

From: [Fiona Vance](#)
To: [Laura Friend](#)
Cc: [Francisco Echegaray](#); [Andy Cumming](#); [Bill Kennedy](#); jgrant@county.wetaskiwin.ab.ca
Subject: Review Darcor Holsteins RA22027 - NRCB Field Services
Date: April 2, 2024 12:38:48 PM
Attachments: [20230208 RA22027 Response County of Wetaskiwin_Redacted.pdf](#)

Good afternoon,

I am legal counsel acting on behalf of the approval officer, and on behalf of NRCB Field Services in this proceeding.

The approval officer and NRCB Field Services take no position on the outcome of this Review.

To assist the Board in its proceedings, I am enclosing one document that may be relevant to the scope of Review outlined by the Board in its RFR decision issued on March 13, 2024:

- **Written response by Wetaskiwin County to application RA22027 dated February 8, 2023**
(redacted for unnecessary personal information)

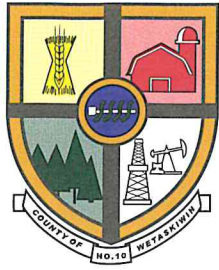
On this e-mail, I am blind-copying Darin Rasmuson, Damien Rasmuson, Lori Cridland, and Tom Ballhorn.

Regards,

Fiona N. Vance (*she/elle*)
Chief Legal Officer - Operations, NRCB
Fiona.Vance@nrcb.ca
(780) 999-3197

[As of April 15, 2024, my former landline number 780-422-1952 will be cancelled]

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Strong Proactive Leadership • Safe Progressive Communities

February 8, 2023

NRCB

File #: 896.00

Attn: Francisco Echegaray
#303, 4920-51 Street
Red Deer, Alberta
T4N 6K8

via: francisco.echegaray@nrcb.ca

Dear Mr. Echegaray,

Re: Application RA22027 – Darcor Holsteins Inc – NE 14-47-23-W4M – the “Lands”

Thank you for referring the subject Confined Feeding Operation (CFO) Application to the County for comments.

The proposed CFO was discussed by County Council on January 24, 2023. After discussion, the following resolution #CG20230124.029 was approved:

that Council 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 (MDP) should apply and be adhered to.

In this regard, the comments below are based on the County considering the proposed CFO as a New CFO.

Is the application consistent with the land use provisions of your municipal development plan (MDP)?

Objective 1.4.3 of the Municipal Development Plan (MDP) for the County of Wetaskiwin states:

“Any size of new Confined Feeding Operation must not locate within the following setback distances

*b) Under no circumstances can a new CFO be located within 1.6 km (1 mile) of the following named lakes: Battle Lake, Buck Lake, **Coal Lake** (Emphasis Added), Pigeon Lake, Red Deer Lake, Wizard Lake and Twin Lakes.”*

The proposed CFO is not consistent with the aforementioned setback from Coal Lake in accordance with Objective 1.4.3(b) of the MDP as it is within a mile of Coal Lake.

Are there any planning-type documents incorporated by reference in the MDP that apply to the area covered by the Application (e.g. Area Structure Plans, Inter-Municipal Development Plans)? If yes, is the Application consistent with those documents?

There are no Area Structure Plans (ASP) referenced by the MDP for the area covered by the application. However, there is an old and expired Intermunicipal Development Plan (IDP) between the County and the City of Wetaskiwin. Although it is expired, the IDP is still used by the County in the review of development proposals in proximity to the City. Respecting this, the IDP makes specific reference to development around the Lake as Coal Lake is the main water supply for the City of Wetaskiwin:

“Protecting the City’s Water Supply

The City’s water supply comes from Coal Lake, which is fed by Pipestone and Bigstone Creeks. It is vital to protect the quality of this water.

