

## Decision Summary LA19032

This document summarizes my reasons for issuing Approval LA19032 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA19032. 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.

### 1. Background

On August 1, 2019, Corner's Pride Farms Ltd. (Corner's Pride) submitted a Part 1 application to the NRCB to construct a new 2,500 beef finisher feedlot CFO with six pens with shelters (19.5 m x 137.2 m each) and a catch basin (75 m x 35 m x 4.5 m deep). On January 22, 2020 the applicant requested an extension to file the Part 2 application, with a second request on March 27, 2020 due to the COVID-19 pandemic. The request was granted with a new deadline of August 10, 2020. The Part 2 application was submitted on August 4, 2020. On August 20, 2020, I deemed the application complete.

Corner's Pride applied for a CFO to house 2,500 holstein dairy replacement heifers. Based on the size of livestock and intended management practices, I considered this equivalent to 2,500 beef finishers for the purpose of calculating the minimum distance separation (MDS) and annual manure production.

The application also includes construction of a processing barn/office and a commodity shed (60 ft. x 80 ft. (18 m x 24.4 m) and 40 ft. x 80 ft. (12.2 m x 24.4 m) respectively). These facilities are "ancillary structures," under section 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because they will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, these structures do not need to be permitted under the act.

Under AOPA, this type of application requires an approval. (This is one of several types of "permits" issued under AOPA. For an explanation of the different types and when each one applies, see [www.nrcb.ca](http://www.nrcb.ca).)

#### a. Location

The proposed CFO is located at NE 7-7-20 W4M in Lethbridge County, roughly 8.5 km north-northwest of the Town of Raymond. The terrain is generally flat with a gentle slope to the south. The closest common bodies of water are two drains. One drain runs approximately 40 m parallel of the proposed site in north south direction, the other drain is located approximately 1337 m to the south and downslope of the proposed CFO. Both drains are linked into the Raymond Irrigation District (RID) network.

### 2. Notices to affected parties

Under section 19 of AOPA, the NRCB is required to notify (or direct 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:

- the municipality where the CFO is 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 this application, the distance is 1.5 miles. (The NRCB refers to this distance as the “affected party radius.”)

Municipalities that are affected parties are defined by the act to be “directly affected” and are entitled to provide evidence and written submissions. Lethbridge County is an affected party (and therefore also a directly affected party) because the proposed facility is located within its boundaries. The County of Warner is also an affected party and a directly affected party because its boundary is within the 1.5 km affected party radius.

All other parties who receive notice of the application may request to be considered “directly affected.” Under NRCB policy, all individuals who own or reside on land within the affected party radius are presumed to be “directly affected” if they submit a written response to the notice within the prescribed timeline. See NRCB Operational Policy 2016-7: *Approvals*, part 6.2.

Under section 20 of the act, all directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions regarding the application.

All directly affected parties are also entitled to request an NRCB board review of the approval officer’s decision on the approval application.

The NRCB published notice of the application in the Lethbridge Herald on August 20, 2020 and posted the full application on the NRCB website for public viewing. The NRCB also emailed referral letters and a copy of the complete application to Lethbridge County, the County of Warner, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), Alberta Agriculture and Forestry (AF), Alberta Transportation, and the Raymond Irrigation District. Thirty-seven courtesy letters were sent to people identified by Lethbridge County and the County of Warner as owning or residing on land within the affected party radius.

### **3. Responses from the municipalities and referral agencies**

I received responses from Lethbridge County, the County of Warner, AEP, AF, Alberta Transportation and the Raymond Irrigation District (RID). No response was received from AHS.

Ms. Hilary Janzen, supervisor of planning and development with Lethbridge County, provided a written response on behalf of Lethbridge County. As noted in section 2, Lethbridge County is a directly affected party.

Ms. Janzen stated that the application is consistent with Lethbridge County’s municipal development plan. Ms. Janzen requested that a storm water management plan should be included as a condition should a permit be issued. Corner’s Pride proposed a runoff control system that provides adequate runoff storage volume for a one in 30 year rainfall event (see Technical Document LA19032). The application’s consistency with Lethbridge County’s municipal development plan, are addressed in Appendix A, attached.

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

Mr. Tyler Nelson, development officer with the County of Warner, stated that the proposed CFO is within 0.5 miles of the boundary of the County of Warner and is within the intermunicipal development plan (IDP) planning area. He also pointed out that there are 20 residences within two miles of the proposed development and that this area (the area south of the proposed CFO that is located within the County of Warner) is zoned Extensive Agriculture. He also noted that the county office has received a number of calls from concerned residents from this area.

The NRCB also received a response from Ms. Leah Olsen, a development/planning technologist with Alberta Transportation; Mr. Jeff Gutsell, a hydrogeologist with AEP; Mr. Jason Miller, general manager of the RID and Mr. Gordon ZoBell with the RID; and Mr. Stephan Desilets, manager inspections with AF.

Ms. Olsen stated that a development permit from her department is not required and that the expansion, as proposed, would not have any appreciable impact on the provincial highway system.

Mr. Gutsell stated that Corner's Pride has not applied for a water licence (surface or groundwater) with AEP yet. He also stated that there are no water wells at this land location according to AEP's database. He then continued to state that the proposed location is within the Raymond Irrigation District and that there is a possibility that Corner's Pride accesses water through the district. He requested Corner's Pride to provide AEP with proof that adequate water is available.

Mr. Miller stated that the RID has approved the water use agreement. He did not voice any concerns with this application. Mr. ZoBell, also with the RID, stated that the water allocation was approved at the last board meeting and the point of water delivery will be located in the NW 6-7-20 W4. He also stated that the RID has no objections to this feedlot application.

Mr. Desilets stated that he will not comment on this application because the application is not for a dairy CFO.

#### **4. Responses from other directly affected parties**

The NRCB received 24 submissions from a total of 40 individuals.

The NRCB received one of these submissions by e-mail six days after the submission deadline in the notice. As there were no exceptional circumstances for the lateness, I did not consider the author, of this submission to be a directly affected party and did not consider and address his submission in my approval decision. This party stated that he lived 1¾ mile away, and his concerns were similar in nature to those submitted in other submissions.

Thirty nine individuals submitted timely responses (23 submissions) to the application notice (see Appendices B and C).

Of the 39 people who submitted timely responses, 33 own or reside on land within the 1.5 mile radius for affected persons. Because of their location within this radius, they are presumed to be directly affected by the application.

Six of the respondents do not own or reside on land within the 1.5 mile radius for affected persons. None of these six respondents are considered directly affected. Appendix B sets out my reasons for this determination.

The directly affected parties raised concerns regarding, nuisance impacts, surface water contamination, decrease in property value, and traffic (see Appendix C for further details).

## **5. Environmental risk screening of existing and proposed facilities**

As part of my review of this application, I assessed the risk to surface water and groundwater posed by the CFO's proposed manure storage and collection facilities. I used the NRCB's environmental risk screening tool for this purpose (see NRCB Operational Policy 2016-7: *Approvals*, part 8.13). The tool 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](http://www.nrcb.ca).)

All of the CFO's proposed facilities pose a low potential risk to groundwater and surface water.

