

Decision Summary LA25064

This document summarizes my reasons for issuing Approval LA25064 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25064. 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.

1. Background

On July 30, 2025, Sunnyview Farms Ltd. (Sunnyview) was issued Approval LA25040 to construct a new beef CFO. This permit allowed the construction of nine feedlot pens, two shelters, and a catch basin for 180 beef calves and 1,120 beef feeders.

On August 7, 2025, Sunnyview submitted a Part 1 application to the NRCB to amend Approval LA25040, and also expand the permitted, but not yet constructed, beef CFO. The application includes constructing three additional manure collection areas and amending the location and dimensions of all permitted pens and shelters. The application also adjusts numbers for cattle types.

The proposed change in livestock results in an increase in manure and odor production, therefore a new approval is required, rather than an amendment (see NRCB Operational Policy 2016-07: Approvals, part 8.4). For additional information on NRCB permits please refer to www.nrcb.ca.

The complete Part 2 application was submitted on August 8, 2025. I deemed the application complete on August 26, 2025.

The proposed expansion involves:

- Increasing beef finisher numbers from 0 to 300
- Decreasing beef feeder numbers from 1,120 to 300
- Increasing beef feeder calf numbers from 180 to 1,160
- Constructing pens 1-6 – 24.4 m x 29.3 m each
- Constructing pens 7-10 – 41.5 m x 29.3 m each
- Constructing shelters 1-4 – 130 x 30 m each

a. Location

The CFO is located at SW 26-11-23 W4M in Lethbridge County, roughly five km north of the town of Nobleford, AB. The terrain is relatively flat, sloping to the northeast. The nearest common body of water is Keho Lake, approximately one km northeast of the CFO.

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 one 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 Lethbridge County, which is the municipality where the CFO is located. No other municipality has a boundary within the notification distance.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Sunny South News newspaper in circulation in the community affected by the application on August 26, 2025, and
- sending 14 notification letters to people identified by Lethbridge County as owning or residing on land within the notification distance.

The full application was made available for viewing 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 Lethbridge North County Potable Water Coop Ltd., FortisAlberta Ltd., and Little Bow Gas Coop Ltd as they are utility right of way holders on the subject land.

In their response, a planning and development tech with TEC stated that they do not have any concerns with the application and that a permit from TEC is not required.

This response was passed on to the applicant for their information.

Approval LA25064 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.

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. MDP consistency

I have determined that the proposed expansion is consistent with the land use provisions of Lethbridge County'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.

6. AOPA requirements

With respect to the technical requirements set out in the regulations, the proposed expansion:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and protective layers 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." Lethbridge County is an affected party (and directly affected) because the proposed CFO is located within its boundaries.

Ms. Hannah Laberge, a planning intern with Lethbridge County, provided a written response on behalf of Lethbridge County. Ms. Laberge stated that the application is consistent with Lethbridge County's land use provisions of the municipal development plan (MDP). The application's consistency with the land use provisions of the Lethbridge County's MDP is addressed in Appendix A, attached.

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

8. Environmental risk of CFO facilities

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 monitoring. A determination was made that monitoring is not required because the naturally occurring protective layer meets AOPA requirements and there is no evidence of a shallow water table or groundwater resource.

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. Hannah Laberge listed the setbacks required by Lethbridge County's land use bylaw (LUB) and noted that the application meets the setbacks to the road and the west property line. She noted that the application does not include the distance to the north property line. I have confirmed that the application meets the 6.1 m setback to the north property line during a site visit and via aerial imagery.

I have also 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/decisions.htm>, accessed September 23, 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, responses from Lethbridge County and referral agencies, and my own observations from a site visit.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP, then the proposed expansions is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted (see discussion of the MDP in Appendix A).

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 the CFO is located on is zoned Rural Agricultural. In my view, this presumption is not rebutted.

10. Terms and conditions

Approval LA25064 specifies the cumulative permitted livestock capacity as 300 beef finishers, 300 beef feeders and 1,160 beef feeder calves, and permits the construction of feedlot pens 1-10 and shelters 1-4.

Approval LA25064 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 LA25064 includes conditions that generally address construction deadlines 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 permit with Approval LA25050: Approval LA25040 (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. Conditions 21-23 of Approval LA25040 are renumbered and carried forward to this Approval.

11. Conclusion

Approval LA25064 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25064.

Sunnyview's NRCB-issued Approval LA25040 is therefore superseded, and its content consolidated into this Approval LA25064, unless Approval LA25064 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA25040 will remain in effect.

October 6, 2025

(original signed)
Kailee Davis
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Approval LA25064

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). There is no applicable 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.)

Sunnyview’s proposed CFO is to be located in Lethbridge County and is therefore subject to that county’s MDP. Lethbridge County adopted the latest revision to this plan on March 10, 2022, under Bylaw #22-001.

The policies pertaining to CFOs are in part 4, section 3 “Intensive Livestock/Confined Feeding Operations.”

Section 3.0 states that the county is supportive of CFOs in areas that are less prone to conflict and where municipal infrastructure can support such developments.

