

FORM D

LAND USE BYLAW NO. 790-98

Development Permit Application No.: 98-25

Development Permit No. 98-25

This development is hereby issued to:

NAME: E.A. NELSON RANCHES LTD.

ENTERED

ADDRESS: Box 128, Stirling, AB T0K 2E0

In respect of works consisting of: increase in intensive livestock operation from 3,000 to 7,000

On land located at: NE 1/4 7-6-19-W4 and as described on plans submitted by the applicant.

This permit refers only to works outlined in Development Application No. 98-25 and is subject to the conditions contained herein:

This permit becomes effective the 20 day of October, 1998 unless an appeal pursuant to section 686(1) of the Municipal Government Act is lodged within (14) days of the following date:

DATE: October 6, 1998

SIGNED:

Allan K. Romeril, Development Officer

THIS IS NOT A BUILDING PERMIT

The development outlined is subject to the following conditions:

- a. This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the land use bylaw and in no way relieves or excuses the applicant from complying with the land use bylaw or any other bylaws, laws, order and/or regulations affecting such development.
- b. This permit, issued in accordance with the notice of decision, is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
- c. If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within twelve (12) months from the date of issue of this development permit.

See over ➔

COUNTY WARNER NO. 5
NOTICE OF DECISION

SCHEDULE 11
FORM C

LAND USE BYLAW NO. 790-98
DEVELOPMENT PERMIT APPLICATION NO.98-25

NAME: F.A. Nelson Ranches Ltd.
ADDRESS: Box 128, Stirling, AB T0K 2E0

In the matter of development of property located at: NE ¼ 7-6-19-W4

The development as specified in Application No. 98-25 has been:

APPROVED

APPROVED subject to the following conditions:

The developer must adhere to the following comments, recommendations and regulations as outlined by the County Municipal Planning Commission, other regulatory bodies and provincial government departments. Each regulatory body shall be responsible to enforce their own comments, recommendations and regulations except where there appears to be mutual areas of concern or interest. Mutual areas of concern or interest may be jointly enforced by the affected bodies. The comments, recommendations and regulations are as follows:

County of Warner: The County waives the minimum distance setback as recommended by the Code of Practice from 2378 feet to 1575 from the nearest residence. It also waives the minimum distance from Primary Highway 52 from one half mile to one quarter mile. The distance from the irrigation canal is approved at 100 feet south of it, if proper barriers are in place, otherwise the distance shall be 200 feet. No runoff can be allowed to enter the canal at any time. Manure shall be worked into the ground within 24 hours of spreading if neighbours deem it a problem, otherwise the manure needs to be incorporated into the soil within 48 hours. A dust control program within the feedlot will be implemented. A fly control program will be implemented.

Alberta Agriculture - The recommendations of Alberta Agriculture shall be adhered to except for those waived by the County of Warner and the information is enclosed in the letter dated September 25, 1998 and it is attached as Appendix A.

Alberta Transportation - Due to the feedlot being within 300 metres of Primary Highway 52, a permit is required to be obtained from Alberta Transportation.

Chinook Health Region - The recommendations of Chinook Health Region shall be adhered to except for those waived by the County of Warner and the information is enclosed in a letter dated September 30, 1998 and it is attached as Appendix B.

REFUSED for the following reasons:

Development Permit to be issued on the 20 day of October, 1998 (*if no appeals are received*)

A development permit has been issued in accordance with this notice but shall not be valid until fourteen (14) days after the date of issue in accordance with section 686 of the Municipal Government Act

DATE: October 6, 1998

SIGNED: 

Allan K. Romeril, Development Officer

THIS DOES NOT CONSTITUTE A DEVELOPMENT PERMIT

This decision is appealable to the Development Appeal Board of the County of Warner No. 5 within fourteen (14) days of the date of this notice by any party considering themselves to be adversely affected.