## **6. Other factors considered**

The application meets all relevant AOPA requirements, with the terms and conditions summarized in part 7.

In addition, the proposed CFO is consistent with the land use provisions of Lethbridge County's municipal development plan, the IDP between Lethbridge County and the County of Warner, and with Lethbridge County's land use bylaw. (See Appendix A for a more detailed discussion of the county's planning requirements.)

With respect to the act's technical requirements, the proposed CFO:

- 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 liners of manure collection and storage facilities

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.

In addition, I assessed the effects of the proposed CFO on the environment. Consistent with NRCB policy, I presumed that these effects are acceptable because the application meets all of AOPA's technical requirements. I also presumed that the application's effects on the economy and community are acceptable, and that the proposed CFO is an appropriate use of land. Under NRCB policy, these presumptions are based on the application's consistency with the municipal development plan and land use bylaw. (See NRCB Operational Policy 2016-7: *Approvals*, part

8.7.3.). Having carefully considered the concerns raised by the directly affected parties, I am of the view that these presumptions have not been rebutted.

## **7. Terms and conditions**

Approval LA19032 specifies the new permitted livestock capacity as 2,500 beef finishers and permits the construction of the six pens with shelters and a catch basin.

Approval LA19032 also 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 LA19032 includes conditions that;

- Set a deadline of November 30, 2023 for the approved construction to be completed
- Require Corner's Pride to irrigate all lands that are non-cultivated or/and are under a forage crop with one inch of water within 48h of manure application.
- Require Corner's Pride to immediately notify the NRCB should the water table be within one meter of the bottom of the catch basin
- Require Corner's Pride to submit an engineer's completion report confirming that all sand lenses that are encountered along the walls or bottom of the catch basin, during the construction of the catch basin, have been removed to the satisfaction of the signing engineer and refilled with compacted clay
- Prohibit Corner's Pride from placing manure or livestock in the six pens with shelters and from allowing manure contaminated runoff from entering the catch basin until the facilities have been inspected by the NRCB following their construction

For an explanation of the reasons for these conditions, see Appendix D.

## **8. Conclusion**

Approval LA19032 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA19032.

October 28, 2020

(original signed)  
Carina Weisbach  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan, intermunicipal development plan and the land use bylaw
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Explanation of conditions in Approval LA19032

## **APPENDIX A: Consistency with the municipal development plan, intermunicipal development plan and the land use bylaw**

Under section 20 of AOPA, an approval officer may approve an application for an approval only if the approval officer finds that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

The NRCB interprets the term “land use provisions” as covering MDP policies that provide generic directions about the acceptability of various land uses in specific areas and that do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.5.) Under this interpretation, the term “land use provisions” also excludes MDP policies that impose procedural requirements. In addition, 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.”)

Corner’s Pride’s CFO is located in Lethbridge County and is therefore subject to that county’s MDP. Lethbridge County adopted the latest revision to this plan on December 5, 2019, under Bylaw #19-043.

### Municipal Development Plan

Section 6.6 Confined Feeding Operations lists several policies under subsection 6.6.3:

a) Urban Fringe: *“The County shall exclude the development of CFOs in the Urban Fringe land use districts.”*

The proposed CFO is not within this zoning category as shown on Map 11B.

b) Impacts

This policy refers to lobbying for funding to counteract the impact of CFOs on county infrastructure. Municipal funding is not under the jurisdiction of the NRCB. Therefore, I will not include this policy in my MDP consistency determination.

c) Location

The three listed items under this policy section refer to a reciprocal MDS for residential development in the vicinity of CFOs. Development permits for residential development are under the jurisdiction of the respective municipality. Therefore, I will not discuss this policy any further.

d) NRCB

*1) Given the County’s unique perspective regarding CFOs, the county will be proactive when discussing regulation amendments regarding CFOs with Alberta’s NRCB.*

This policy is likely not a land use provision but rather a ‘mode of action’. I will therefore not discuss this policy in any more detail.

*II) The NRCB in its approval review should also consider:*

- *The cumulative effect of a new approval on any area new other existing confined feeding operations*
- *Environmentally sensitive areas as shown in the report, County of Lethbridge: Environmentally Sensitive Areas in the Oldman River Region (see maps in Appendix C)*
- *Giving notice to adjacent landowners even in the case of applications for registration or authorization, and*
- *Applying MDS calculations to all county residential clusters whether or not designated in the Land Use Bylaw.*

The first of these four considerations is likely not a land use provision because of its project-specific focus (viewed cumulatively with other existing CFOs), and its request for the NRCB to make a discretionary judgement about the degree of cumulative effects that are acceptable. Therefore, I do not consider this to be relevant to my MDP land-use provision consistency determination (See Operational Policy 2016-7: *Approvals*, part 8.2.5.)

As for the second consideration, this provision is likely not a land use provision because of its referral to a specific site. However, I considered it in respect to the CFO's impact on the environment as discussed in part five above. At any rate, the CFO is not located close to any of the environmentally significant areas noted in the county's report.

The third of these four considerations is likely not a land use provision because it is procedural in nature as it requests notification to adjacent landowners about registration and authorization applications. Sections 19 and 21 of AOPA determine the required notification process. In this case, the application was for an approval which triggered AOPA public notification requirements.

The fourth consideration appears to refer to AOPA's "minimum distance separation" (MDS) requirements. Under NRCB policy, approval officers should not consider MDP provisions that rely on or change the MDS formulas or MDS requirements under AOPA. (See also Operational Policy 2016-7: *Approvals*, part 8.2.5.) At any rate, there are no country residential clusters in the immediate vicinity of the CFO, so this MDP consideration does not apply to Corner Pride's application. The closest residential cluster zoned as Grouped Country Residential is 2.2 km south of the development and is located in the County of Warner.

*III) The NRCB is requested to take into consideration the requirements and policies of the County Council when making decision on such applications.*

This provision is likely not a land use provision because it requests the consideration of policies and requirements of the county's council. AOPA is very specific in what approval officers must consider when determining consistency with the MDP (section 20(1)) and only refers to the MDP document. It is implied that this also includes any planning documents that are directly incorporated into the MDP. At any rate, the deemed application was sent to Lethbridge County for their input.

*IV) CFOs "shall not be approved in the areas shown and designated on Figure 11B as exclusion areas".*

Corner Pride's CFO is not located in any of the designated CFO exclusion areas, so the application is consistent with this provision.

V) CFOs “shall not be approved on parcels less than 64.7 hectares (160 acres) or an unsubdivided quarter section, having a minimum of 4.0 hectares (10 acres) of registered exceptions of rights-of-way”

This provision is likely not a land use provision because it refers to specifics in respect to a site of a CFO, rather than the use of a specific parcel of land. At any rate, the quarter section on which the CFO is to be located meets this requirement.

