

#1 - REQUEST FOR REVIEW: LA21033 /Double H Feeders Ltd.

Filed By: **Scott Van't Land**

Deadline for RFRs: December 16, 2021

Date RFR received: December 9, 2021

Status of party as per Decision Summary: Directly Affected

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	LA21033
Name of Operator/Operation:	Double H Feeders Ltd.
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>):	NE 22-9-22 W4M
Municipality:	Lethbridge County

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.

1. PARTY STATUS

(IF YOU ARE NAMED A DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU DO NOT NEED TO COMPLETE THIS SECTION)

Party status (“*directly affected*” or “*not directly affected*”) is determined pursuant to the provisions of the *Agricultural Operation Practices Act* (AOPA) and its regulations. Upon receipt of an application, the Approval Officer must notify any affected parties. Affected parties include municipalities and owners or occupants of land as determined in accordance with the regulations. To obtain directly affected status, the owner or occupant notified in the above process must provide a written submission to the Approval Officer during the stage at which the Approval Officer considers the application. The Approval Officer will then determine who the directly affected parties are and include this determination in the Decision Summary.

Under its governing legislation, the Board can only consider requests for review submitted by directly affected parties. If you are not listed as directly affected in the Approval Officer’s decision, you must request that the Board reconsider your status (*please note that under the provisions of AOPA, the Board cannot reconsider the status of a party who has not previously made a submission to the Approval Officer during the application process*).

In order to request your status be reconsidered, you must explain why your interests are directly affected by the decision of the Board. Please list these reasons below:

My grounds for requesting directly affected status are as follows:

2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

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:

Double H Feeders Ltd. currently operates two broiler operations in the immediate vicinity of the Town of Coalhurst.

The first operation is in closer proximity to town limits, located in an area designated "Potential Grouped Country Residential" within the current Lethbridge County-Town of Coalhurst IDP originally enacted in 2014. These barns are aging, and becoming obsolete and inefficient when compared with current broiler barn design.

The second site, where we are proposing to consolidate this production, is in an area designated "Primarily Agricultural" within that same IDP. The current barns here are of more modern design, and we are proposing to consolidate operations here, by adding facilities to replace the production in the first operation. This consolidation would locate our operation further from the Town of Coalhurst, remove that production from a more densely developed area, and make our operation more efficient.

We have been in contact with the Council of the Town of Coalhurst, and they support this proposal. We have also been in contact with Ms. Hilary Janzen, a senior planner with Lethbridge County, and she indicated support for this project.

The decision delivered by Carina Weisbach indicated that our proposal met all AOPA requirements for approval, but she was required to deny the application because of the current MDP.

This proposal would consolidate broiler production in a more appropriate location. It would enable us to remove our operation from an area planned for Grouped Country Residential development. It would make our operation more efficient, and enable us to continue production with barns built to accommodate modern practices and standards of efficiency.

This is why we are requesting a Board review of the Approval Officer's decision.

3. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

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 decision delivered by the Approval Officer prevents us from consolidating our broiler production on a site which is more appropriate to that use.

4. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

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:

The Approval Officer was required to deny the application because of the current MDP. We have secured the support of both the Town of Coalhurst and the Lethbridge County to proceed with this project. The project meets all AOPA requirements. For these reasons, we believe it would be appropriate for the Board to reverse the Approval Officer's decision.

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.

The conditions and amendments suggested by our Approval Officer are appropriate and manageable.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Scott Van't Land

Address in Alberta: [REDACTED]
Coalhurst, Alberta T0L 0V0

Legal Land Description: NE 22-9-22 W4M

Phone Number: [REDACTED]

Fax Number: N/A

E-Mail Address: [REDACTED]

Signature: <u>Scott Van't Land [REDACTED]</u> <i>Optional</i>	Date: <u>December 9, 2021</u> <i>Required</i>
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If you do not meet the timeline identified, your request will not be considered.

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:

Address:

Phone Number:

Fax Number:

E-Mail Address:

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

Laura Friend, Manager, Board Reviews
Natural Resources Conservation Board
John J. Bowlen Building
#901, 620 - 7 Avenue SW
Calgary, AB T2P 0Y8

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

Please note, 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.

