

**#3 - REQUEST FOR REVIEW: LA20014 / Granum Colony**

**Filed By: Allan Minor**

**Deadline for RFRs: September 17, 2020**

**Date RFR received: September 16, 2020**

**Status of party as per Decision Summary: Directly Affected**

**REQUEST FOR BOARD REVIEW**  
**SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD**

Application No:	LA20014
Name of Operator/Operation:	Hutterian Brethren Church of Granum
Type of application ( <i>check one</i> ):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location ( <i>legal land description</i> ):	SE 25-11-28 W4M
Municipality:	MD of Willow Creek

I hereby request a Board Review of the Approval Officer's Decision and have the right to request a Board review because (*please review all options and check one*):

- I am the producer seeking the approval/registration/authorization.
- I represent the producer seeking the approval/registration/authorization.
- I represent the municipal government.
- I am listed as a directly affected party in the Approval Officer's Decision.
- I am not listed as a directly affected party in the Approval Officer's Decision and would like the Board to review my status.

**IMPORTANT INSTRUCTIONS**

1. You must meet the specified 10-day timeline; otherwise your request will not be considered.
2. Section 1 of this form must be completed only if you are requesting that the Board review your status as "not directly affected". Sections 2 to 5 must be completed by all applicants.
3. This form must be signed and dated before it is submitted to the Board for its review.
4. Be aware that Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.
5. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.





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## 2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

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In order to approve an application, NRCB Approval Officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any requirements or specific issues that you believe the Approval Officer failed to adequately address in the Decision.

**My grounds for requesting a review of the Approval Officer's decision are as follows:**

1. The Approval Officer failed to properly consider the MPC's concerns relating to the proposed development. The Approval Officer did not properly consider the balancing of interests required by the MDP. In particular, the Approval Officer did not properly consider the cumulative effect of multiple CFO's within the MD. The Approval Officer was incorrect in stating there were two other CFO's. There are four. The cumulative effect of adding a fifth CFO would unduly interfere with other landowner's use and enjoyment of their lands.
2. The Approval Officer failed to address or properly consider dust. The increased traffic and activity created by the proposed development would increase the dust from the gravel road. The dust will negatively effect the Minor Lands cow/calf operation, and in particular will cause respiratory distress for the calves and those living on the Minor Lands. The Approval Officer failed to consider any dust mitigation methods.
3. The Approval Officer failed to address or properly consider nuisance concerns, particularly the noxious smell. The wind blows in a South West direction 240 days per year, directly towards the Minor Lands and other landowners. The impact of the smell is beyond the 'trivial' threshold referred to by the Approval Officer. The smell will not be limited and of short duration. The smell will blow to the Minor Lands the majority of the days of the year. No consideration was given to methods to reduce the smell. The smell from the proposed development would be exacerbated by the smell of the four other CFO's within the MD.
4. The Approval Officer failed to address or properly consider the increased traffic and related safety concerns. The municipal roads to access the proposed development are narrow gravel roads and are maintained to a minimum level. The proposed development must be accessed by small bridges, which were not designed for a heavy volume or weight of traffic. Any increased traffic will contribute to the deterioration of the road and bridges. The safety of those using the roads will be impacted, particularly for children and the school buses. Additionally, the increased traffic will increase the dust.
5. The Approval Officer failed to address or properly consider increased insect and fly populations. The increased insects and flies will impact the Minor's use and enjoyment of their Lands, and may cause adverse health effects. This concern is beyond the trivial. The Approval Officer failed to consider any insect control methods.
6. The Approval Officer failed to address or properly consider the location of the proposed development within a flood plain. The proposed development lands and neighbouring lands flooded in 1995, 2005, 2014, and 2017. The flooding is likely to result in contamination of groundwater and wells from the proposed development.

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### 3. REASONS YOU ARE AFFECTED BY THE DECISION

(ALL PARTIES MUST COMPLETE THIS SECTION)

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In order to support your reasons for requesting a review, please explain how you believe you would be affected by the Approval Officer's decision.