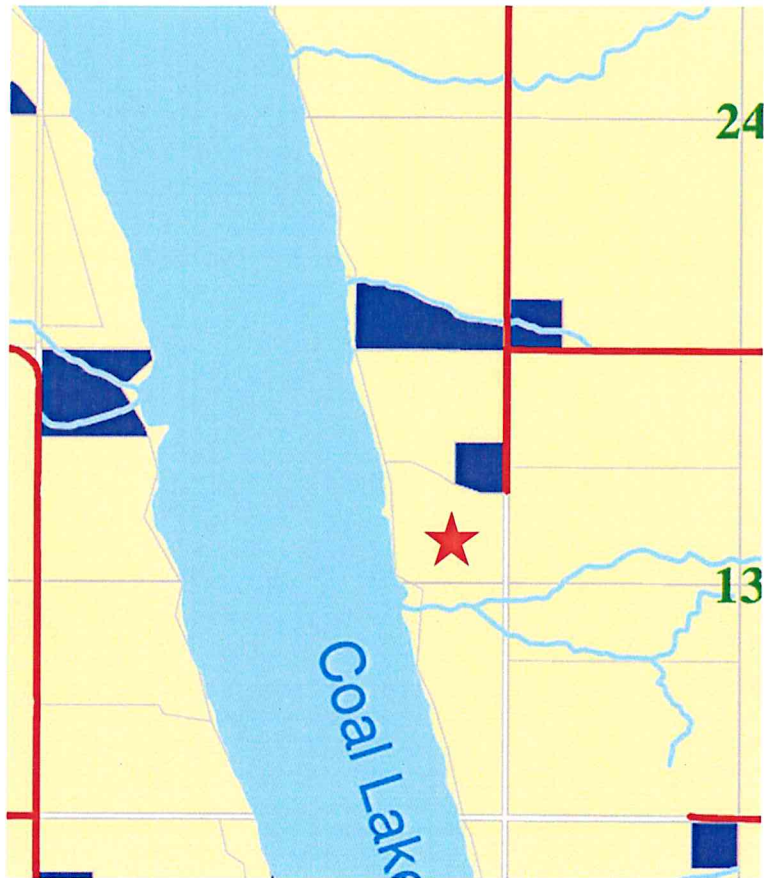
The County will control development in the watershed to protect the City’s water supply. Specifically, it will examine any application for an intensive livestock operation (CFOs) for its effect on water quality, and will require changes in the application to protect water quality. The County will also control development on the banks of Coal Lake to prevent erosion, siltation, and the entry of contaminants.”

The establishment of a New CFO within such close proximity to the bank of Coal Lake is inconsistent with the IDP between the County and the City. Specifically, the County believes that the establishment of a new CFO at this location will negatively impact the waters of Coal Lake.

What is the land zoning of the application site, and surrounding lands within ½ mile, under your Land Use Bylaw?

The Application site itself is zoned Agricultural (AG). Within ½ mile of the lands sixteen (16) parcels are zoned AG and four (4) parcels are zoned under the Rural Residential (RR) District. Copies of the zoning districts have been attached for reference and a zoning map of the area has been provided below for illustrative purposes.

Zoning Map



Map Legend:

- Rural Residential
- Agriculture

Does the Application meet the required municipal setbacks?

As per the submitted site plans, the Application appears to meet the required municipal setbacks to bank breaks and property lines for development, as stated under the Land Use Bylaw of the County.

Summary

In conclusion, the County has the following land use planning concerns with the proposed New CFO:

1. The location of the CFO does not meet the required 1.6 kilometre (1 mile) setback to Coal Lake per the MDP of the County; and
2. The establishment of a new CFO within such close proximity to the bank of Coal Lake is inconsistent with the IDP between the County and the City of Wetaskiwin. Specifically, the

County believes that the establishment of a New CFO at this location will negatively impact the waters of Coal Lake.

If you require more information or have any questions, please feel free contact me by email at jgrant@county10.ca or by phone at (780) 361-6222.