VI) *The NRCB should consider the requirements and regulations as stipulated in the Lethbridge County Land Use Bylaw and Animal Control Bylaw, including the exclusion of Confined Feeding Operations on parcels less than the specified sizes as specified in those bylaws.*

In my view, this section provides a clear intent to adopt provisions from the land use bylaw (LUB). Following the NRCB Operational Policy 2016-7: *Approvals*, part 8.2.3, I therefore also considered Lethbridge County’s Land Use Bylaw #1404 (consolidated to Bylaw 20-002, May 2020 and Bylaw 20-014 (maps)). Under those bylaws, the subject land is currently zoned Rural Agriculture. CFOs are a discretionary use under this zoning category.

#### e) Development Setbacks

This provision requires CFO developments to meet the setbacks to roadways and property lines as set out in the LUB.

The development meets all of these setbacks.

#### Land Use Bylaw

As stated in Part 2 (RA) section 3(3) in this bylaw, the minimum parcel size for CFOs is 64.7 hectares (160 acres).

This provision is the same as section 6.6.3(d)(IV) in the MDP. Hence, I will look at it in a similar manner as the MDP provision.

The subsequent sections (Rural Agriculture) in this land use bylaw, require minimum setbacks (sections 4 to 7). These include setbacks to property lines, roadways, canals and distance to neighbouring residences (section 6(6)). The new shelters and the catch basin meet these setbacks.

The above subsection of the MDP (section 6.6.3 d0 VI) also seems to clearly incorporate the Animal Control Bylaw (Bylaw 17-008). Given that the this provision is not a land use provision and that the application is for a CFO that triggered an application process under AOPA and therefore falls under the jurisdiction of the NRCB, I determined that the animal control bylaw does not apply under this circumstance.

#### Intermunicipal Development Plan

The proposed development is also within the area covered by the Intermunicipal Development Plan (IDP) between Lethbridge County and the County of Warner (Lethbridge County Bylaw 19-038; County of Warner Bylaw # 951-19; October 3, 2019). This IDP is cross-referenced in Lethbridge County’s MDP (e.g. at 6.10) and therefore is part of the MDP consistency analysis



(see NRCB Operational Policy 2016-7: *Approvals* at part 8.2.3). Section 3.2 Land Use lists several policies under Confined Feeding Operations:

3.2.4: Existing CFO's will be allowed to continue to operate under acceptable operating practices and within the requirements of the AOPA and Regulations.

This application is a new CFO, therefore this section does not apply.

3.2.5: If either county are in receipt of a notice of application from the NRCB for new or expanded CFOs, they will forward a copy of the notification to the other municipality.

This policy does not pertain to the notification requirements as laid out under AOPA. However, the County of Warner received notification from the NRCB.

3.2.6: Both municipalities recognize the importance of the CFO exclusion/restricted areas identified within the Plan Area. New CFOs will be prohibited or restricted in accordance with the respective municipality's MDP policies.

The area of the proposed development is not within a CFO prohibited or restricted zone (as shown on Map 5).

3.2.7: If either municipality proposes an amendment to a CFO exclusion/restricted area within the Plan Area or proposes additional CFO exclusion/restricted area within the Plan Area, the proposal will be circulated to the other municipality for comment in accordance with section 4.2 of the Plan.

This section is not a land use provision and land use planning is not under the jurisdiction of the NRCB. I will therefore not consider this policy.

3.2.8: Prior to issuing comment on a notice of application to the NRCB for a new or expanded CFO within the Plan Area, the municipalities will consult with one another regarding the applicant's proposed haul routes to and from the CFO.

This section is not a land use provision and land use planning is not under the jurisdiction of the NRCB. I will therefore not consider this policy.

I conclude that the proposal is consistent with of Lethbridge County's MDP, a conclusion that is supported by the response from the county's development officer. It is also consistent with the IDP between Lethbridge County and the County of Warner.

## **APPENDIX B: Determining directly affected party status**

### Parties who are within the affected party radius

The following individuals own or reside on land within the 1.5 mile “affected party radius” as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation:

#### County of Lethbridge:

Helen Crombez (also owns lands in County of Warner)  
N 17, E 19, W & SE 20, SW 29, SE 30 of 7-20 W4 and E 24-7-21 W4 (Block A of SE)

Hugh and Lynne Grant (also owns lands in County of Warner)  
Section 9 and 10 of 7-20 W4, S 16-7-20 W4, and NE 31-6-20 W4

Lorne Hickey  
NW 16-7-20 W4

Kim, Linda, Justin and Travis Jensen  
NE 13-7-21 W4 and SE 17-7-20 W4 (home quarters)

Tom Reich  
SW 7-7-20 W4

Greg Smith  
SW 17-7-20 W4

#### County of Warner:

Cory Rasmussen  
SE 6-7-20 W4

Cara Rasmussen  
SE 6-7-20 W4

John and Justine Capatos  
SW 6-7-20 W4

Murray Charles and Carmen Mack  
SW 6-7-20 W4

Mike and Kristy Darby  
NW 5-7-20 W4

Matthew and Tamara Eagles \*  
SE 6-7-20 W4

Carole Jenkins  
SE 6-7-20 W4

Dean Jenkins  
SE 6-7-20 W4

Barclay Lutz  
SE 5-7-20 W4

Joe and Danielle Miko  
NW 6-7-20 W4

Antonio Ramirez  
NE 1-7-21 W4

Darlene and Darren Urban  
SW 6-7-20 W4

Dave Waldner  
SW 6-7-20 W4

Ian and Susan Wishaw  
NW 6-7-20 W4

Therefore, under NRCB policy, these individuals are presumed to be “directly affected” by the application. See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.

\*Site note: Mr. and Ms. Eagles state in their response that they live on the SE 6-7-20 W4. However, they were not listed on the list of residents and landowners provided from the County of Warner, neither was I able to find lands owned by Mr. and Ms. Eagles within this quarter section. Having said that, because AOPA clearly states that the affected persons include occupants within this radius, I identified Mr. and Ms. Eagles as directly affected.

#### Parties who are outside the affected party radius

The following individuals who submitted responses to the public notice reside on or own land outside of the affected party. However, they may still qualify as directly affected parties based on their “exposure to potential nuisances or risks” posed by the proposed CFO (*Ijtsma*, RFR 2011-05, page 3):

Peter David Teerling  
NW 36-6-21-W4

Charles and Meridel Graves  
SE 1-7-21 W4

Tim and Christine Hankey  
SW 36-6-21 W4

Ronald Russell  
SW 36-6-21 W4

Under NRCB policy, a person has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate that:

1. A plausible chain of causality exists between the proposed project and the effect asserted;
2. The effect would probably occur;
3. The effect could reasonably be expected to impact the party;
4. The effect would not be trivial; and
5. The effect falls within the NRCB regulatory mandate under AOPA. (NRCB Operational Policy 2016:7 – *Approvals*, part 6.3; see also Ijtsma, page 4.)

