

#3 - REQUEST FOR REVIEW: LA22029 / Hutterian Brethren of Parkland

Filed By:	Jared and Kirby Duyns
Deadline for RFRs:	September 28, 2022
Date RFR received:	September 28, 2022
Status of party as per Decision Summary:	Not Directly Affected Party

REQUEST FOR BOARD REVIEW
Submitted to the Natural Resources Conservation Board

NRCB Application No.	LA 22029
Name of Operator or Operation	Hutterian Brethren of Parkland
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>)	SW 32-115-26 W4M
Municipality	Willow Creek MD 26

I hereby request a Board review (RFR) of the approval officer's decision.
I have the right to request a Board review because:
(review the options and check one)

- I am the operator.
- I represent the operator.
- 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 deadline specified in the approval officer's decision letter or 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. Requests for Board review are considered public documents. Your request will be provided to all directly affected parties and will be posted on the NRCB website.
4. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

1. Party Status

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

Party status (either "directly affected" or "not directly affected") is determined pursuant to the provisions of the *Agricultural Operation Practices Act* (AOPA) and regulations. Upon receipt of an operator's application, the approval officer must notify any affected parties. "Affected parties" includes municipalities and owners or occupants of land as determined by the AOPA regulations. To obtain "directly affected" status, the owner or occupant must provide a written submission to the approval officer by the deadline specified in the published notice. The approval officer will then determine who the "directly affected parties" to the application are and include this determination in their decision.

Under its legislation, the Board can only consider requests for Board 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. 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 review decision of the Board.

My grounds for requesting directly affected status are:

I would firstly like to invite the board and the approvals officer to come and sit on my front porch for coffee any morning of the week they choose. Upon doing this you will see the sunrise directly east out our front window. You will all also see that only two quarter sections out there, separated only by a 24" tall crop for 4 months of the year. Separate us from these 300ft commercial barns and the proposed HUTTERITE COLONY ! This application is what we all know, a future colony. For now I will take it for what it is, the cart coming before the horse in a CFO. I am extremely disappointed and feel disrespected being told that we are not a directly affected party. Quite frankly we are livid, it's infuriating that someone from a desk in Red Deer can tell us we aren't directly affected. We all know the southern Alberta landscape and there isn't as much as a tree or hill between our front door and this CFO with 300ft barns and a COLONY to follow. We bought this house in 2021 for the view and the location. Now you are approving this right out our front window. We understand there is a minimum measurement as a guideline and we are JUST barely outside that requirement. But I ask you to consider the landscape and not just a measurement. We do not have anything to block these giant barns from our view just two quarters in front of us. Our house is located on the eastern edge of our section and this is on the wester edge of their section with nothing but flat grass between. I am insulted that you can tell me we aren't directly affected. Please tell me if you bought this house and property and you were in our situation, would you be upset? Would you want to be heard? Would you be insulted and furious that you're not "directly affected" because you're barely outside of a measurement on a map.

Please we strongly urge you to visit this site and then tell us we aren't directly affected. Being directly affected is more than a simple measurement on a map. These massive barns are not what we had in front of our house when we bought this land one year ago. And looking at them the rest of our lives and being told we aren't affected isn't in our life long plan as well.

2. Grounds for Requesting a Review

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an operator's application, approval officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any AOPA requirements, or other 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:

We feel many logistics of this application have been over looked and simply shrugged off as being "in the opinion" of the approvals officer. Or status has been greatly overlooked. We are possibly the most affected

3. Reasons you are Affected by the Decision

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a Board review, 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:

View out our front window of 300ft barns and a future COLONY as listed in the application. We are DIRECTLY AFFECTED by an obstructed view or a commercial poultry farm and colony with 85 people.

4. Action Requested

(ALL PARTIES MUST COMPLETE THIS SECTION)

I would like the Board to take the following actions with 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:

Many overlooked logistics. And there is a proposed location that will have far less impact on the community and roads

If the Board decides to grant a review of the approval officer's decision (*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. The Board cannot make amendments unless it first decides to grant a review of the approval officer's decision. Are there any new conditions, or amendments to existing conditions, that you would like the Board to consider?

5. Contact Information

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of person(s) requesting the review:

Name: Jared & Kirby Duyns

Address in Alberta: [REDACTED] MD Willow Creek 26

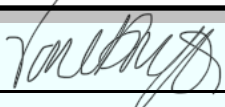
Legal Land Description: NE 36-15-27 W4

Phone Number: [REDACTED]

Fax Number:

E-Mail Address: [REDACTED]

[REDACTED]

Signature: 

Date: 09/26/22

This form must be received by the deadline specified in the approval officer's decision letter or your request will not be considered.

If you will be represented by legal counsel or another party, provide their contact information. Correspondence from the Board will be directed to that person.

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

When you have completed your request form email it, along with any supporting documents, to:

Laura Friend
Manager, Board Reviews
Natural Resources Conservation Board

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

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