

## Decision Summary RA25047

This document summarizes my reasons for issuing Registration RA25047 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25047. 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 a registration. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On July 18, 2025, Jordan and Nicole Klassen, operating as J&N Farms (Klassen), submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on July 18, 2025. On July 30, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of chicken broilers from 14,000 to 45,000
- Constructing a new broiler barn (broiler barn 2) – 114.3 m x 19.8 m

#### a. Location

The existing CFO is located on a 40-acre subdivided parcel at SW 18-30-25 W4M in Kneehill County, roughly three km south of the village of Linden. The terrain is mostly flat, with a gentle slope to the southeast. The nearest common body of water is Lonepine Creek located approximately one km north of the CFO.

#### b. Existing permits

As the CFO existed on January 1, 2002, the CFO is grandfathered with a deemed registration under section 18.1 of AOPA. That deemed permit includes Kneehill County Development Permit #564-82, issued March 3, 1982. This deemed registration allows for the construction and operation of a poultry CFO with a 14,000-bird capacity. The determination of the CFO's deemed permit status under section 18.1 of AOPA is explained in Appendix C, attached. The deemed facilities are listed in the appendix to the Registration RA25047.

## 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 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 186 metres. Therefore, the notification distance is ½ mile. (The NRCB refers to this distance as the “notification distance.”)

None of the CFO facilities are located within 100 m of a bank of a river, stream or canal, and no other municipality has a boundary within the ½ mile notification distance.

A copy of the application was sent to Kneehill County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Three Hills Capital newspaper in circulation in the community affected by the application on July 30, 2025, and
- sending 13 notification letters to people identified by Kneehill County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours at the Red Deer 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 letters and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA) and to Alberta Transportation and Economic Corridors (TEC).

I also sent a copy of the application to Harvest Hills Gas Co-op Ltd. and Hawthorne Energy Ltd., as they are right of way holders.

Yashi Parmar, a development and planning technologist with TEC, responded on behalf of TEC stating that the proposed development is outside of the permit area and therefore TEC has no comments or requirements regarding the application.

I did not receive any other responses.

Registration RA25047 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 22(9) 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. 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). There is no applicable IDP for this application.

#### **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 the residences have 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 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 (MDP). The application's consistency with the land use provisions of Kneehill County's MDP is addressed in Appendix A, attached.

Ms. Hazelton also listed the setbacks required by Kneehill County's land use bylaw (LUB) and noted that the application meets these setbacks.

Apart from municipalities, an owner or occupant of land within the notification distance may request to be considered “directly affected.” The NRCB did not receive a response from any individuals or parties.

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 party (see NRCB Operational Policy 2016-7: Approvals, part 7.2.2). Rhonda and Shane Straub, and Earl Toews, provided MDS waivers and are directly affected parties.

## **8. Environmental risk of CFO facilities**

As part of my review of this application, I assessed the risk to the environment posed by the CFO’s existing broiler barn. I used the NRCB’s environmental risk screening tool (ERST) to assist in my assessment of risk to surface water and groundwater (see NRCB Operational Policy 2016-7: Approvals, part 9.17). The tool provides for a numeric scoring of risks, which can fall within 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).) The assessment found that this facility poses a low potential risk to groundwater and surface water.

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. The information on this file supports the assumption that risks to groundwater and surface water are low; therefore, groundwater monitoring is not required.

## **9. Terms and conditions**

Registration RA25047 specifies the cumulative permitted livestock capacity as 45,000 chicken broilers and permits the construction of broiler barn 2.

Registration RA25047 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 RA25047 includes conditions that generally address construction deadline, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

## **10. Conclusion**

Registration RA25047 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25047.

Klassen's deemed registration, including Kneehill County Development Permit #564-82, is therefore superseded and its content consolidated into this Registration RA25047, unless Registration RA25047 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Kneehill County Development Permit #564-82 will remain in effect.

October 1, 2025

(Original signed)

Sarah Neff  
Approval Office

**Appendices:**

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Registration RA25047
- C. Determination of deemed permit status

## **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). There is no applicable IDP for this application.

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)

Klassen’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 No. 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...”

Klassen’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 that I may consider.

## **APPENDIX B: Explanation of conditions in Registration RA25047**

Registration RA25047 includes several conditions, discussed below:

### **a. Construction deadline**

Klassen proposes to complete construction of the proposed broiler barn 2 by May 2026. It is my opinion that a longer timeframe would be more reasonable to allow for potential construction or material delays. Therefore, the deadline of May 31, 2027, is included as a condition in Registration RA25047.

### **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 RA25047 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of broiler barn 2 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. Klassen to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the new broiler barn.

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 RA25047 includes a condition stating that Klassen shall not place livestock or manure in the manure storage or collection portions of the new broiler barn 2 until NRCB personnel have inspected the barn and confirmed in writing that it meets the registration requirements.

## **APPENDIX C: Determination of deemed permit status**

Klassen claims that its CFO is grandfathered (that is, it has a “deemed” permit) under section 18.1 of AOPA. I am treating that as a request for a determination of deemed permit status. A grandfathering determination is necessary in this case because it is necessary to determine which facilities/footprint is grandfathered and, therefore, exempt from having to meet AOPA regulations under section 22(2.2) of AOPA).

See NRCB Operational Policy 2023-1: Grandfathering (Deemed Permit), part 3.1.

Under section 11(1) of the Administrative Procedures Regulation under AOPA, because I am cross appointed as an NRCB inspector, I conducted an investigation into the deemed permit status of the CFO. I also determined the capacity of the CFO that was in place on January 1, 2002.

In this case, the operator bears the onus of providing sufficient evidence to support their claim (Operational Policy 2023-1: Grandfathering (Deemed Permit), part 2.3).

### Evidence

The CFO was originally permitted by Kneehill County on March 3, 1982, under development permit #564-82. This permit allowed the construction and operation of a poultry CFO with a 14,000-bird capacity. This development permit is a deemed (i.e. grandfathered) registration under section 18.1(1)(b) of AOPA. The CFO’s deemed facilities are listed in the appendix of Registration RA25047.

### Notice:

Under section 11 of the Administrative Procedures Regulation, notice of a deemed permit determination is not required if the CFO was constructed pursuant to a development permit issued before January 1, 2002. See also Operational Policy 2023-1: Grandfathering (Deemed Permit), part 5.2.1.

### Findings:

Under section 18.1(2)(c), the CFO’s deemed capacity is the capacity stated in the CFO’s development permit. Therefore, the CFO has a deemed capacity of 14,000 chicken broilers.

### Validity today:

Finally, Operational Policy 2023-1: Grandfathering (Deemed Permit), part 9.0 suggests that field services staff assess the validity of a deemed permit today.

Under Operational Policy 2023-1: Grandfathering (Deemed Permit), part 9.1, I considered whether the CFO has been abandoned since January 1, 2002. I considered factors relevant to abandonment, as identified in Operational Policy 2016-3: Permit Cancellations under AOPA Section 29. I note that through my conversations with the operator, evidence I gathered during a site visit, and the viewing of historical aerial imagery, I conclude this CFO has not been abandoned.