**I believe that, as a result of the Approval Officer's decision, the following prejudice or damage will result:**

The Minor Lands are the adjacent neighbours to the proposed development, and will be significantly prejudiced by the proposed development for the following reasons:

1. The cumulative effect of the four current plus one new CFO will result in constant noxious smells within the MD of Willow Creek, and will be particularly disagreeable for the Minors. The Minors will suffer a constant stink from the proposed development and other CFO's.
2. The dust will impact the health of the Minor Family and the health of their cattle, particularly the calves. Additionally, the dust will require increased cleaning of all surfaces.
3. The Minors will be prejudiced by the increased traffic on the municipal roads. Their safety will be impacted. The roads are maintained to a minimum standard, and increased traffic will hasten the deterioration of the roads and bridges. This will result in increased vehicle maintenance and dent repairs. The increased traffic will also create more dust.
5. The proposed development is likely to attract insects, particularly flies. The increased presences of flies will disturb the Minor family and their cattle. The increased flies may also result in increased disease.
6. The proposed development is within a flood plain that floods frequently. The Minors are very concerned that a flood will contaminate the groundwater and well water.



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#### 4. ACTION REQUESTED

(ALL PARTIES MUST COMPLETE THIS SECTION)

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I would like the Board to take the following actions with the respect to the Approval Officer's decision:

Amend or vary the decision

Reverse the decision

Please describe why you believe the Board should take this action:

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~~The proposed development unreasonably interferes with the use and enjoyment of the Minor Lands. The proposed development will effect the health and well-being of the people and cattle on the Minor Lands. The proposed development will cause a noxious smell which the Minor Lands will be subjected to the majority of the days of the year. The proposed development will increase the traffic on the narrow gravel roads, resulting in increased dust and decreased safety. The proposed development will attract insects, particularly flies, which will interfere with the use and enjoyment of the Minor Lands, and may spread disease. The proposed development is located in a flood plain that floods every 5-10 years, which may result in groundwater contamination.~~

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If the Board decides to grant a review (*in the form of either a hearing or a written review*), all directly affected parties are eligible to participate. The Board may consider amending the Approval, Registration, or Authorization on any terms and conditions it deems appropriate. **Please note the Board cannot make any amendments unless it first decides to grant a review.**

If a review is granted by the Board, are there any new conditions, or amendments to existing conditions, that you would like the Board to consider? It is helpful if you identify how you believe your suggested conditions or amendments would address your concerns.

My suggested amendments are:

1. Require a Dust Mitigation Plan.
  2. Require an Insect Control Plan.
  3. Conduct odour testing and require an Odour Abatement Plan.
  4. Conduct a traffic study and/or limit the volume and weight of vehicles accessing the proposed development.
  5. Conduct a Groundwater Study and require a Groundwater Flood Abatement Plan.
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## 5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

### Contact information of the person requesting the review:


Name: Allan Minor

Address in Alberta:                     Claresholm, AB T0L 0T0

Legal Land Description: NW 30-11-27 W4M

Phone Number:                      Fax Number:                     

E-Mail Address:                     

Signature:  Date: September 16, 2020

Please note that all sections of the form must be completed in order for your request to be considered. Also, if you do not meet the timeline identified, your request will not be considered. Form must be signed and dated before being submitted for Board consideration

**If you are, or will be, represented by another party, please provide their contact information (Note: If you are represented by legal counsel, correspondence from the Board will be directed to your counsel)**

Name: Kerry R. Gellrich, North & Company LLP

Address: #600, 220 4th Street South, Lethbridge, Alberta T1J 4J7

Phone Number: 403-328-7781 Fax Number: 403-320-8958

E-Mail Address: kgellrich@north-co.com

**When you have completed your request, please send it, with any supporting documents to:**

Laura Friend, Manager, Board Reviews  
Natural Resources Conservation Board  
19<sup>th</sup> Floor Centennial Place  
250 – 5<sup>th</sup> Street SW  
Calgary, AB T2P 0R4

Phone: 403-297-8269

Email: [laura.friend@nrcb.ca](mailto:laura.friend@nrcb.ca)

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