



# County of Wetaskiwin No. 10

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October 23, 2023

Natural Resources Conservation Board  
4<sup>th</sup> Floor, Sterling Place  
9940 – 106 Street  
Edmonton, Alberta T5K 2N2

Attention: Mr. Peter Woloshyn, Board Chair

Dear Mr. Woloshyn & Board Members:

**RE: Closing Argument – RFR 2023-04/RA05042C – Darcor Holsteins Inc. & Damien Rasmuson**

As directed by the Natural Resources Conservation Board (NRCB) at the close of the October 10, 2023 Hearing, the County of Wetaskiwin is pleased to provide their Closing Arguments to the aforementioned matter and the Closing Arguments of Darcor Holsteins Inc. and Damien Rasmuson as represented by Darrin Rasmuson.

First, in response to the commentary by Mr. Rasmuson during the October 10, 2023 Hearing that the County was “*misleading*” with respect to the timelines in which the County provided referral commentary regarding to the supposed abandonment of the Confined Feeding Operation (CFO) that is the focus of the Hearing related to Permit Cancellation RA05042C, the County notes the following:

- On January 12, 2023, the County received correspondence from the NRCB as it related to **Application RA22027** (Emphasis Added), which was for the conversion and expansion of the existing hog operation into a dairy CFO with 190 milking cows. The County notes that this Application is still pending decision.
- On January 18, 2023, a Notice of Motion was filed by Councillor Lynn Carwell asking for Application RA22027 to be brought forward to Council for Council to consider providing additional referral commentary from what Administration would provide based upon the current Policies, Bylaws, relevant planning documents, and other County legislation that was in place at the time as approved by Council. It is noted that the Notice of Motion, which is contained in the Request for Decision as a part of the Public Record, included a comment stating that CFO operations had not taken place on the property for more than twelve (12) years.
- At the January 24, 2023 Council General Meeting, Council considered the matter and resolved to “*direct Administration to advise the Natural Resources Conservation Board*

*(NRCB) within the Referral Correspondence to be sent by no later than February 9, 2023 that the County through direction of Council considers this application as a New Confined Feeding Operation (CFO) and as such, that Objective 1.4.3(b) of the Municipal Development Plan should apply and be adhered to.” (Ref. Resolution #CG20230124.028)*

- The County notes that the resolution made by Council does not reference anything respecting abandonment, which is the matter at hand respecting the Hearing for RA05042C.
- At the February 7, 2023 Council General Meeting, Council did indeed discuss the January 24, 2023 Council General Meeting Minutes, specifically related to Resolution #CG20230124.028, but through Resolution #CG20230207.002, Council did indeed approve the Minutes for that Meeting as presented, including the Resolution as written above. Although the Minutes were not unanimously approved, the majority of Council did indeed approve the Minutes with the Resolution as written, which does not reference abandonment, and as such, the Resolution is considered the direction of Council.
- Administration did not complete and submit the referral correspondence to the NRCB related to Application RA22027 until **February 8, 2023** (Emphasis Added). This was done by Administration to ensure that the direction of Council was indeed clear and duly approved through approval of the Minutes from the previous Meeting to ensure that any correspondence sent did not misrepresent the direction of Council as was alluded to by Mr. Rasmuson. Furthermore, the correspondence was sent by Administration for review by numerous relevant parties to ensure it did accurately reflect the position resolved by Council in the Resolution that was confirmed through approval of the minutes **prior** to submission to the NRCB. Council was also copied on this correspondence, which does not reference abandonment.
- On April 11, 2023, the County of Wetaskiwin, through the passage of Third Reading of Bylaw 2023/05 by Council, approved the new Municipal Development Plan (MDP) for the County.
- On April 13, 2023, the County received correspondence from the NRCB as it related to **Application RA05042C** (Emphasis Added), which is in relation to the abandonment issue and the matter at hand.
- At the April 25, 2023 Council General Meeting, Council considered a separate Notice of Motion from Councillor Carwell with respect to Application RA05042C with Council resolving to accept the matter as information, respecting that the new MDP covered abandonment of CFOs within it. (Ref. Resolution #CG20230425.025)
- On April 27, 2023, Administration submitted the referral correspondence to the NRCB related to Application RA05042C, which was copied to Council, much like the previous correspondence for the separate, but related matter.
- At the May 8, 2023 Council General Meeting, Council unanimously approved the Minutes from the April 25, 2023 Meeting.

In summary of the above, to state that the County was “*misleading*” as stated by Mr. Rasmuson by providing information related to the direction of Council within the Public Record as outlined above is not factual as these were the same events provided by the undersigned while under oath during the Hearing.

Secondly, with respect to the Closing Arguments made by Mr. Rasmuson dated October 16, 2023, Mr. Rasmuson has incorrectly stated that it was in September of 2022 where the County first

provided public notification of the MDP being updated. As stated under oath on October 10, 2023, the County notes that in the Spring of 2022, a newsletter was mailed to 3,671 households in the County that included information about the MDP Update Project and a survey to engage residents. A Project Website was also launched with links to an online version of the survey. More specifically, a News Release announcing the MDP Project and survey was published in the April 21, 2022 edition of the *Pipestone Flyer*, with subsequent News Flashes published on the County Website and Facebook Page. Furthermore, the County established Information Booths at four (4) community events on May 6, 2022 (County Open House, Wetaskiwin), August 6, 2022 (Ugetuk Days Market, Winfield), August 17, 2022 (County Open House, Buck Lake), and August 27, 2022 (Harvest Fair Trade Show, Millet) respectively. Even without a draft updated MDP out for public consumption, based on readily available information advising the public that the MDP was being updated, one could deduce that the MDP would be updated, meaning changed.

Additionally, Mr. Rasmuson states in his Closing Arguments that *"actions by some County personnel have also added a layer of complexity and stress..."* The County notes that as indicated by the commentary provided under oath by the undersigned and in correspondence submitted to the NRCB, that the direction of Council was followed, as Council entrusts Administration to do, and Council was apprised of such on a regular basis, including being copied in the February 8, 2023 and April 27, 2023 correspondence to the NRCB.

Lastly, the County would reiterate that correspondence related to the matter in which the Hearing focuses on, being Application RA05042C, dated April 27, 2023, clearly outlines the position of the County of Wetaskiwin and that the correspondence dated February 8, 2023 outlines the position of the County with respect to Application RA22027. However, the County respects the jurisdictional authority that the NRCB has regarding the matter and provides said commentary as requested by the NRCB as they come to a decision on the matter that is ultimately one for the NRCB to make.

In closing, the County of Wetaskiwin trusts that the above information is of value to the NRCB as they make their decision. If there are any questions regarding this matter, please contact the undersigned by phone at (780) 361-6223 or by email at [jchiple@county10.ca](mailto:jchiple@county10.ca).

Yours sincerely,



Jeff Chipley, CLGM  
Assistant Chief Administrative Officer

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cc: County of Wetaskiwin Council  
Mr. Scott MacDougall, P. Eng., Chief Administrative Officer (CAO)  
Mr. Neal Sarnecki, RPP, MCIP, Director of Planning & Economic Development  
Mr. Jarvis Grant, Development Officer