Sincerely,



Jarvis Grant
Development Officer

Attachments:

- Land Use Bylaw, Agricultural District
- Municipal Development Plan, Objective 1.4.3
- Intermunicipal Development Plan, Protecting the City's Water Supply

cc: County of Wetaskiwin Council
Mr. Rod Hawken, Chief Administrative Officer (CAO)
Mr. Jeff Chipley, Assistant CAO
Mr. Neal Sarnecki, Director of Planning & Economic Development

10.1 Agricultural District (AG)

10.1.1 Purpose

The purpose of the Agricultural District (AG) is to maintain and preserve land for productive agricultural uses and to allow for limited subdivision and development for residential use compatible in the farming community.

10.1.2 Permitted Uses

- a) Agriculture, Extensive
- b) Dwelling, Detached
- c) Dwelling, Mobile – New
- d) Dwelling, Modular – New
- e) Intensive Livestock Operation - situated at least 400.0 meters (1312 feet) away from any land not districted as Agricultural or Severed Agricultural
- f) Dwelling, Moved-in-New (*amended by Bylaw 2019/44*)
- g) Buildings and uses accessory to the above

10.1.3 Discretionary Uses

- a) Dwelling, Communal
- b) Dwelling, Moved-in- Used (*amended by Bylaw 2019/44*)
- c) Dwelling, Mobile – Used
- d) Dwelling, Modular – Used
- e) Dwelling, Secondary Suite
- f) Agricultural, Intensive
- g) Intensive Livestock Operation - within 400.0 meters (1312 feet) of any land not classified as Agricultural or Severed Agricultural under this Bylaw
- h) Tree Farm
- i) Bed and Breakfast
- j) Industry Work Camp
- k) Kennel
- l) Public Utility
- m) Public or Quasi-Public Use

- n) Resource Extraction Operation Type A
- o) Resource Extraction Operation Type B
- p) Resource Processing Operation
- q) Recreational, Extensive
- r) Abattoir
- s) Greenhouse
- t) Veterinary Clinic
- u) Equestrian Center
- v) Recreational Units Use (greater than 32.0 hectares (80 acres), where no dwelling exists – maximum 3 year permit. If the landowner wishes the use to continue, they must re-apply for the use prior to the expiry of the permit).
- w) Apiary (*amended by Bylaw 2019/44*)
- x) Offsite Home Occupation (Type 1) (*amended by Bylaw 2019/55*)
- y) Offsite Home Occupation (Type 2) (*amended by Bylaw 2019/55*)
- z) Onsite Home Occupation (Type 1) (*amended by Bylaw 2019/55*)
- aa) Onsite Home Occupation (Type 2) (*amended by Bylaw 2019/55*)
- bb) Onsite Home Occupation (Type 3) (*amended by Bylaw 2019/55*)
- cc) Market Garden (*amended by Bylaw 2019/55*)
- dd) Buildings and uses accessory to the above

10.1.4 Parcel size

The minimum size for a parcel intended to be used for extensive agriculture is 32.0 hectares (80 acres), but this minimum size may be relaxed:

- a) to allow a parcel to follow natural boundaries;
- b) to allow for existing or proposed subdivisions for public or quasi-public purposes; or
- c) proportionally where the original quarter section title was less than 64.7 hectares (160 acres).

The minimum size for a parcel intended to be used for an intensive agricultural operation shall be at the discretion of the Subdivision Authority, who may consult with

appropriate specialists from the Province or consult with the Director or Agricultural Services for the County.

10.1.5 Setbacks

- a) Front yard: see Section 9.10.1
- b) Side yard: 5.0 meters (16 feet)
- c) Rear yard: 10.0 meters (33 feet)

10.1.6 Number of Lots

A quarter section may be subdivided to create one of the following:

- a) an existing farm yard site;
- b) a new yard site;
- c) two approximately equal parts; or
- d) a natural or severed split.

10.1.7 Regulations for the creation of a yard site subdivision shall be as in the Rural Residential district, and, after subdivision, the regulations for Rural Residential apply, even though the land retains its Agricultural zoning. **Note:** Small parcels of land on which the primary use is residential are deemed under this Bylaw to be a Rural Residential use and the standards of that district apply.