COMMUNITY HEALTH - LETHBRIDGE

801 - 1st Avenue South • Lethbridge, Alberta • T1J 4L5
Phone: (403) 382-6666 Fax: (403) 328-5934

CORPORATE OFFICE
90 - 19 St. South
Lethbridge, AB
T1J 1W5
Phone: (403) 382-6009
Fax: (403) 382-6011

CARDSTON
Cardston Hospital
Community Health Office
Grandview Nursing Home

CALDALE
Community Health Offices

CROWNEST PASS
Crownest Pass Hospital
Community Health Office

FORT MACLEOD
Fort Macleod Hospital
Community Health Office
Special Development Unit

LETHBRIDGE
Lethbridge Regional Hospital
Community Health Offices
Children's Centre

LAGRATH
Lagrath Hospital
Community Health Office

MILK RIVER
Milk River Hospital

PICTURE BUTTE
Picture Butte Hospital
Community Health Office

FINCHER CREEK
Fincher Creek Hospital
Community Health Office

RAYMOND
Raymond Hospital
Community Health Office

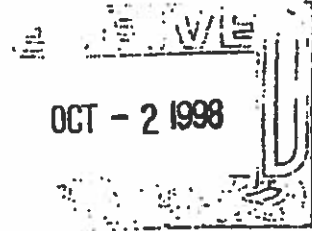
TRADER
Trader Hospital
Community Health Office

WYXHALL
Community Health Office

WARNER
Community Health Office

September 30, 1998

Mr. Allan Romeril
County Administrator
County of Warner #5
Box 90
WARNER, Alberta
TOK 2L0



FAX Rec'd
SEP 30/98
HJL

Dear Allan:

Re: Development Application 98-25, NE 7-6-19-W4

From the information provided and our on-site inspection, this office has the following comments:

1. *The development should meet the distance requirements of the County of Warner #5 Land Use Bylaw and the Alberta Agriculture Code of Practice.*
2. *All surface drainage should be properly contained on lands owned by the owner/operator. This should include properly designed catch basins for the proposed and existing feedlot areas.*
3. *The irrigation canal should be protected from drainage and/or pollution from this operation.*
4. *There should be written proof of sufficient land base for manure spreading as required by the Code of Practice and/or the Land Use Bylaw.*
5. *Manure should be incorporated within 48 hours after application.*
6. *There should be containment area for deads, and provision for removal or burial within 48 hours.*
7. *A fly control program is required.*

Yours truly,

John Byrne, C.P.H.I.(C)
Public Health Inspector

JB/lz

APPENDIX A



Agriculture Centre, Jail Road, Lethbridge, Alberta T1J 4C7
Telephone: 403-381-5131; Fax Number: 403-381-5808

September 25th, 1998

County of Warner No. 5
P.O. Box 90
Warner, Alberta
T0K 2L0

Attention: Mr. Allan Romeril
Administrator

Dear Sir:

**Re: Application for Development
Nelson Ranches 4,000 Beef Feedlot Expansion
NE 763B-W4**

A review of the proposed development site was carried out on September 25th, 1998, with Mr. G. Nelson. The Code of Practice for the Safe and Economic Handling of Animal Manures forms the basis for these comments.

It is understood that the proposed development will be an expansion of 20 pens, approximately 152' by 200' in size, onto the existing beef feedlot. The capacity of the existing feedlot, based upon information supplied by Mr. Nelson, is approximately 3,000 head at the present with the proposed expansion adding 4,000 animals. The proposed expansion is slated for the feeding of weaner calves through to full slaughter weight.

County of Warner No. 5
Development Application
F.A. Nelson Farms.
September 25, 1998
Page 2

a) Minimum Distance Separation (MDS)

The minimum separation distance from the nearest part of the feedlot to the nearest neighboring residence should be at least 2,378 feet (725 m) for a category 1, single residence or low sensitivity neighbour. The information supplied with the application, as well as air photo interpretation, shows the actual distance to be approximately 1575 feet to the nearest neighbouring residence from the closest point on the proposed expansion. This does not meet the separation distance criteria as set out in the Code.