Using these factors, I conclude that none of the 6 respondents is directly affected. My reasons for this finding follow:

<b>Asserted effects</b>	<b>Respondents</b>
Nuisance impacts (odor, dust, noise, flies or mosquitos, unsightly)	C. and M. Graves, T. and C. Hankey, R. Russell, P. Teerling
Negative impact on the community	T. and C. Hankey, P. Teerling
Traffic (dust, deterioration of roads, safety of children)	C. and M. Graves, R. Russell, T. and C. Hankey, P. Teerling
Surface or groundwater contamination (possible seepage)	<u>Surface water</u> C. and M. Graves, T. and C. Hankey, P. Teerling <u>Groundwater</u> P. Teerling
Decrease of property value	C. and M. Graves, R. Russell, T. and C. Hankey, P. Teerling,
Loss in enjoyment of property and quality of life	T. and C. Hankey, P. Teerling, R. Russell
Increase in taxes to pay for road maintenances	C. and M. Graves, T. and C. Hankey, P. Teerling
Non-incorporation of manure: lasting odor	C. and M. Graves
Manure spreading lands not suitable (high potential for runoff)	C. and M. Graves
Negative impact on health	T. and C. Hankey
Water quantity	P. Teerling

#### 1) Nuisance impacts

As shown in the table above, one of the main concerns were odor impacts that reach further than the affected party because of the locations where manure is proposed to be spread.

Nuisance impacts depend on many factors, starting with operational practices at the CFO, wind direction and speed but also perception and odor sensitivity. The MDS is a means of mitigating odor and other nuisance impacts from CFOs. The NRCB generally considers the MDS as the

distance beyond which the odors and other nuisance effects of a CFO are considered to be acceptable under AOPA.

Most of these parties reside on or own land that is approximately 2-3 km south and southwest of the CFO site. The required minimum distance separation (MDS) from the CFO to the nearest residence is 531 m for land zoned agriculture (Category 1) and 709 m for residences on land zoned country residential (Category 2).

That said, people residing beyond the MDS may still experience odours and other nuisance impacts from time to time and, in some instances, those impacts may be more than trivial. However, in this case, the closest of these respondents is located more than two times the MDS for land of category 1. I am therefore on the opinion that point 4 of the test has not been met.

There is no MDS-equivalent for proposed manure spreading lands and some of the parties may experience some odors or other nuisance impacts when manure spreading takes place. However, the frequency of these exposures will likely be limited. The applicant submitted mitigation measures to limit odor impacts of manure spreading (see below).

2) Negative impact on the community (too many residences with young children, safety)

This concern, although perhaps plausible and not trivial in nature, is difficult to evaluate, particularly in respect to actual outcome and in which way it meets point 2 (would the effect probably occur?) and 3 (would the effect be reasonably expected to impact the party?) of the analysis. Because of this more general potential impact, I determined that the respondents have not demonstrated that the effect would reasonably be expected to impact each or any of these parties in particular.

3) Surface water and groundwater contamination (runoff from CFO and manure spreading)

Many of the respondents voiced general concerns about manure contaminated runoff from entering the irrigation district works (drainage canals and irrigation canals) and the potential of seepage of manure constituents into groundwater. I can see the potential causality, and agree that these issues are not trivial in nature. In fact, many of AOPA's technical requirements are designed to address these concerns. However, aside from the environment itself, these particular respondents have not demonstrated in which way they are reasonably expected to be impacted if a contamination was to occur.

4) Increase in traffic, ability of existing road system to support the development (deterioration of roads), road safety

Another concern that was raised was an expected increase in traffic on county roads with the consequence of more noise and dust, a quicker deterioration of county roads and an increased risk of traffic accidents. Of the respondents who live along Township Road 70 and south, and who might experience a higher traffic volume due to this development, dust development should be limited because of the paved surface of this township road. The deterioration of roads is always a potential associated with heavy traffic. However, neither the County of Warner nor Lethbridge County nor Alberta Transportation raised any concerns in this respect. I therefore determined that these parties did not demonstrate a concrete, direct negative impact within the regulatory mandate of the NRCB.

5) Increase in taxes to repair municipal roads

As mentioned above, neither the County of Warner nor Lethbridge County raised any concerns in respect of road use neither did either of them make any comments on the potential increase in maintenance costs and subsequent increase in property taxes to compensate for this expense. Consequential community costs (e.g. property taxes or other taxes) of a specific development are part of the county's finances and budgeting. The significance of any increased tax on any given individual, caused directly by this CFO's use of roads, is not possible for me to assess. The information provided is limited and I am therefore also not able to determine if points 1-4 of the test can be met. In my view, the magnitude, probability and severity of this asserted effect is not only unknown, but is also outside the scope of my considerations. At a minimum, it does not meet the 5th point of the test. I will therefore not include this concern as a determinative factor to determine directly affected party status.

6) Decrease in property value and loss in enjoyment of property and quality of life

Although the nature of the concern has the potential to meet some parts of the test, the NRCB board members have consistently stated that concerns regarding the effect of a CFO on land values is not a subject for review under AOPA.

It would make little sense to grant directly affected status on the basis of a concern that would not be reviewed. Therefore it is not appropriate to use this concern as the basis to grant directly affected party status.

## APPENDIX C: Concerns raised by the directly affected parties

The directly affected parties raised the following concerns:

### 1. Procedural concerns and general concerns

*John and Justine Capatos*

- *Alternative location with less population*

*Antonio Ramirez*

- *List of adjacent residences inaccurate. There are numerous residences within the 1.5 mile radius*

*Barclay Lutz*

- *Corner's Pride did not communicate about proposal*

*Tom Reich*

- *Expansion is likely next step with even more traffic, manure, smell*

*Kim, Justin, Linda, Travis Jensen*

- *many of those potentially affected did not receive courtesy letters*
- *Neighboring residences significantly closer than indicated in application. Closest residence 1 mile, over 10 within 1.5 miles*
- *Had no indication from Corner's Pride about a pending development. Why was it kept secret?*
- *Just bought two quarters directly adjacent to development for children to build houses. Would not have bought parcels if they had known*

*Murray Charles and Carmen Mack*

- *Complaints won't reach out of province owner. Will be dealt with by government.*
- *Disconnect with locals*
- *Possibility of further expansion*
- *The only way this can be stopped is through objections from affected parties*

*Cara Rasmussen*

- *Upsetting that they get courtesy notice after monies have been spent for assessment. Would it not be appropriate to ask first and then do the planning if there are no objections*
- *Should find alternate location*

*Dave Waldner*

- *Applicant will be difficult to reach; our complaints will have to be handled by governments*

*Darlene and Darren Urban*

- *Shows unneighbourly behaviour*

*Dean Jenkins*

- *Should find more suitable alternate location*

*Carole Jenkins*

- *Should find alternate location with less direct effect on so many people*

*Ian and Susan Whishaw*

- *Area ideal for residences, reason for the many residences in this area*

*Matthew and Tamara Eagles*

- *There are other locations, away from residences, that a better suited*

Approval officer comments and conclusions:

a) Concerns regarding information in the application and application process

One of the concerns was that the information provided in the application in respect to the distance to neighbouring residences was incorrect. Although it is the applicant's responsibility to provide the NRCB with the most accurate information possible, I did not solely rely on this information and did a comprehensive search to verify who lives within the 1.5 mile radius as well as the distance of the CFO to all residences.

Apart from inaccuracies in the application, one respondent also commented that it might be better for the applicant to seek input from neighbours prior to going through the permitting process and spending money. AOPA describes in detail how the application and approval process has to proceed. Therefore, public notice is given once the application is deemed to be technically complete which includes all pertinent soil investigations and construction plans. In general, it seems logical to have all necessary information about an individual proposal before making a decision if and in which way a person might be affected by it or what concerns might remain. This allows respondents to make informed decisions on any individual proposal.

