condition).

a. Location

The existing CFO is located at NE 24-40-28 W4M in Lacombe County, roughly three km east of the summer village of Gull Lake. The terrain is undulating, with a general slope to the west.

b. Existing permits

The CFO has a deemed (grandfathered) registration as well as NRCB issued Registration RA08034 and Authorization RA16012. Collectively, these NRCB permits allow Westside Poultry to construct and operate a poultry CFO with a permitted livestock capacity of 50,000 chicken broilers. The closest common body of water is a seasonal drain approximately 195 m from the proposed new facilities.

The CFO's existing permitted facilities are listed in the appendix to the Registration RA25021.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by a registration 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 ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 203 metres. Therefore, the notification distance is 0.5 miles.

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 Lacombe 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 Lacombe Express newspaper in circulation in the community affected by the application on June 12, 2025, and
- sending 11 notification letters to people identified by Lacombe County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours at the Red Deer NRCB office.

3. Notice to other persons or organizations

Under NRCB policy, 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 letter and a copy of the complete application was emailed to Alberta Environment and Protected Areas (EPA) and Alberta Transportation & Economic Corridors (TEC).

I also sent a copy of the application to ATCO Gas and Pipelines Ltd. and EQUUS as they are right of way holders.

Ms. Brittany Van Norman, assistant development and planning technologist, responded on behalf of TEC. Ms. Van Norman indicated that the proposed construction requires a roadside development permit. A copy of this response was forwarded to the applicant. Westside Poultry is reminded that they are required to obtain all necessary permits.

Mr. David Toop, a senior water administration hydrogeologist, responded on behalf of EPA. Mr. Toop stated that there appears to be sufficient water licensing for the proposed expansion. He also noted that the applicant is required to do a name change amendment and provided instructions on how to do so. The applicant is reminded to complete this amendment.

No other responses were received.

Registration RA25021 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 Lacombe County's municipal development plan. (See Appendix A for a more detailed discussion of the County's planning requirements.) There is no IDP for the site's location.

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 9 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." Lacombe County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Allison Noonan, a planning services administrative assistant with Lacombe County, provided a written response on behalf of Lacombe County. Ms. Noonan stated that the application is consistent with Lacombe County's land use provisions of the municipal development plan. The application's consistency with the land use provisions of Lacombe County's municipal development plan is addressed in Appendix A, attached.

Apart from municipalities, any member of the public may request to be considered “directly affected.”

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). Ron Vink, on behalf of Triple V Farms 1977 Ltd., provided an MDS waiver and is a directly affected party.

8. Environmental risk of CFO facilities

New MSF/MCAs 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, porous subsurface materials, or surface water systems an approval officer may require groundwater monitoring for the facility. A determination was made that monitoring is not required due to the solid nature of the manure and because the proposed concrete liner meets AOPA requirements.

When reviewing a new registration 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 Westside Poultry’s existing CFO facilities were assessed in 2016 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. Terms and conditions

Registration RA25021 specifies the cumulative permitted livestock capacity as 57,000 chicken broilers and permits the construction of the broiler barn addition, and solid manure pad. The permit also reflects the updated wording in the water well monitoring condition.

Registration RA25021 contains terms that the NRCB generally includes in all AOPA registrations, 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, Registration RA25021 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 Registration RA25021: Registration RA08034 and Authorization RA16012 (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 registration.

10. Conclusion

Registration RA25021 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25021.

Westside Poultry's deemed registration and previously issued Registration RA08034 and Authorization RA16012 are therefore superseded, and their content consolidated into this Registration RA25021, unless Registration RA25021 is held invalid following a review and decision by the NRCB's board members or by a court, in which case the deemed registration and Registration RA08034 and Authorization RA16012 will remain in effect.

September 22, 2025

(Original signed)

Lynn Stone
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Registration RA25021

APPENDIX A: Consistency with municipal land use planning

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration 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 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 22(2.1) 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 provisions are commonly referred to as “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.)

Municipal Development Plan (MDP)

Westside Poultry’s CFO is located in Lacombe County and is therefore subject to that county’s MDP. Lacombe County adopted the latest revision to this plan on March 13, 2025, under Bylaw 1238/17.

Section 3.3.1 states that “[A]ll lands in the County shall be deemed to be agricultural lands unless otherwise designated by the Municipal Development Plan, an approved statutory or non-statutory plan, the Land Use Bylaw, or provincial legislation.” Westside Poultry’s site is zoned as agricultural.

This provides insight for the interpretation of the remaining portions of the MDP.

Section 3.9.1 of the County’s MDP states that the “County shall provide input on applications for confined feeding operations to the Natural Resources Conservation Board (NRCB) under the *Agricultural Operations Practices Act*. The County’s support is subject to the following:

- a) no new confined feeding operation shall be permitted less than 1.6 kilometres (1 mile) from the boundary of:
 - i) a town, village, summer village or hamlet;
 - ii) an area developed or designated for multi-lot residential use; or
 - iii) a provincial or municipal park or recreation area, or other area used or intended to be used for a recreational facility development,except that where provincial regulations require a larger setback distance, that distance shall apply.

Further restriction on the development of confined feeding operations may apply as directed by an Intermunicipal Development Plan or other local plan approved by Council.”

Westside Poultry’s application is for the expansion of an existing CFO; therefore, these setbacks do not apply.

As for section 3.9.1's reference to intermunicipal development plans (IDP) or other plans approved by the County's council, this CFO is not located within land identified as part of an IDP or any other plans.

For these reasons, I conclude that the application is consistent with the land use provisions of Lacombe County's MDP. This conclusion is consistent with the County's written response to the application.

APPENDIX B: Explanation of conditions in Registration RA25021

Registration RA25021 includes several conditions, discussed below, and carries forward an operating condition from Registration RA08034 (see section 2 of this appendix). Construction conditions from historical Registration RA08034 and Authorization RA16012 that have been met are identified in the appendix to Registration RA25021.

Registration RA25021 includes several conditions, discussed below:

1. New conditions in Registration RA25021

a. Construction Deadline

Westside Poultry proposes to complete construction of the proposed broiler barn addition and solid manure storage pad by August 1, 2026. In my opinion, a longer timeframe may be more appropriate to account for unexpected construction delays. The deadline of November 30, 2027 is included as a condition in Registration RA25021.

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, Registration RA25021 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the broiler barn addition to meet category D (solid manure – dry), and solid manure storage pad to meet the specification for category C (solid manure – wet) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Westside Poultry to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the broiler barn addition and solid manure storage pad.

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. Registration RA25021 includes a condition stating that Westside Poultry shall not place livestock or manure in the manure storage or collection portions of the broiler barn addition, nor allow manure on the solid manure storage pad until NRCB personnel have inspected the barn addition and solid pad and confirmed in writing that they meet the registration requirements.

2. Conditions carried forward and modified from Registration RA08034

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that condition 4 from Registration RA08034 should be carried forward as modified. The condition wording is updated to reflect current NRCB practices.