In addition, a minimum separation of 150 feet must be provided from any irrigation canal/drainage ditch and adequate measures taken to ensure no contamination of these areas.

b) Soils Testing

It is recommended that proper testing of the soils in the area where the proposed pens are to be constructed be undertaken to ensure that the soils contain an adequate clay percentage to ensure that the pen floor permeability will allow no contamination of ground water. No soils information was available at the time of the site inspection.

c) Storage of Manure

The storage of manure can be accommodated within the pens. The manure should be cleaned from the pens as proposed on a six month basis.

d) Land for Manure Nutrient Utilization

In accordance with the Code of Practice, approximately 2,083 acres of cultivated dryland or 1,042 acres of cultivated irrigated land are required for adequate manure nutrient utilization from the entire feedlot (existing area and proposed expansion). These figures are based upon nitrogen utilization. Additional area may be required when phosphorus utilization is considered.

Manure should be incorporated within 48 hours of application, weather permitting. Due care and consideration should be exercised when spreading manure on lands near neighboring residences by maintaining an adequate separation distance.

Manure should not be spread on frozen or snow covered ground.

County of Warner No. 5
Development Application
F.A. Nelson Farms.
September 25, 1998
Page 3

All waterways on lands utilized for manure spreading must be protected from contamination by manure and/or run-off from manure.

e) Containment of Run-off

All surface run-off from the proposed facility should be contained and prevented from contaminating surface or groundwater. In order to achieve this, it is recommended that:

- 1) Berms be constructed to divert surface run-off water away from the facility and contain run-off originating at the facility.
- 2) Runoff storage ponds be constructed to contain excess runoff from the feedlot area. The storage volume for the proposed expansion should be 5,380 m³ (1.184 million gals) with a minimum of 0.5 m freeboard on the ponds.
- 3) The storage ponds are to be properly engineered and constructed so as to achieve a hydraulic conductivity of less than 1×10^{-7} cm/sec. The floor of the pond must also be at least one meter above the ground water table. Information on the ground water table, as well as soils, was not available at the time of the site inspection.

The proposal for expansion makes provision for landscaping the expansion to allow for adequate drainage and diverting surface runoff away from the feedlot.

f) Water Provision

The provision of drinking water for the animals, with the appropriate permits, as detailed in the development application should be adequate for the feedlot and expansion. It is estimated that the peak water demand will be approximately 375 m³ / day (75,000 gal / day) for the entire feedlot.

g) Dead Animal Disposal

Dead animals are to be disposed of in a prompt and acceptable manner in accordance with the Livestock Diseases Act and Public Health Act. Dead animals should be properly handled, stored and/or disposed of within 48 hours of death to minimize odors, flies, transmission of disease and threat of pollution. The existing feedlot utilizes a

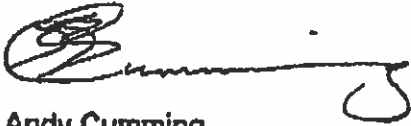
County of Warner No. 5
Development Application
F.A. Nelson Farms.
September 25, 1998
Page 4

rendering service for dead animal disposal which is an acceptable method of disposal.

With consideration of the above mentioned siting aspects of this proposed development, the proposed location is not considered satisfactory for such development in terms of the Code of Practice as it does not meet the recommended separation distance.

No soils information or information regarding the depth of ground water, was available at the time of the site inspection.

Yours truly,



Andy Cumming
Intensive Livestock and
Environmental Management Engineer

AC/bb

COUNTY OF WARNER NO. 5
APPLICATION FOR A DEVELOPMENT PERMIT

SCHEDULE 11
FORM A

LAND USE BY-LAW No. 681
DEVELOPMENT APPLICATION NO. 98-25

GENERAL INFORMATION

APPLICANT'S NAME: F. A. Nelson Ranches Ltd (Grant Nelson)
ADDRESS AND PHONE NO.: Box 128 Stirling Alta. (756-3589)
REGISTERED OWNER'S NAME: F. A. Nelson Ranches Ltd
ADDRESS AND PHONE NO.: Box 128 Stirling (756-3589)
APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER _____
(Option - Lease - Other)