This is likely not a land use provision as it is subjective what can or cannot be supported by municipal infrastructure and that is not within NRCB’s discretion.

Section 3.1 and 3.2 states that new CFOs are not permitted in the MDP CFO exclusion areas (Maps 2A and 2B), IDP CFO exclusion areas, or in CFO exclusion zones of high density residential growth centres.

The CFO is near but is not in any exclusion areas identified in these policies and is therefore consistent with this policy.

Section 3.3 states that existing operations within an urban fringe district may be permitted to expand or make improvements with consideration to any IDP that allows for such.

The CFO is not within an urban fringe district; therefore, this policy does not apply to this application.

Section 3.4 pertains to the consistency of CFO exclusion zones across the county’s planning documents.

This policy is procedural in nature and is not a land use provision. Therefore, it is not relevant to my MDP consistency determination.

Section 3.5 states that CFOs shall not be supported to establish or expand within environmentally sensitive areas identified in the *Cotton Wood Report: County of Lethbridge: Environmentally Significant Areas in the Oldman River Region (1987)*.

The CFO is near but is not located within any environmentally sensitive areas (Keho Lake) identified in that report and is therefore consistent with this policy.

Section 3.6 states that “no part of a CFO building, structure, corrals, compost area, or stockpile is to be located within the property line and public roadway setbacks, including provincial highways, as outlined in the municipal Land Use Bylaw.”

In my view, this is a site-specific test and is not a land use provision that I can consider. However, the application meets the setbacks outlined in Lethbridge County’s Land Use Bylaw and is therefore consistent with this policy. This is supported by Lethbridge County’s response and my findings.

Section 3.7 states that CFOs are discretionary uses and only in areas zoned as Rural Agriculture with a minimum parcel size of 80 acres.

As noted in Lethbridge County’s response, the CFO is within a land use district zoned as Rural Agricultural.

The minimum parcel size stipulation is a condition for the site of a CFO and is not a land use provision. Section 20(1.1) of AOPA states that Approval Officers shall not consider provisions respecting tests of conditions related to the site of a CFO. Nevertheless, the application is consistent with this part of the policy.

Sections 3.8, 3.9, 3.10, and 3.11 discuss CFO operational practices with respect to AOPA, manure spreading in CFO exclusion areas, the use of a reciprocal MDS, and collaboration with the NRCB, respectively.

These policies are not land use provisions (test or condition, not applicable, procedural) and therefore not relevant to my MDP consistency determination.

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

APPENDIX B: Explanation of conditions in Approval LA25064

Approval LA25064 includes several conditions, discussed below, and carries forward a number of conditions from Approval LA25040 (see sections 2 and 3 of this appendix):

1. New conditions in Approval LA25064

a. Construction deadline

Sunnyview proposes to complete construction of the CFO in stages. They have proposed to complete construction of pens 1-6 and shelters 1-4 in two years and to complete construction of pens 7-10 in four years. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of September 30, 2027, to complete construction of pens 1-6 and shelters 1-4 is included as a condition in Approval LA25064. The deadline of September 30, 2029, to complete construction of pens 7-10 is also included as a condition in Approval LA25064.

a. Post-construction inspection and review

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 LA25064 includes conditions stating that Sunnyview shall not place livestock or manure in the manure storage or collection portions of the new feedlot pens or shelters until NRCB personnel have inspected the facilities and confirmed in writing that they meet the approval requirements.

2. Conditions not carried forward from Approval LA25040

Approval LA25064 includes the terms and conditions in LA25040, except those noted below.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions 1-20 from Approval LA25040 should be deleted and therefore are not carried forward to Approval LA25064. My reasons for deleting these conditions is that these conditions are no longer relevant as Application LA25064 has proposed new pens and shelters to replace those permitted by LA25040.

Pen 1

22. The co-permit holders shall complete construction of pen 1 prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.

23. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 2

24. The co-permit holders shall complete construction of pen 2 prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.

25. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 3

26. The co-permit holders shall complete construction of the pen 3 prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.
27. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 4

28. The co-permit holders shall complete construction of pen 4 prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.
29. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 5

30. The co-permit holders shall complete construction of pen 5 prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.
31. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 6

32. The co-permit holders shall complete construction of pen 6 prior to July 31, 2027. Upon request, this deadline may be extended by the NRCB in writing.
33. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 7

34. The co-permit holders shall complete construction of pen 7 prior to July 31, 2027. Upon request, this deadline may be extended by the NRCB in writing.
35. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 8

36. The co-permit holders shall complete construction of pen 8 prior to July 31, 2027. Upon request, this deadline may be extended by the NRCB in writing.
37. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Pen 9

38. The co-permit holders shall complete construction of pen 9 prior to July 31, 2027. Upon request, this deadline may be extended by the NRCB in writing.
39. The co-permit holders shall not allow livestock or manure to enter the pen until the NRCB has inspected the facility and stated in writing that the facility has been constructed in accordance with this approval.

Shelters 1 and 2

40. The co-permit holders shall complete construction of the shelters prior to July 31, 2029. Upon request, this deadline may be extended by the NRCB in writing.