Public consultation is a process that is widely used to gather input from the general public and is, as one of the respondents pointed out, the time to voice concerns, opposition or support. In this case, we received multiple responses to the application notice that all have been carefully evaluated during the decision making process.

b) Alternate location

AOPA does not require an applicant to justify a selected site for a proposed development relative to other possible sites, but rather if the proposed site is able to meet the various requirements of the legislation. I therefore did not consider other possibilities and looked only at the proposal before me.

c) Courtesy letters and public notice

Some individuals expressed concern about the fact that not everyone who might be impacted by this development received notice. As laid out in section 19(1) of AOPA and in further detail in the NRCB's Approval Policy section 7.5.2, where practical, the NRCB will send out courtesy letters based on names and addresses provided by the local municipality and identified to be within the notification radius as laid out in AOPA and its regulations. These letters are not the official notice for the application but refer the recipient to where the official notice is published and include contact information for the NRCB. Public notice for this application was provided in the local newspaper which invited anyone who might have concerns to send in a statement to the NRCB. In addition, one directly affected party voiced concerns about the timeline to respond and that it coincided with the local harvest. Despite the requirements specified in AOPA, I granted a one week extension to this party to respond to the application. No other person requested an extension to respond.

d) Long term plans of Corner's Pride

The NRCB can only evaluate the application that is before them. It is not possible to extrapolate what a specific applicant might propose to do in the future. Any further expansion of the feedlot will require an application to the NRCB, and will be dealt with on its own merits.



e) Complaint process

Once a complaint has been made to the NRCB about a CFO or manure, a NRCB inspector will investigate the complaint. This includes contacting the operator and, as required, a site visit. Irrespective of who the owner and operator of the CFO are, the NRCB will respond to concerns and ensure that AOPA requirements are being met. The NRCB inspector will communicate with those parties who they consider appropriate to communicate with.

If a person or party has concerns regarding manure collection or storage facilities, spreading or other CFO related issues, those concerns can be reported to the NRCB's 24 hour reporting line (1-866-383-6722). The call will be followed up on by an NRCB inspector. Neighbours and concerned parties can also call any NRCB office during regular business hours if they have questions about permit conditions or ongoing AOPA operational requirements.

f) Unneighbourly behaviour

There is no requirement under AOPA that prescribes consultation by a land owner with neighbours prior to the submission of an application to the NRCB with respect to any CFO development. As described above, in case of approvals and registrations, public notice is given to inform the surrounding residents and land owners of the proposed development.

## 2. Impact on community and succession planning

*Hugh and Lynne Grant*

- *Huge impact on community. Clean environment enjoyed by everyone, that's why so many people move here. CFO will change that for Corner's Pride benefit*
- *Succession planning in question if development goes forward*

*Helen Crombez*

- *3<sup>d</sup> generation grain farmer*
- *Negative impact on community as a whole*

*Dave Waldner*

- *Local families pay taxes, profit from that company goes to BC*

*Lorne Hickey*

- *Location unsuitable with detrimental impact on community*

*Barclay Lutz*

- *Area has extensive high-end acreage development, including by Corner's Pride (4-5 houses)*
- *Prime location for residences with proximity to Lethbridge*
- *High tax base (pay more than CFO)*

*Darlene and Darren Urban*

- *Development at expense of adjacent land owners. Feed and money will go to BC*
- *Workers have few ties to the community*

*Tom Reich*

- *Owner is from BC. No benefits for local community*
- *County rate payers will pay for the road repairs*

*Kim, Justin, Linda, Travis Jensen*

- *Curtails succession planning (bought quarter sections to build house for kids – SE 18 and SW 17 in 2020)*
- *Negates development now and in future*
- *Tax revenue of these residences would be higher than the CFO, less stress on infrastructure, but with greater benefit for community*
- *Land use option limited with CFO*
- *Lethbridge county's vision statement: "...community offering quality county living." NRCB supposed to make decision in the public interest. Proposal caused substantial stress in community. Impact negative and long lasting. Economic benefit for BC, costs for AB;*
- *Will be expensive to maintain infrastructure. Taxes will go up, property value down*

*Kim B. Jensen*

- *NRCB decides if projects are in the public interest, this development is not*
- *Negative impacts not reversible*
- *Extent of impacts visible in other areas which experienced no further growth in impacted areas. Diminished future development opportunities*
- *No financial return of this business to AB*

*Murray Charles and Carmen Mack*

- *Huge effect on all land owners in area. Not fair*
- *Out of province company makes profits on back of taxpaying local families*
- *Taxpaying residents will pay cost of road maintenance*

*Dean Jenkins*

- *Owner won't be affected. Lives out of province*

*Carole Jenkins*

- *Built dream home at quite peaceful location with little traffic*

*Greg Smith*

- *Too close to residences.*
- *Future plans for family succession*

*Antonio Ramirez*

- *Applicant does not live in Alberta*

#### Approval officer comments and conclusions:

##### a) Impact on the community

The MDS setback, and land use zoning of the land on which a residence is located are an important tool under AOPA for mitigating the nuisance impacts of CFOs on neighbours. Under Schedule 1, section 2, Standards and Administration Regulation, the MDS is measured from the "outside walls of neighbouring residences (not property line)" to the closest manure storage facility of the proposed CFO. In other words, the MDS is a setback to neighbouring residences and is based on various factors including the number and type of animals and the zoning of the land on which a residence is located.

Under section 3(1) of the Standards and Administration Regulation, an approval officer may not issue a permit for a CFO unless it meets the MDS requirement in section 3. Under sections 3(2) and (3) of that regulation, the MDS must be calculated using the formula in Schedule 1 of the

regulation, but must be at least 150 m. In this case, the closest existing residence is over 1,000 m south of the proposed development.

b) Succession planning

AOPA does not prevent residential developments from being established adjacent to or within the MDS of a CFO. However, land subdivision and housing development permits are within the jurisdiction of the municipality in which they are proposed. Municipalities can establish their own rules and regulations for subdivisions and housing development.

c) Increase in taxes to repair municipal roads and general tax base

As mentioned above, neither the County of Warner nor Lethbridge County made any comments on the potential increase in maintenance costs and subsequent increase in property taxes to compensate for this expense. Apart from the fact that it is outside the scope of my considerations, consequential community costs (e.g. property taxes, etc.) are the responsibility of the county.

d) Owner and operator without ties to community

Generally, the purchase of land is not under the jurisdiction of the NRCB, neither does the NRCB have any input on any such transaction. There is also no clause in AOPA restricting the establishment and operation of CFOs to local residents or community members at large. I therefore determined that this concern is outside the scope of my considerations and I will not further address this issue.