LEGAL DESCRIPTION OF LAND: LOT(S) _____ BLOCK _____ PLAN _____
QUARTER NE $\frac{1}{4}$ SECTION 7 TOWNSHIP 6 RANGE 19
STREET ADDRESS (if applicable) _____

SPECIFIC INFORMATION

IN ORDER TO PROPERLY EVALUATE AN APPLICATION FOR DEVELOPMENT, THE MUNICIPAL PLANNING COMMISSION MUST BE PROVIDED WITH A COMPLETE AND CLEAR PICTURE OF THE LAND, EVERYTHING WHICH IS PRESENTLY BUILT ON THE LAND, AND EVERYTHING WHICH IS TO BE BUILT ON THAT LAND.

Therefore, the following information is required:

1. Details of DEVELOPMENT SITE:

Describe the lot/parcel dimensions ~~160~~ N $\frac{1}{2}$ 7-6-19-W⁴ and lot area/parcel acreage 320
Indicate data on a PLOT PLAN scaled as follows: 0-4 acres at 1" = 20'; 5-9 acres at 1" = 10'; 10 or more acres 1" = 200'.

2. Details of EXISTING DEVELOPMENT:

Describe below and indicate clearly on the scaled PLOT PLAN how many buildings/structures are presently located on the lot; noting the use(s) / type(s), dimensions, floor area(s) and which one(s) (if any) are to be removed, relocated and/or renovated.

Intensive livestock cattle operation + feedmill
3,000 hd capacity

Indicate clearly on the scaled PLOT PLAN the setbacks of all buildings from the front, rear, and side yard lot boundaries, as well as distances between all buildings/structures.

3. Details of PROPOSED DEVELOPMENT:

Describe below and indicate clearly on the scaled PLOT PLAN how many new buildings, additions and structures are to be constructed on the lot, noting the use(s), type(s), dimensions and floor area(s) of each. Describe below any proposed interior renovations, changes in use, or home occupations (if applicable).

Increase to 1000 hd fall of 1997
Proposed increase of 3,000 in 98 + 99 to maximum of 7000 hd

Indicate clearly on the scaled PLOT PLAN the setbacks of all new buildings, additions or structures from front, rear and side yard lot boundaries, as well as distances between all existing and proposed developments.

4. Details of LANDSCAPING:

Describe generally the type of landscaping features and fencing proposed, and indicate locations on a scaled LANDSCAPE PLAN.

NA

5. Details of VEHICLE PARKING and ACCESS:

Describe the number and dimensions of all existing and proposed parking spaces, loading spaces, and driveways on site.

NA

Indicate locations of same on the scaled LANDSCAPE PLAN.

6. Details of EXTERIOR BUILDING FINISH:

Describe the type(s) and colour(s) of all material used to finish the existing and proposed structure exteriors.

additional per space pipe & wooden fence

Indicate same on SKETCHES of all new structure elevations (not necessarily scale drawings).

7. Details of SERVICES:

Indicate as follows: A = available; R = required.

water (A)	sewer ()	septicfield ()
natural gas (A)	electricity (A)	telephone (A)

Estimate Commencement date: ^{Oct} ~~July~~ 1st 1998

Estimated Completion date: ~~Oct~~ ^{Oct} ~~July~~ 1st 1999

I have read and understand the provisions noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. I further certify that the registered owner of the land described above is aware of, and in agreement with this application.

Signature of Applicant: Grant C Nelson

Signature of Registered Owner: Grant C Nelson

PLEASE NOTE:

1. Subject to the provisions of the land use by-law of the County of Warner, No. 5, the term "development" includes the making of any change in the use of buildings or land.
2. Although the development officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any action taken by the applicant before a development permit is received, is at his own risk.
3. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in duplicate with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, or within such longer period as the applicant may approve in writing, the application shall be deemed to be refused and the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.
5. Construction undertaken subsequent to approval of this development permit application may be regulated by the Alberta Uniform Building Standards Act. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approvals and inspections as may be required by the Alberta Department of Labour-Building Standards Branch.

