

# County of Wetaskiwin No. 10

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April 3, 2024

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

To Whom It May Concern:

**RE: Written Submission – RFR 2024-01/RA22027 – Darcor Holsteins Inc.**

As requested by the Natural Resources Conservation Board (NRCB) in the Board Request for Review Decision dated March 13, 2024, the County of Wetaskiwin is pleased to provide their written submission with respect to the aforementioned matter involving Darcor Holsteins Inc. and the clarification sought by the NRCB prior to the Review Hearing set for April 17, 2024.

First, regarding timelines as it relates to Application RA22027 and the County of Wetaskiwin, the County notes the following:

- On January 12, 2023, the County received correspondence from the NRCB as it related to Application RA22027, which was for the conversion and expansion of the existing hog operation into a dairy Confined Feeding Operation (CFO) with 190 milking cows.
- On January 18, 2023, a Notice of Motion was filed by Councillor Lynn Carwell asking for Application RA22027 to be brought forward to the next Council Meeting for Council to consider providing referral commentary in addition to the response prepared by Administration that was based upon the current Policies, Bylaws, relevant planning documents, and other County legislation that was in place at the time as approved by Council.
- 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)
- At the February 7, 2023 Council General Meeting, Council discussed the January 24, 2023 Council General Meeting Minutes, specifically related to Resolution #CG20230124.028, but through Resolution #CG20230207.002, Council approved the Minutes for that Meeting as presented, including the Resolution as written above.
- Administration did not complete and submit the referral correspondence to the NRCB related to Application RA22027 until February 8, 2023. 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. Furthermore, the correspondence was referred by Administration for review by numerous relevant parties to ensure it accurately reflected the position resolved by Council in the Resolution that was confirmed through approval of the minutes **prior** to submission to the NRCB.

- 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.

Additionally, with respect to the items in which the NRCB expects all parties to address through their participation in completing a Written Submission and attending the Review Hearing, the County of Wetaskiwin offers the following comments:

### **The Municipal Authority's Rationale for Establishing the Relevant Provisions in the MDP**

In accordance with the *Municipal Government Act* (MGA), the overall purpose of any municipality as outlined in Section 3 is to provide good government and foster the well-being of the environment among other things. Additionally, Part 17 of the MGA, specifically Section 617, allows for municipalities to prepare and adopt plans as it relates to both achieving the orderly use of land, as well as maintaining and improving the quality of the physical environment. Furthermore, Section 632(1) requires all municipalities to adopt an MDP, which provides the County with direction and guidelines on matters of social, economic, and environmental importance, which providing commentary and recommendation with respect to CFO Applications would be of relevance.

Specifically regarding the relevant provisions of the MDP, which are contained under Section 11.6 of the MDP approved on April 11, 2023, whenever NRCB Field Services requests referral commentary from the County of Wetaskiwin or any municipality for that matter, they specifically ask if the Application is consistent with the MDP and any other planning documents such as area structure plans and intermunicipal development plans, as well as any other required municipal setbacks. The referral process does not typically allow for a municipality to provide comment outside of these documents and as such, with NRCB Field Services consistently requesting municipalities to provide commentary based on their MDP, the NRCB is enabling of municipalities establishing relevant provisions related to CFOs in their MDPs. This can be seen as a clear common practice throughout Alberta as most rural municipalities have such provisions in place in meeting the expectations set forth in the MGA.

Therefore, the County is of the position that in order to adequately provide commentary to the NRCB, such provisions are not only relevant, but encouraged by the NRCB.

### **Whether the Relevant Provisions are Reasonable and Reflective of Good Planning**

The position of the County of Wetaskiwin is that the provisions related to CFOs as contained within Section 11.6 of the MDP are indeed reasonable and reflective of good planning for several reasons.

First, the establishment of exclusion zones is not a concept that is unique to the County of Wetaskiwin as numerous rural municipalities throughout Alberta have exclusion zones including Ponoka County, County of Newell, Red Deer County, Lethbridge County, and Vulcan County to

name a few. Additionally, the Court of Queen's Bench recently supported the position of Ponoka County in establishing exclusion zones for CFOs within their planning documents. The distances utilized by the County are in line with the ones used in similar documents throughout the province and as such, reflect a planning best practice in Alberta. In fact, whether Application RA22027 was reviewed with respect to the previous MDP of the County or the new MDP, the position of the County is that the Application is for a **New** (Emphasis Added) Confined Feeding Operation, and as such, would be inconsistent with either MDP when considering the setback from a named lake.