### **3. Nuisance impacts (dust, noise, odor, flies) effect health and enjoyment of property**

*Murray Charles and Carmen Mack*

- *Smell will be noticed for miles*
- *Manure spreading will make it smelly everywhere*
- *Dust from heavy traffic*
- *Flies and feedlot related pests spread diseases*
- *Constant noise from operation*

*Carole Jenkins*

- *Smell: bought property away from CFOs. Will have odor now*
- *Can't enjoy pond and property*

*Cara Rasmussen*

- *Worked hard to develop property. Nuisance impacts would destroy enjoyment*
- *Will reduce visitors*
- *Will stink all the time. Would not have bought the place with the CFO there*

*Kim, Justin, Linda, Travis Jensen*

- *Fly infestations*
- *Manure spreading lands are under forage. No incorporation. Lasting odor. Past communication of operator does not indicate that they will communicate in the future about manure spreading*
- *If it has no impact on residents – why is it proposed to be as far away as possible from operator's residence? Places CFO upwind of his residence*

*John and Justine Capatos*

- *Loss of enjoyment of property (quiet, clean, peaceful)*
- *Smell*
- *Flies*
- *Poor air quality (odor, smell)*

*Tom Reich*

- *Odor and air pollution during manure spreading*

*Hugh and Lynne Grant:*

- *CFO is upwind. Is traditionally grain farming*
- *Odour, and poor air quality*

*Helen Crombez*

- *Flies*
- *Odor issue due to manure*
- *Dust from traffic*

*Antonio Ramirez*

- *Will cause significant air pollution and smell from CFO and manure spreading*
- *Can't enjoy clean air, open windows during summer, and associated health benefits for his young family*

*Dave Waldner*

- *Will cause infestation of flies, horseflies, coyotes and other vermin*
- *Noise from traffic, animals and everyday operation*
- *Dust from CFO (animals and manure) and traffic*
- *Smell and flies from manure spreading will prevent enjoyment of property outdoors*

*Mike and Kirsty Darby*

- *Smell will impact everyone around.*
- *Significant amount of manure that needs to be spread will have lasting impact (residence surrounded by Corner Pride's land)*
- *Impact on quality of life and mental and physical well being*

*Lorne Hickey*

- *Not incorporated manure (hay land) will have long lasting odor*

*Barclay Lutz*

- *Negative impact on quality of quiet country life (noise, dust, smell, flies, traffic, optics).*

*Joe and Danielle Miko*

- *Flies, odor*
- *Manure waste*

*Darlene and Darren Urban*

- *Enjoyment of life will diminish due to safety issues, dust and noise*
- *Manure spreading lands close to residence*
- *Flies, smell will not allow to go outdoors which will affect mental health*
- *Noise from CFO (cattle, machinery)*
- *Light pollution*

*Kim B. Jensen*

- *Dust pollution*
- *Fly infestation*
- *Negative impact on enjoyment and quality of live (stress)*

*Dean Jenkins*

- *Smell*
- *Quality of life impacted*

*Cory Rasmussen*

- *Constant exposure to smell, bought place because no CFO in area*

*Matthew and Tamara Eagles*

- *Flies*
- *Dust*
- *Smell will pose health and mental health risks*
- *Enjoyment of property no longer possible*

Approval officer comments and conclusions:

AOPA's minimum distance separation (MDS) requirements are a proxy for minimizing odors, dust, flies, light emissions and other nuisance effects from CFOs. The proposed CFO can meet the MDS to all neighbouring residences. Typically, it is presumed that nuisance effects from the CFO facilities are within an acceptable range of effects if the MDS has been met.

Consulting weather data from several websites including weatherspark and meteoblue, it seems that the predominant wind direction in the area of the proposed development is from the west, west-southwest and southwest direction for most of the year. The wind rose also showed that the winds blow from all directions for some portion of the year, but blow for the shortest time from the NNE to SE quadrant. With the predominant wind direction from the southwesterly direction, most of the residences within the 1.5 mile radius are upwind which lowers the possible exposure to odor and dust from the CFO.

AOPA does not expressly require approval officers to consider nuisance or health effects when deciding whether to issue an approval for a proposed CFO.

It is true that there will be odours resulting from the land application of manure. In order to limit the nuisance impact of manure application on land where it cannot be incorporated, such as on direct seeded or tame forage land, section 24 of the Standards and Administration Regulation requires that manure is not land applied within 150 m of residences. Setbacks can help to minimize normal odours from manure spreading. In addition, to address these concerns, Corner's Pride has committed to either spread manure on fields that will be reseeded which will allow the manure to be incorporated within 48 hours of spreading, or to irrigate the fields with one inch of water within 48 hours where manure has been spread on forage or other standing crop. Incidences of non-compliance can be reported to the NRCB's 24 hour a day reporting line (1-866-383-6722).

Several of the respondents were concerned about the level of road dust resulting from constant traffic past their property. There is no provision in AOPA that addresses road dust. However, to minimize road dust, the operator has the option to enter into an agreement with the county to treat the specific sections of the road.

One of the respondents was concerned about light emissions from the feedlot. Lethbridge County and the County of Warner have no specific policies associated with a dark sky initiative. It is hard to assess to what extent the light fixtures at the feedlot would impact the experience of night skies in this area. Although it cannot be excluded that there will be an impact on adjacent neighbours, it is likely that it will be very localized.

Fly infestations were also a concern voiced by several respondents. As per section 20(1) Standards and Administration Regulation, an owner or operator of a CFO must employ reasonable measures to control the level of infestation of flies at a location occupied by the operation. Incidences of inappropriate fly infestations can be reported to the NRCB's 24 hour a day response line (1-866-383-6722 or 310-0000 toll free line). The application and statement of concern that include health related concerns were forwarded to AHS for their comments. I did not receive any comments from AHS.

#### **4. Surface water contamination (runoff from CFO and manure spreading) and groundwater contamination**

*Carole Jenkins*

- *Built pond that could be contaminated through manure spreading*

*Ian and Susan Wishaw*

- *CFO on highest point of landscape. Lands drain from CFO towards Wishaw's property which is in the center of the flood plain (local runoff collection area) Considerable runoff. Covers substantial amount of area including CFO. High risk of contamination. Poor location for CFO*
- *Several drainage ditches, connected to irrigation canals, dissect the area- all interconnected*
- *Water table very close to surface*

*Murray Charles and Carmen Mack*

- *Water quality: CFO will contaminate water well. Surface water runoff will go everywhere and will not be retained on CFO property*

*Kim B. Jensen*

- *NE 7-7-20 is located in flood plain and are seasonal under water*
- *All listed manure spreading lands are under alfalfa (no incorporation). Irrigation and drainage canals run through those lands. Heavy irrigation of these lands often results in runoff affecting adjacent landowners. Generally poor drainage*

*Kim, Justin, Linda, Travis Jensen*

- *High water table. Substantial pooling during irrigation events*
- *Drainage pattern north to south with substantial flooding. Land dissected by irrigation canals and ditches. Prone to contamination if liquid manure is spread*
- *Proposal includes use of natural drainage channel to lagoon. Channel parallel to Rge Rd 20-5 leading to the flood plain. High risk of water contamination. Drain ditches not built to convey manure contaminated runoff*
- *Owner dug several ditches to divert surface water flow on the north, east and west borders of the hay land. Diverting surface water flow and excess irrigation water to neighbouring lands may not be legal*
- *Natural drainage patterns complicated by manmade drains, combined with sand pockets*