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INTENSIVE LIVESTOCK OPERATION MANAGEMENT PLAN

An Intensive Livestock Operation Management Plan is required to be provided with a completed application form when applying to develop or expand an intensive livestock operation. This form is intended to assist in the preparation of a plan and may be completed and submitted with an application as a management plan or the applicant may have a plan prepared by a qualified professional. An applicant is encouraged to contact Alberta Agriculture, Food and Rural Development, Alberta Environmental Protection, and the Chinook Regional Health Authority and discuss the proposed development before preparing the management plan.

1. LAND OWNER INFORMATION

1.1 Land owner:

Name:

F.A Nelson Ranches

Address:

Stirling Alta

Phone:

756-3584

1.2 Facility operator:

Name:

Giant Nelson (owner)

(if not owner)

Address:

Phone:

1.3 Land location:

¼

NE'

Sec. 6

Twp. 6

Rge. 19

1.4 Size of parcel under title:

ha

920 acres)

1.5 Total land holdings owned:

ha

9,000 acres)

Total land leased:

ha

1000 acres)

2. ANIMAL INFORMATION

2.1 Type of animals to be fed:

(check appropriate boxes)

Cattle

Existing

Proposed

Hogs

Poultry

Sheep

Horses

2.2 Specific numbers of animals to be fed:

CATTLE:	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Bulls	<u>50</u>	<u>50</u>	Cows	<u>500</u>	<u>500</u>
Calves	<u>3,000</u>	<u>7,000</u>	Feeders	<u>1000</u>	3000 1000
DAIRY CATTLE:	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Cows Wet	_____	_____	Cows Dry	_____	_____
Calves	_____	_____	Bulls	_____	_____
HOGS:	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Sows	_____	_____	Boars	_____	_____
Feeders	_____	_____	Wieners	_____	_____
POULTRY:	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Hens	_____	_____	Chicks	_____	_____
Turkey Hens	_____	_____	Turkey Toms	_____	_____
Turkey Broilers	_____	_____			
SHEEP:	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Rams	_____	_____	Ewes	_____	_____
Lambs	_____	_____			
HORSES:	<u>Existing</u>	<u>Proposed</u>			
Total Horses	_____	_____			
MINK:	<u>Existing</u>	<u>Proposed</u>			
Total Mink	_____	_____			
RABBITS:	<u>Existing</u>	<u>Proposed</u>			
Total Rabbits	_____	_____			

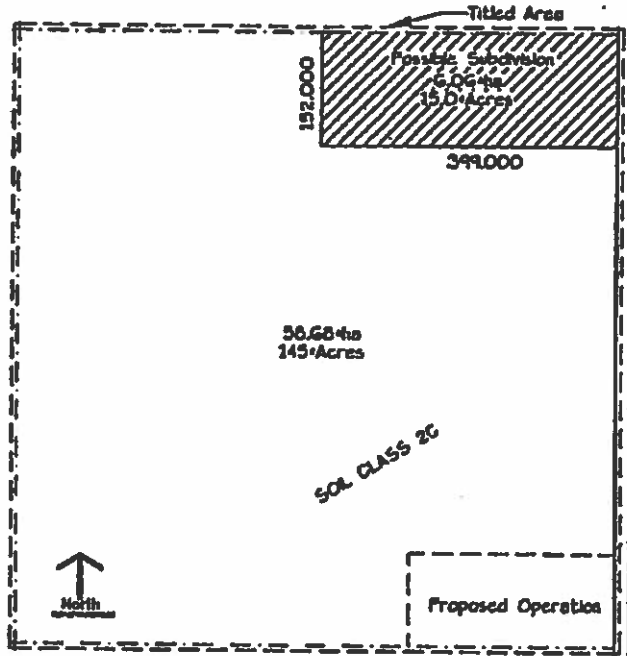
2.3 Total Animal Units (to be filled in by designated officer) -- _____ AUs