For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

[Submitted March 31, 2021]

To the Council of the Town of Coalhurst,

Double H Feeders Ltd currently operates 2 broiler operations in the immediate vicinity of the Town of Coalhurst. We are asking for your support to move the production further from town limits.

The West site is located with primary access on Rge Rd 22-3. These are two storey barns with the capacity to house 50,000 birds. They run on an 8-week cycle, producing 6.5 flocks per year. There are over 100 trucks accessing this site annually to deliver feed and ship birds. This quarter section (NW 22-9-22) has been subdivided into at least 10 parcels. The barns are located roughly 1200 ft from Town Limits and currently reside in the zone designated Potential Grouped Country Residential in the Intermunicipal Development Plan (IDP) published by the Town of Coalhurst and Lethbridge County in December 2014.

The East site is located on Twp Rd 9-4. These are 3 single storey barns. Two barns were built as hog barns, and then converted to broiler chicken production in 2000, with a third barn being completed in 2002. These barns have a capacity to house 58,000 birds. This quarter section (NE 22-9-22) has no subdivisions out of it, and the barns are located over $\frac{3}{4}$ mile from Town Limits, residing in the zone designated Primarily Agricultural.

The West site is located close to town limits, and the barn design is obsolete. We are proposing to shut down production at the West site, and then build replacement barns at the East site, consolidating the production to a total 120,000 bird capacity. This project would pro-actively move our broiler production out of the area designated Potential Grouped Country Residential, and into the area designated Primarily Agricultural, where this production is more appropriate.

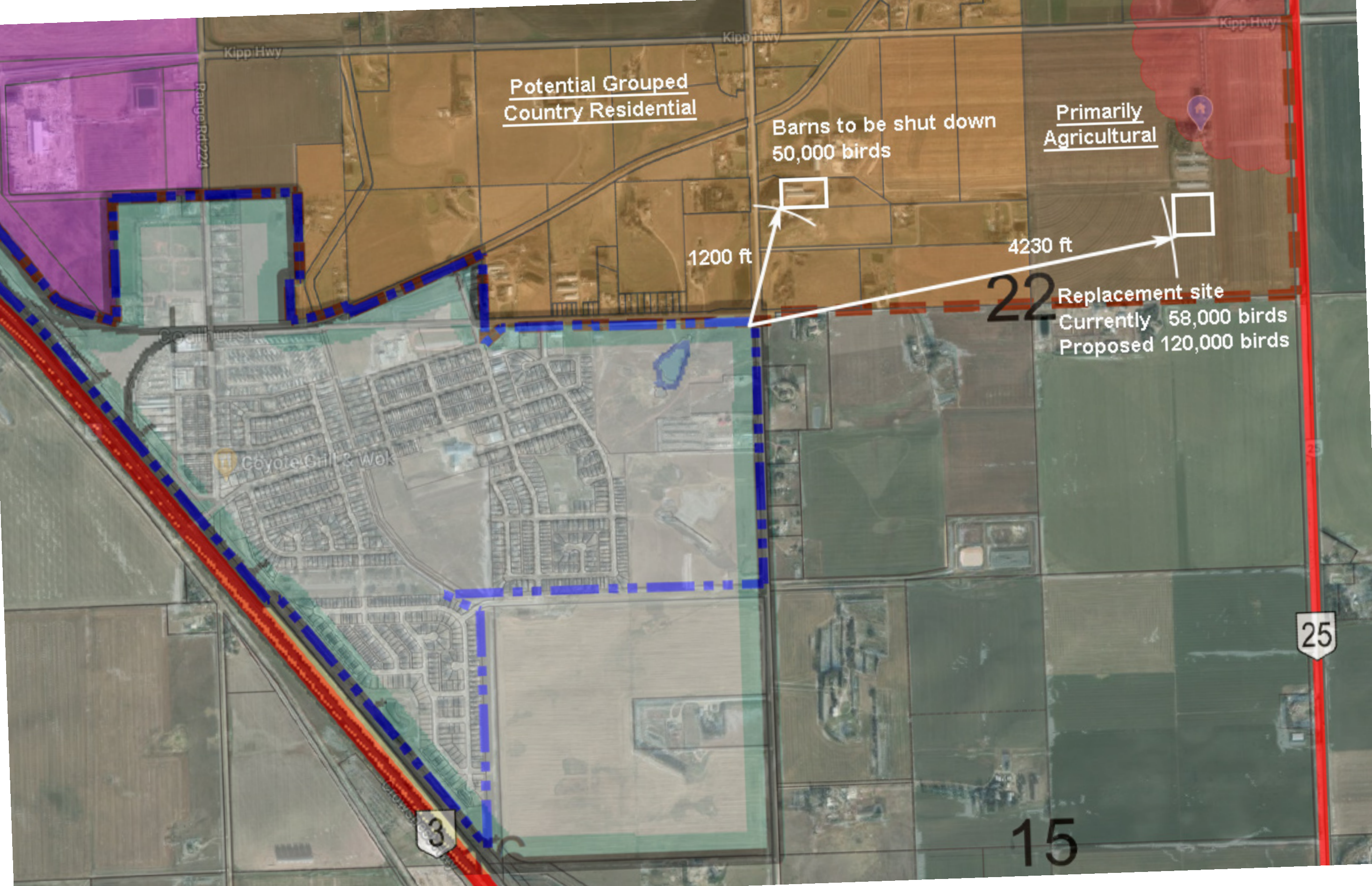
We are asking for the Town of Coalhurst's support in this initiative because it benefits all parties. Coalhurst has grown significantly, and the East site is 1200 ft from Town Limits. Primary access is via Rge Rd 22-3 which has increasingly been used as an alternative access road to Coalhurst and is not ideal for truck traffic. It is located on a quarter section which has been subdivided into at least 10 parcels, and which the IDP has designated as Potential Grouped Country Residential.