*and seams increase likelihood for potential contamination of groundwater contamination. Many people in area depend on wells (e.g. SE 17-7-20)*

- *Provided info in application inaccurate or insufficient. Borehole 9 finds sand.*
- *Risk to environment*
- *Potential environmental risk due to earthen liquid manure storage*

*Tom Reich*

- *Surface water flow is towards his land (north- south direction). Lands prone to regular flooding (e.g. 2012, 2018)*
- *Flood plain area large with little elevation variance (8-10 inch)*
- *Water takes long to disappear and causes a lasting high water table. CFO would contaminate the flood waters that end up on his property*
- *Land has poor drainage and is over irrigated with standing water in the fields. With manure application, standing water with manure will be the result*

*John and Justine Capatos*

- *Manure spread on alfalfa fields will cause runoff, possibly contaminating wells*

*Darlene and Darren Urban*

- *High water table. Contamination of ground and surface water possible, will impact land*

*Joe and Danielle Miko*

- *Possible impact on ground water quality of future wells*

*Barclay Lutz*

- *Area 'lake bottom'. Receives runoff from north, west and south. Pools during spring runoff and large rainfall events. Received help from RID mitigating impacts of standing water. Ceased his own cattle herd because it is impossible to contain runoff*
- *The moisture assessment likely not accurate. Done after two consecutive dry years. Not representative of norm*

*Lorne Hickey*

- *Area prone to flooding with standing water for long periods*
- *Water pooling during irrigation*
- *If manure applied, it will enter the drain ditch and the irrigation delivery ditch. Therefore, anyone downstream could be affected*
- *Will need manure storage lagoon and still runoff will occur*

*Dave Waldner*

- *Aquifer contamination. How will they prevent manure from leaching? Has domestic well*
- *Concerned of cost if have to connect to town water or haul drinking water*

*Antonio Ramirez*

- *Water drains from the north (CFO area) and seeps into his land. Stands there. If contaminated, will have it on his land*

*Helen Crombez*

- *Contaminate ground water and other water systems*

*Hugh and Lynne Grant:*

- *Drainage problem. CFO will be above flood plain area and drainage ditch. Constructed 1967, was meant to drain land, is now an irrigation ditch. Receives water from large area. Ditch overtaxed by influx of surrounding areas and frequently overflows, flooding*

*numerous acres of landowners along the way, including large areas owned by Corner's Pride and listed as manure spreading lands (all of 5-7-20, most of SE 7-7-20 and north part of 6-7-20)*

- *Heavy clay causes substantial pooling*
- *Drainage north south with runoff ending in the drain. Even if the drain does not overflow, manure will make its way to the drain. Manure spreading lands not suitable*

*Matthew and Tamara Eagles*

- *Is there sufficient clay to prevent seepage of contaminants into groundwater and requests solid evidence*

Approval officer comments and conclusions:

a) Surface water contamination from CFO

The total volume of the catch basin proposed in this application meets the storage capacity calculated to accommodate at least a one day rainfall that has a one in 30 year probability (section 19(2) Standards and Administration Regulation). The feedlot area (this includes the entire footprint although the shelters where the livestock is housed will not receive precipitation), using the catch basin calculator with rainfall data from Lethbridge, requires a runoff storage volume of 4593 m<sup>3</sup>. The proposed catch basin can hold 4992 m<sup>3</sup> at freeboard level. This is in excess of the required 4593 m<sup>3</sup> and will help to alleviate the possibility of an overflow. To further reduce potential runoff, Corner's Pride stated that they will control all run-on to the facility (mainly coming from the northeast and north) by diverting the water around the facility to prevent run-on water from being contaminated with manure.

b) Groundwater contamination

There are three wells in AEP's database that are in the area south of the development (S1/2 6-7-20 W4) with the following well IDs: 2028579, 128744, and 217519. The first well is drilled into a sandstone layer at a depth of 38.71 m, the other two wells are drilled into a sandstone layer at a depth of 24.38 m and 27.43 m respectively. All three wells report several meters of bedrock with either clay, sand and clay, or silt- silty clay overlays.

The catch basin and the pen with shelter area are proposed to have a natural occurring protective layer. The attached engineering report (see Technical Document LA19032) shows that the hydraulic conductivity of the soils in this area meet AOPA's groundwater protection requirements. Some sand lenses are reported in the upper 1-2 m in the till layer (silty clay loam and clay loam) in the pen with shelter area. Although no sand lenses were reported in the area of the proposed catch basin, a cautionary condition will be added that requires the permit holder to sub-excavate all sand lenses, if encountered, along the sides and bottom of the catch basin and refill with compacted clay (see Appendix D below).

One of the respondents also comment on the water table that was, in his opinion, unusually low during time of drilling. It is acknowledged that water tables fluctuate throughout the year. To account for the possibility that the water table is higher at the time of construction, a condition will be added, requiring Corner's Pride to immediately report to the NRCB should the water table be within one meter of the construction zone during construction.

In addition to meeting the groundwater protection requirements of AOPA, the permit holder will place a secondary liner, constructed of concrete, in the sheltered part of the pen with shelter area where the cattle will be housed. This will provide additional protection to the underlying soil horizons from a possible infiltration of manure constituents. Because the proven natural



occurring protective layer meets AOPA's groundwater protection requirements, the risk to groundwater is considered low.

c) Surface contamination from manure spreading

Several pictures were submitted by the respondents showing significant flooding in some areas south of the proposed CFO, mainly on some of the manure spreading lands listed in the application. In its response to the statements of concern, Corner's Pride committed to not spread manure in the months of snowmelt or higher rainfall events (March 1 to June 30) on any lands that experience flooding, mainly NW 5-7-20 W4 and SW 5-7-20 W4. This commitment is included as an ongoing condition in Approval LA19032. The operator is also aware that manure spreading on snow covered or frozen ground is not permitted under the regulations unless specific permission is granted by the NRCB.

## 5. Traffic

*Cory Rasmussen*

- *More heavy traffic, dust, noise along the gravel road*

*Cara Rasmussen*

- *More dust, more frequent which is a safety issue for other neighbours with kids*

*Dean Jenkins*

- *Deterioration of roads and increase in tax for maintenance*

*Carole Jenkins*

- *Road not designed for heavy traffic. Necessary road maintenance will increase property taxes*

*Kim B. Jensen*

- *Deterioration of infrastructure*

*Kim, Justin, Linda, Travis Jensen*

- *Gravel roads not suited for this traffic. Public safety will be jeopardized*

*Murray Charles and Carmen Mack*

- *Cattle-hauling equipment liners will destroy the roads*
- *Twp Rd 7-0, cold-packed road, is barely maintained with existing traffic*
- *Trucks will chose to take Twp Rd 7-0 rather than gravel roads*
- *Safety issue with racing cattle liners sharing the road with school buses*

*John and Justine Capatos*

- *Traffic of heavy trucks, develops dust, and damages roads*
- *Safety of school buses, school aged children*

*Tom Reich*

- *Traffic develops lot of dust (gravel road). Increases cost of maintenance, as gravel roads not built for semi-trucks*