3. SITE DATA

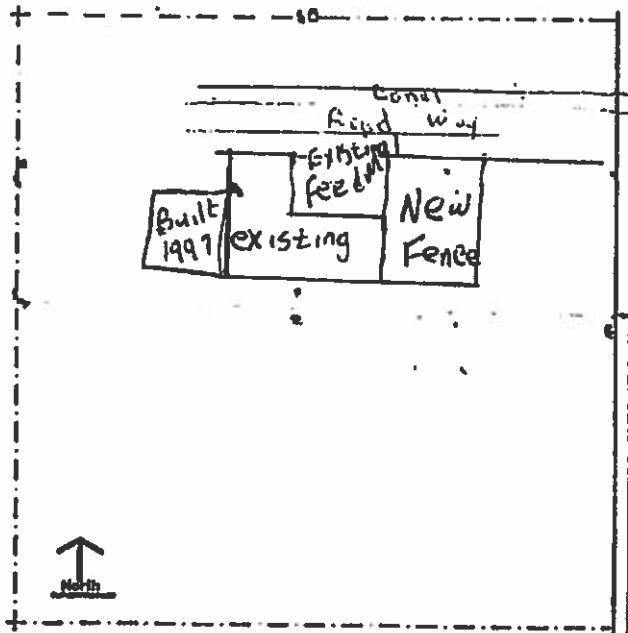
Refer to the example diagrams and prepare diagrams with accurate measurements of your proposed developments.