10.1.8 Rezoning Requirements

- a) Any subdivisions creating in excess of two parcels per quarter section will require rezoning from Agricultural to another district.
- b) Subdivisions for public purposes may be allowed without rezoning in addition to those allowed under Section 10.1.6.

10.1.9 Recreational Units

Recreational Units may be authorized as outlined in Section 3.12, Recreational Units.

10.1.10 Sewage and Wastewater

Sewage and wastewater systems are required as outlined in Section 3.12(g), Recreational Units.

10.1.11 Utility Hookups

Utility hookups are required as outlined in Section 3.12.1(h), Recreational Units.

10.1.12 Enforcement

Offences and fines are outlined in Section 5, Contravention.

Objective 1.4 Minimize the land use conflict with Confined Feeding Operations and surrounding land uses

While the Confined Feeding Operations are under Provincial jurisdiction⁴, it is the County's intent that any negative effect from the Confined Feeding Operation should be minimized. The Municipal Government Act requires the municipality to identify where new Confined Feeding Operations should locate.

An Intensive Livestock Operation is a Confined Feeding Operation that is smaller than the threshold size that falls under Provincial jurisdiction, as determined by the Provincial guideline.

1.4.1 The minimum distance setback of Alberta Agriculture Code of Practice, as amended, should be maintained.

1.4.2 For an Intensive Livestock Operation, the Minimum Distance Separation is determined by using the threshold level of the animal or the combined effects of the different kind of animals that are kept on one premise.

1.4.3 Any size of new Confined Feeding Operation (including Intensive Livestock Operation) must not locate within the following setback distances as illustrated in Figure 3.

a) 2.4km (1.5 miles) from the boundary of any city, town, village, hamlet, and school and hospital.

b) Under no circumstances can a new CFO be located within 1.6km (1 mile) of the following named lakes: Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake, Wizard Lake and Twin Lakes.

c) All other unspecified environmental features, including but not limited to lakes not specified in (b), wetlands, and watercourses shall have setbacks in accordance with Alberta Operation Practices Act and Regulations (AOPA) as amended.

1.4.4 A new residence is not permitted within the Minimum Distance Separation of an existing Confined Feeding Operation/Intensive Livestock Operation, unless the residence is associated with the operation.

1.4.5 Within the Millet-Wetaskiwin Acreage Study Area, the setback distance outlined in 1.4.4 may be relaxed by up to 25% of the minimum distance separation required by Alberta Agricultural Code of Practice.

⁴ Agricultural Operation Practices Act, Agricultural Operations, Part 2, Matters Regulation, Schedule 2 Threshold Levels

Advertising Signs

The County will not allow any new commercial signs within 3 km of the City limits without all provincial approvals in place.

The County will support the Province's efforts to remove all illegal signs.

Protecting the City's Water Supply

The City's water supply comes from Coal Lake, which is fed by Pipestone and Bigstone Creeks. It is vital to protect the quality of this water.

The County will control development in the watershed to protect the City's water supply. Specifically, it will examine any application for an intensive livestock operation for its effect on water quality, and will require changes in the application to protect water quality. The County will also control development on the banks of Coal Lake to prevent erosion, siltation, and the entry of contaminants.

It may be necessary to raise the level of Coal Lake to store more water. The County will not allow any development around the lake which may interfere with raising the water level. Specifically, no permanent buildings will be allowed lower than five metres above the present weir elevation.

Future Road System

Present County roads will form the backbone of an expanded urban road system. These roads need to be widened to at least 24 and possibly 30 metres.

Road widening will be acquired as the opportunity arises. In other places, new road rights-of-way will be needed. Some of these are shown on Map 4. In all likelihood, these roads will not be needed for many years, until the owners choose to develop the land. At that time the City will negotiate a route with the owners. If a road must be built sooner, its alignment will accommodate existing land uses.

Other roads may be added later by amending this plan.

The County will use its development control powers to prevent building on land required for future roads. These roads will be identified in Area Structure Plans for each quarter section.

Building setbacks will be calculated from the future, widened right-of-way.