*Darlene and Darren Urban*

- *Road deterioration,*
- *Huge amount of dust form heavy and amount of traffic*
- *Road safety (speed)*
- *Will take the easiest way to get to CFO Twp Rd 70, which goes past many residences*
- *School bus route*

*Barclay Lutz*

- *Area experiences high amount of local traffic (including school buses). Infrastructure quickly deteriorates already*
- *Soft shoulders, roads not constructed for heavy traffic*
- *Additional traffic detrimental. Corner's Pride already main user of these roads*

*Joe and Danielle Miko*

- *Increase in heavy traffic (additional noise and pollution)*

*Lorne Hickey*

- *Delivery of feed and other trucking will have impact on road system*
- *Some sections periodically closed already, detours will increase impacted area*

*Mike and Kirsty Darby*

- *Increase of traffic to a 'constant' level with associated dust and noise from a quiet road*
- *Deterioration of roads. Will need constant upkeep*

*Dave Waldner*

- *Locals left with destroyed roads*

*Antonio Ramirez*

- *Increase in truck traffic*
- *Developing dust in summer is a safety issue (visibility) for other drivers*

*Hugh and Lynne Grant*

- *Increased traffic will impact roads (are narrow with soft, steep shoulders)*
- *Upkeep costly*
- *Roads used by school buses*
- *Poor roads are a safety issue*

*Helen Crombez*

- *Increase in traffic and dust*

*Matthew and Tamara Eagles*

- *Heavy traffic unsafe for kids*
- *Main access to feedlot passes their house*
- *Roads are not designed for that kind of traffic*

Approval officer comments and conclusions:

Lethbridge County, the County of Warner and Alberta Transportation did not voice any concerns with respect to traffic or deterioration of roads due to the possible increase in traffic. It is possible that the truck traffic servicing Corner's Pride will predominantly use Twp Rd 70. However, anyone using the public road system is bound to the provincial and federal traffic regulations and any infringements can be reported to the local authorities.

The NRCB does not have direct responsibility for regulating road use. Section 18 of the *Municipal Government Act* gives counties "direction, control and management" of all roads within their borders. Because of this it would be impractical and inefficient for the NRCB to attempt to manage road use through AOPA permits. (See Operational Policy 2016-7: *Approvals*, part 8.9.).

## **6. Impact on property value**

*Cara Rasmussen*

- *Land value and salability*
- *Financial impact*

*Cory Rasmussen*

- *Decrease of land value (curb appeal)*
- *Impact on life investment*

*Murray Charles and Carmen Mack*

- *Impact on property values*

*Dean Jenkins*

- *Property value will go down; future sales will be deterred*

*Carole Jenkins*

- *Built dream home at quite peaceful location with little traffic*
- *Property value will be negatively affected by smell and traffic*
- *Unattractive to buyers*

*Kim, Justin, Linda, Travis Jensen*

- *Property value will go down*

*Darlene and Darren Urban*

- *Will have to put sale of property on back burner because of development - would have to disclose this proposal*

*Antonio Ramirez*

- *Will devalue property and stop further development on own land*

*Dave Waldner*

- *Decreased real estate values*

*Mike and Kirsty Darby*

- *Decimate value of property*
- *Chose location above many others for quiet country living, dominated by grain farming.*
- *Life investment*

*Joe and Danielle Miko*

- *Impacts property value and resale opportunity*

*John and Justine Capatos*

- *Property value will go down*
- *Possible expansion in the future will further decrease property value*

*Tom Reich*

- *Real estate value reduced*

*Kim B. Jensen*

- *Drop in property value*

*Matthew and Tamara Eagles*

- *Decrease in property value for acreages. Who wants to live close to feedlot*
- *Property is huge personal investment*

Approval officer comments and conclusions:

In previous board decisions the NRCB's board members have consistently stated that concerns regarding effects on land or property values are "not a subject for [the board's] review under AOPA or for approval officers' consideration." According to the board, impacts on property values are a land use issue, which is a "planning matter dealt with by municipalities in municipal development plans and land use bylaws." (See, Pigs R Us Inc., RFR2017-11/BA17002 at 6).

**7. Other concerns**

*Kim, Justin, Linda, Travis Jensen*

- *Produces greenhouse gases and other air pollutants.*
- *Garbage blowing around already*

Approval officer comments and conclusions:

a) Environmental impact – CO<sub>2</sub> emissions and air pollutants

One of the respondents was concerned about the increase in CO<sub>2</sub> emissions. There are currently no regulations that limit the raising of livestock. At any rate, the animals confined at this facility are part of an operating dairy CFO and are heifers that are being housed off site and transferred back to the milking barn before calving. Because of this, this facility would not contribute to an increase in CO<sub>2</sub> emissions but rather maybe a relocation.

b) Blowing garbage

The operator is encouraged to contain all blowing waste, including plastics from bales and silage bags. However, the NRCB has no jurisdiction over this aspect of an operation. I would therefore encourage any concerned citizen to report incidences of such kind to the county for potential action.

## **APPENDIX D: Explanation of conditions in Approval LA19032**

### **a. Construction above the water table**

Section 9 (3) of the Standards and Administration Regulation under the *Agricultural Operation Practices Act* (AOPA) prohibits construction of a manure storage facility if its bottom is less than one metre above the water table at the site “at the time of construction.”

Based on this information, the proposed catch basin meets the one metre requirement of sections 9 (3). However, because the height of the water table can vary over time, a condition is included requiring applicant to cease construction and notify the NRCB immediately if the water table is encountered during construction.

### **b. Manure spreading condition**

Corner's Pride committed to not spread manure on lands that are prone to flooding, particularly the W $\frac{1}{2}$ -5-7-20 W4 during March to June to avoid manure from possibly leaving the manure spreading lands. In addition, in response to concerns about odor from manure spreading, Corner's Pride also committed to irrigate fields after a manure spreading event within 48 hours after spreading and to incorporate manure within 48 hours when spreading on fields that will be reseeded. Two conditions will therefore added that will state:

- 1) After manure application, the permit holder shall irrigate fields with a standing crop (including forage) or non-tilled fields with one inch of water within 48 hours of manure application and shall incorporate manure within 48 hours on fields that will be reseeded.
- 2) The permit holder shall not spread manure on the W $\frac{1}{2}$ -5-7-20 W4 during March 1 to June 30

### **c. Construction Deadline**

Corner's Pride proposes to complete construction of the proposed new feedlot (six pens with shelters) and catch basin by November 30, 2023. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2023 is included as a condition in Approval LA19032.

### **d. 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, Approval LA19032 includes a condition requiring:

Corner's Pride to submit an engineer's completion report confirming that all sand lenses that are encountered along the walls or bottom of the catch basin, during the construction of the catch basin, have been removed to the satisfaction of the signing engineer and refilled with compacted clay.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval LA19032 includes a condition stating that Corner's Pride shall not place livestock or manure in the manure storage portions of the new feedlot (pens/shelters) and allow runoff from entering the catch basin until NRCB personnel have inspected the new feedlot (pens/shelters) and catch basin and confirmed in writing that they meet the approval requirements.