

December 4, 2023

Natural Resources Conservation Board
Board Reviews
John J Bowlen Building

901, 620 – 7 Avenue SW
Calgary, Alberta, T2P 0Y8

Attention: Ms. Friend,

Re: RFR 2023-06 / LA23003 – Written submission for Board Review
Josh and Deborah Denbok

This submission is intended to provide the Natural Resources Conservation Board (NRCB) Board with supporting information for the written review of decision LA23003. The Approval Officer (AO) denied the application as the proposed feedlot pens and existing fresh water dugout did not meet property line setbacks as outlined in Lethbridge County's Municipal Development Plan (MDP).

The Denbok's would like to thank the Board for taking the time to consider their review request. They have been working on this application with NRCB field staff since July, 2022 and this is an important decision for their family and future in the agriculture industry.

They ask that the Board utilize it's authority to overturn the AO decision and grant an approval despite the inconsistency with the MDP. The applicant provides the following reasons as to why this request is warranted:

- 1) The applicant intends to meet the County's MDP requirements in the near future.
- 2) The applicant has indicated that they would accept a permit condition requiring the two parcels to be consolidated
- 3) The application meets all other technical requirements and legislation
- 4) From the applicant's perspective, it was important to minimize risk to their operation and still find a way to satisfy AOPA and County requirements

Financial and Operation Risk

It is understood that an application to the NRCB must illustrate how the requirements in Agricultural Operation Practices Act (AOPA) have been met. This task can be challenging, but support is available from NRCB Field Staff and the consulting industry. Even with policy and technical support, it is understood that the AO must determine if an application meets the regulatory requirements, and that there is no guarantee of success.

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For the Denboks, it was important to consider all of the information that they collected and then make a decision that minimized risk to their operation and yet still addressed legislation requirements. These points were part of their decision-making process:

- 1) Information received from the NRCB Field Staff and Lethbridge County suggested their application did not meet the minimum distance setback to the Old Mennonite Church. This point can be found in the email and letter submission for the Board review:
 - Carian Weisbach meetings and email (See Denbok RFR No.1, July 26, 2022 email, page 10). This email illustrates the approval officer's focus on MDS and the distance to the school.
 - Cailyn Wilson email (See Denbok RFR No.1, May 12, 2023 email, page 15). In this email it is reported that the AO indicated the application would be denied based on the distance to the church.
 - Hillary Janzen email (See 20231103 Field Services to Board submission, page 4). In this letter it is suggested that the "application is not consistent with the AOPA standards as the proposed CFO is within the MDS to the school to the south."
 - Cailyn Wilson email (See Denbok RFR No.1, May 12, 2023, page 15). Clarification on MDS distance related schools was requested. The AO provided reference to the NRCB Approval Policy, but this document does not appear to address this point.
- 2) The applicant became aware of the MDP issue after reviewing Lethbridge County's letter (August 24, 2023). They understood the property line setback issue could have been addressed by consolidating the parcels into one property.

On this issue, the applicant contacted a municipal planning consultant and determined the costs for:

- Technical support to complete the consolidation application could cost \$1,200.
- Re-subdividing the property back into two parcels could cost an additional \$6,000.

They also considered the potential depreciation of value of their property should the property be consolidated. It was believed two properties (acreage and farm land parcels) would sell easier, and have higher value, than one property.

Based on the assumption that the application was likely going to be denied due to the MDS distance to the church, the Denboks were reluctant to proceed with the consolidation process without better understanding how the AO would address this issue. The applicant had considered the consolidation cost (re-subdivision cost if a denial was upheld and possible property devaluation) in his decision to proceed. As a compromise, the applicant requested that the AO adopt a permit condition that would address the regulation requirements, yet still manage the financial and operation risk to the farm.

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In Conclusion

The Denbok's would like to thank the Board for reviewing decision LA23003. This decision is important for them as it will directly impact their ability to raise livestock on their operation in the future.

The Board is asked to utilize its authority to grant an approval notwithstanding the inconsistency with the MDP based on the following points:

- The Denbok's have been committed to working with the NRCB Field Staff through the permitting process.
- The Denbok's believed their application was going to be denied (due to MDS distance to the Church), and proposed adding a permit condition to their approval to minimise risk to their operation and satisfy legislation requirements.
- The Denbok's will accept a permit condition that required their parcels to be consolidating into one property to address Lethbridge County's MDS issue.

Your comments on this applicant are greatly appreciated.

Regards,



Cody Metheral, P.Eng.
Linkage Ag Solutions

Kind Regards from the Denboks:

Thank you Board Members for taking the time to hear our story. Over the past year, we've had multiple conversations and back and forth with NRCB regarding the church and effects on the community. We didn't have clear direction on where we stood with that issue and were hesitant to go ahead with the consolidation process because again that would add costs with no indication of approval.

This has been a stressful experience, however we have learned a lot and are looking forward to your support on this issue. We are hoping to get a permit and be in good standing going forward. We would like this site to be our family farm where we can raise our family.

Sincerely,



Josh and Deborah Denbok
JD Feeder