The East site is located on Twp Rd 9-4, close to Hwy 25. The site is designated Primarily Agriculture, and the quarter section has no subdivisions out of it. Total production of 120,000 birds would be consolidated to a single site, moving the barns further away from Coalhurst, and removing the associated truck traffic from Rge Rd 22-3. All production and manure handling is performed according to NRCB regulations.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me.

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Scott Van't Land
scott@vantland.ca



Potential Grouped Country Residential

Barns to be shut down
50,000 birds

Primarily Agricultural

1200 ft

4230 ft

22

Replacement site
Currently 58,000 birds
Proposed 120,000 birds

Kippi Hwy

Kippi Hwy

Kippi Hwy

Ranger Rd 224

Coyote Grill & Wok

25

3

15



Township Rd 93A
Coalhurst, Alberta

Google

Street View



View of West Barns from corner of Coalhurst Town limits.



Google



Township Rd 94
Coalhurst, Alberta

Google

Street View



View of East barns from corner of Twp Rd 9-4 and Hwy 25

April 8, 2021

Hilary Janzen, RPP, MCIP
Supervisor of Planning and Development
Lethbridge County
905 – 4 Avenue South
Lethbridge, Alberta T1J 4E4

Dear Ms. Janzen:

This is to acknowledge receipt of and presentation to Council your e-mail of March 5, 2021 regarding the potential decommissioning/expansion of a broiler barn operation for Scott Van't Land, Double H Feeders Ltd. Further to the information you submitted, Mr. Van't Land provided further details on his proposal and attended an April 6, 2021 Regular meeting to address Council's concerns.

As a result, the following motion was passed at that meeting:

"...moved that the Council of the Town of Coalhurst hereby authorizes Chief Administrative Officer Hauta to submit a letter to Lethbridge County, with a copy to Scott Van't Land, indicating that the Town has no concern with the potential decommissioning/expansion of an existing chicken CFO, within the Rural Urban Fringe District, which includes decommissioning of the existing facility located at 93059 Range Road 22-3 (within the NW 22-9-22-W4) and expanding the operations located on the NE 22-9-22-W4, as shown on the March 5, 2021 maps and information from Scott Van't Land."

If you need anything further, please feel free to contact me.

Yours truly,



R.K. Hauta
Chief Administrative Officer

Rkh/ll

Cc: Scott Van't Land – Double H Feeders Ltd.