



County of Stettler No. 6

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Natural Resources Conservation Board
Provincial Building
#303, 4920 – 51 Street
Red Deer, AB
T4N 6K8

December 2, 2020

Attention: Francisco Echegaray, Approval Officer

**RE: Application for Amendment RA20029A
Lone Pine Hutterian Brethren (Lone Pine Farming Inc.)
SW 7-39-17-W4M**

On August 31, 2020 the County of Stettler responded to the NRCB request for comment on Application RA20029. In that response it was noted that the proposed development appears to be consistent with the County of Stettler Municipal Development Plan and Land Use Bylaw. The letter also stated that County Council has expressed concerns regarding the types and location of soil seams and the potential impacts if there were to be an unplanned discharge from the liquid EMS lagoon. Regrettably, the County of Stettler received no response from the NRCB.

On November 10, 2020 the County of Stettler received a second referral (Application for Amendment RA20029A) from NRCB requesting further comment on this development as the liquid EMS lagoon has been developed by the landowner to dimensions exceeding the original NRCB authorization. The County of Stettler would like to take this opportunity to once again voice concerns regarding the liquid EMS lagoon.

The liquid EMS lagoon is located within an area of substantially sandy soil as evidenced by the borehole sites and soil assessment. According to the analytical report submitted with the application the EMS lagoon will be constructed to a below grade depth of 4.0m. The bottom of the compacted clay liner will be 5.0 m below grade. The report recognizes that sand pockets may be encountered during construction and should be removed prior to liner installation. At the same time, borehole #2 (BH02) shows sand at 4.5m with no bottom to the sand pocket. Remaining boreholes show soil structures that would improve the situation if the EMS lagoon had been moved to a more favourable location.

The County of Stettler is concerned that the nearby water sources and/or water courses may be negatively affected should there be an unplanned discharge from the lagoon as the sandy soils will not be conducive in preventing the spread of contamination. The County is very concerned with the potential health risks associated with the contamination of water wells in the area as 90% of the rural population of the County of Stettler relies on groundwater for residential purposes. Contaminated groundwater has led to public health concerns in other parts of Canada in recent history and the County of Stettler is anxious to prevent any similar type of situation within our borders. Furthermore, in the event of contamination, providing ratepayer access to potable water will impose a financial burden to the municipality as there are no municipal water services in proximity to the subject area.

The NRCB application (Part Two – Technical Requirements) states that “Any construction prior to obtaining an NRCB permit is an offence and is subject to enforcement activity, including prosecution.” Are there consequences to the landowner for constructing the EMS Lagoon outside of the parameters defined in the original authorization? What steps does the NRCB take to ensure the development will be constructed in accordance with an amended authorization? Is it possible for the County of Stettler to have confidence in the development given that the landowners have already shown disregard for the NRCB approval and the NRCB has in turn shown disregard for the concerns raised by the County of Stettler?

Equally concerning is the remarkably short processing time NRCB required between receiving the amendment application on November 9, 2020 and deeming it to be complete on November 10, 2020 when in the past there has been a period of several weeks between the County being given notice of the application and the application being deemed complete. Presumably, the short time frame is due to the EMS lagoon already being constructed. The application indicates that the amendment is required in order to ease the agitation and emptying of the lagoon. Were these activities not considered during the processing of the original application? Is this amendment application being rushed through the permitting process in order to accommodate the landowners despite the apparent disregard for the original NRCB approval?

Municipal Development Plan (adopted June 25, 2014)

Application No. RA20029A is consistent with the County’s Municipal Development Plan.

The County respectfully requests that the NRCB duly consider the following matters in their review of the application.

General (MDP policy 4.15)

1. The County’s Municipal Development Plan does not have a land use map that provides direction for the proposed use.
2. In principle, the County supports any application for CFO development and/or expansion if it complies with the AOPA regulations, specifically those provisions that

are intended to protect riparian zones, groundwater and surface water quality and to address potential public nuisances.

CFO Exclusionary Zones (MDP policy 4.15)

3. The subject property is not located within the plan boundary of an area structure plan or an inter-municipal development plan or any other plan that contains a CFO exclusionary zone.

Reciprocal Setback Distances are advised but not required (MDP policy 4.16)

4. In approving rezoning and/or subdivision applications for single parcel residential acreages and multi-lot residential subdivisions in locations that could be incompatible with an existing CFO, the County will recommend that the applicants familiarize themselves with existing CFO locations and the applicable minimum separation distances and consider the potential impact on their proposed subdivision however, the County will not require reciprocal setback distances. Further, the County will require that an area structure plan or outline plan for multi-lot residential development must incorporate the buffering techniques for non-agricultural development in the agricultural fringe as referenced in the relevant section of the County's Land Use Bylaw.

Natural Environment (MDP policy 8.7)

5. The County encourages raised awareness about environmental issues and supports actions and initiatives that increase individual and public environmental responsibility.

Land Use Bylaw (as amended May 13, 2020)

Zoning

The subject property and the surrounding lands within 1,600 metres of its boundaries are zoned as 'Agricultural District' under the County's Land Use Bylaw No. 1443-10 as amended. This land use district allows an 'Agricultural Operation' (i.e. farming) as a permitted use however, considering that the proposed development falls under AOPA, it is not considered to be within the meaning of 'Agricultural Operation' as defined in the County's Land Use Bylaw and is therefore exempted from the provisions of the Land Use Bylaw.

Required Municipal Setbacks

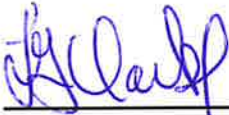
Considering the fact that the County's Land Use Bylaw No. 1443-10 as amended does not require a development permit for the proposed CFO because it is administered under the AOPA, the proposed development is deemed to be exempted from the municipal setback requirements. Nonetheless, the County would appreciate it if the NRCB would consider, as part of their review of the application, the following setback requirements under Section 57 of the Land Use Bylaw:

- development shall not be located in a 1:100 year floodplain;
- development adjacent to a water body shall be set back a distance of 30 metres from the highest valley break, such as a river bank;
- development shall be set back a distance of 30 metres from any slope that exceeds a grade of 15% and no vegetation shall be cleared within 30 metres from the crest or toe of such a slope.
- all permanent structures must be set back 38 meters (125 feet) from the centreline of a County road and 0.91 meters (three feet) from the rear and side property boundaries.

From a review of the information provided with the application, it appears that the proposed development location meets the above-mentioned property boundary setback requirements. The property is located near the Red Willow Creek, within the Battle River Watershed.

Please do not hesitate to contact the undersigned in the event that you have any further inquiries or require clarification of these matters.

Sincerely,



Larry Clarke, Reeve
COUNTY OF STETTLER NO. 6

cc: Honourable Jason Nixon, Minister of Environment and Parks, House Leader
Honourable Devin Dreeshen, Minister of Agriculture and Forestry
Mr. Nate Horner, MLA for Drumheller- Stettler