3.1 Location on the quarter section; also indicate titled area if not the full quarter section.

EXAMPLE



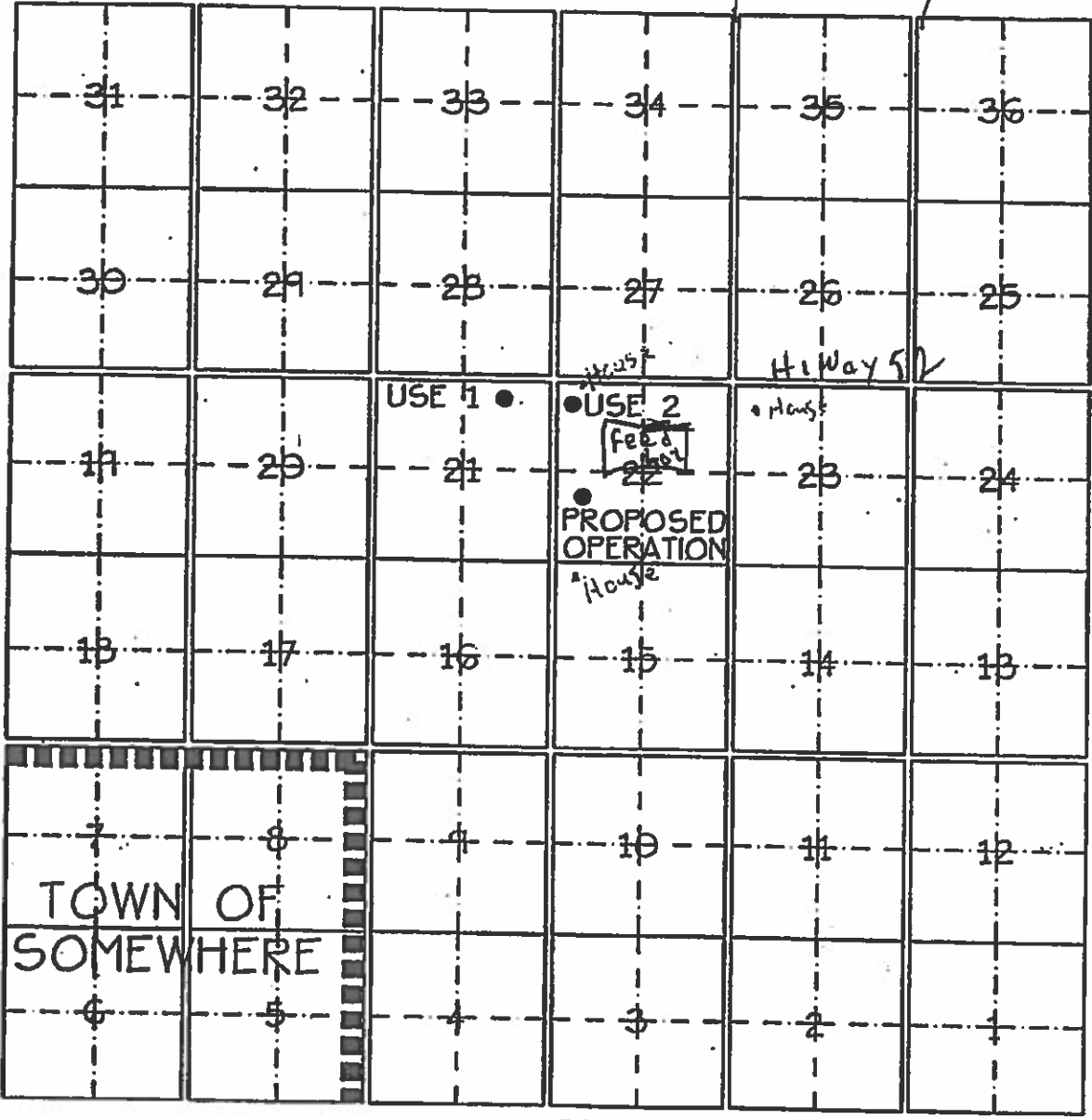
OPERATION LOCATION



3.2 Location in area; also indicate location of other residential, public uses or urban municipalities within a two-mile radius of the proposed development.