Secondly, the County has been regularly advised by various watershed groups as to best practices as it relates to watershed management in the development of our land use provisions. The MDP and other planning documents mirror these best practice recommendations. For reference, both the Pigeon Lake Watershed Association (PLWA) and the Battle River Watershed Alliance (BRWA) have provided commentary with respect to the MDP and other watershed management plans, which have guided the provisions established through direction of County Council. Recently, the NRCB referenced the comments of these parties in the decision on Application RA21045 (G&S Cattle Ltd.) within the County. The Application was denied based on details and best practices contained within the Pigeon Lake Watershed Management Plan and Pigeon Lake Area Concept Plan, even though neither plan is statutory in nature. Respecting Application RA22027, the County is aware that the BRWA has disseminated a communique with respect to the Application not following best practices and recommendations from the perspective of watershed management, particularly in that it is in the effective drainage area of the Coal Lake Watershed.

Lastly, noting that the location of the proposed CFO is directly adjacent Coal Lake, which is the drinking water source to the City of Wetaskiwin and approximately 12,000 individuals, and regardless of conditions put in place, any failure of said conditions could have immense negative effect on the safe and secure water source. The County notes that the City of Wetaskiwin has expressed these concerns to the County previously during the initial referral period.

In summary, the above information outlines how the County has established the relevant provisions based on best practices not only for the County and the region surrounding it, but also in line with practices established province wide.

### **Whether there is a Direct Link Between the Planning Objectives and the Establishment of the CFO Exclusion Zone**

First, the Vision Statement in the MDP as contained in Section 2.1 establishes that the County through the MDP will support "*long-term... environmental protection [to] contribute to the County's resilience and rural character.*" The establishment of exclusion zones does just that.

Secondly, as shown in Section 2.2, Plan Principle 2 states that "*The County assesses impacts on residents, the environment, and the economic viability of the County in all its planning decisions.*" As such, the establishment of the Exclusion Zone has been done to not only protect the environment from potential impact of a CFO that could be detrimental to it, but also mitigating impacts upon residents through protecting their primary drinking water source both in the City and County of Wetaskiwin.

Finally, within Section 2.3 of the MDP being Plan Goals, the County has committed to environmental stewardship through "*continued leadership in protecting and conserving*

*environmental features including open water and groundwater sources, riparian areas...for the benefit of the natural environment, residents and visitors.*” As written, the provisions in Section 11.6 related to CFOs do just that.

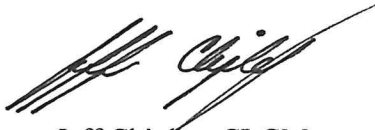
Overall, the MDP contains numerous direct links between the planning objectives and the established CFO Exclusion Zone, which is commonplace in MDPs throughout the Province.

**Whether the MDP is in Conflict with the AOPA Objective of Establishing Common Rules for the Siting of CFOS Across the Province**

As mentioned previously, the MDP of the County of Wetaskiwin and the provisions within it are consistent with what a large number of rural municipalities throughout Alberta have placed within their planning documents and it is only through the MDP and other planning documents where the County can provide referral commentary to the NRCB. It is not the responsibility of the County, nor any municipality in Alberta to ensure that the provisions of the *Agricultural Operation Practices Act* (AOPA) are adhered to, but the County does have the responsibility to provide good government, foster the well-being of the environment, and prepare and adopt plans as it relates to both achieving the orderly use of land, as well as maintaining and improving the quality of the physical environment as outlined in Section 3 and Part 17 of the MGA. Without doing so, the County would be hindered in fulfilling its responsibilities to the citizens in which it serves as mandated by the MGA as effectively as possible and could cause any such referral undertaken by the NRCB to being of limited value.

In closing, the County of Wetaskiwin trusts that the above information is of value to the NRCB prior to the Review Hearing. If there are any questions regarding this matter, please contact the undersigned by phone at (780) 361-6223 or by email at [jchiplew@county10.ca](mailto:jchiplew@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, Senior Development Officer