EXAMPLE: LOCATION IN AREA

*Stirling
village*



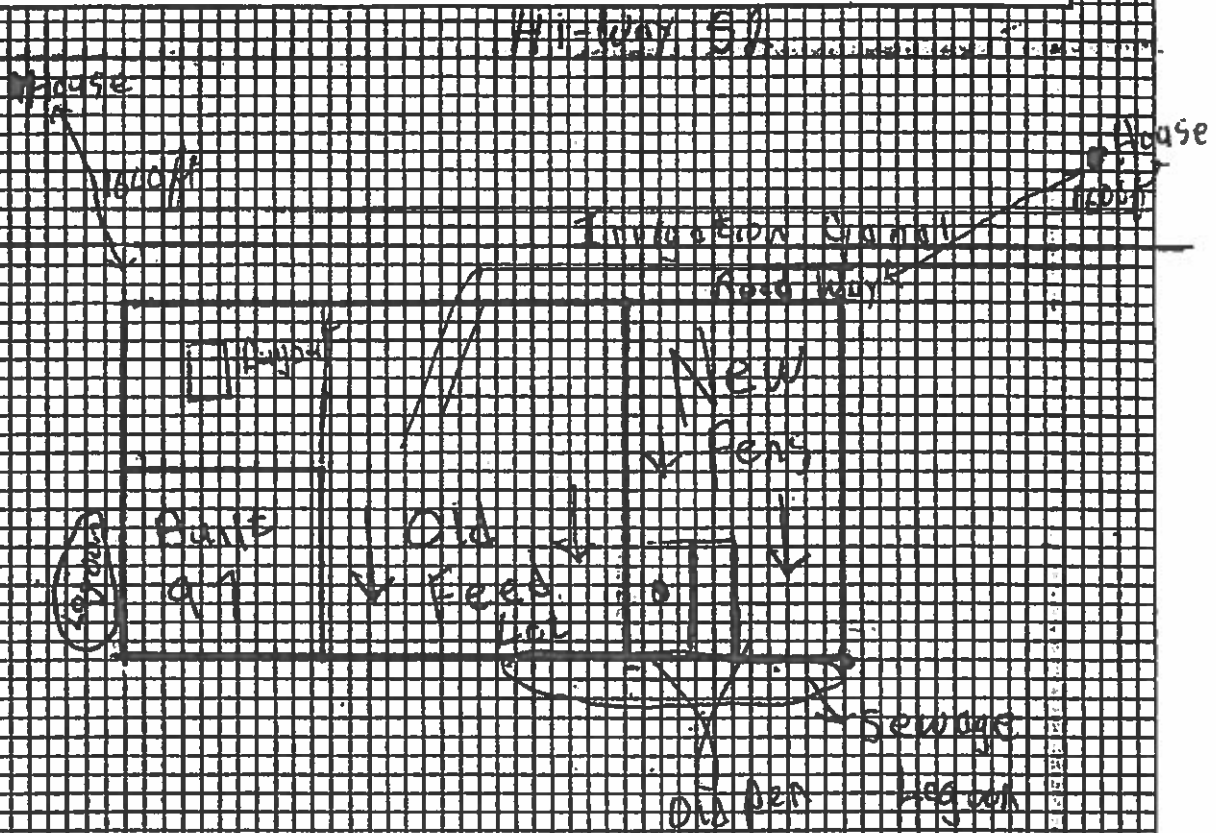
TWP 10

RGE 21



	Use	m	(feet)
Distance to Use 1	Residence	457.2	1,500
Distance to Use 2	Feedlot	304.8	1,000

Please use this graph paper to show to scale the location of structures on the site, including the location of manure storage.



4. MANAGEMENT METHODS

4.1 State source of water for operation: (i.e. river, well, irrigation system) Irrigation Dugout

4.2 Type of Bedding: (i.e. straw, other, none)

Existing:

Straw

Proposed:

Straw

4.3 Type of Manure Storage: (i.e. dry, wet, including any proposed structures)

Existing:

Wet in Pens hauled out & put on land in spring & fall

Proposed:

Wet in pens & hauled out in spring & fall and put on land

4.4 Amount of Manure Storage: (state number of weeks, months)

Existing:

Proposed:

5. METHODS OF DISPOSAL

5.1 How will manure be disposed?

Spread on land with manure spreaders

5.2 If spread on the land how will it be spread? (i.e. spread on surface, injected, shanked, etc.)

Surface spread and disced under

We don't need anyone else's land

5.3 How often will the manure be spread on each area listed below (times per year)?

Area 1 _____ Area 2 _____

5.4 If the entire amount of manure can't be spread on your land, where will the manure be spread? It is the responsibility of the operator/applicant to have authorization from two owners of land that will permit manure to be spread. Each area listed below should have sufficient land area to accommodate all manure.

Area 1

Legal description: ~~31~~ _____ Sec. 7 Twp. 6 Rge. 19 W 4

Land area available: _____ ha (600 acres) Time of year land available: _____

Owner: _____

Authorization: _____

(Owner's Signature)

Area 2

Legal description: ~~1/4~~ _____ Sec. _____ Twp. _____ Rge. _____ W _____

Land area available: _____ ha (_____ acres) Time of year land available: _____

Owner: _____

Authorization: _____

(Owner's Signature)

5.5 Length of time for incorporation into soil: (i.e. immediate, shanked, other - number of days after spreading)

Weekly unless it is causing a
problem for someone

5.6 If land drainage is toward road side, ditch, canal or other land, describe method to control runoff: (i.e. dirt berms around portions of manure storage areas)

Road drainage from the feedlot is directed
toward lagoons which will be pumped
out on a yearly basis or as often as needed

6. FLY CONTROL MEASURES

6.1 Outline the fly control measures to be taken:

As Needed

7. OTHER INFORMATION

7.1 Provide any other information that will assist in the description of the intensive livestock operation such as methods of limiting impact:

SIGNATURES: Grant C Nelson
Owner

Grant C Nelson
Operator

Grant C Nelson
Person Preparing the Plan