

## Decision Summary RA24022

This document summarizes my reasons for issuing Registration RA24022 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24022. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at [www.nrcb.ca](http://www.nrcb.ca) under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the Act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires a registration. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On May 14, 2024, 1927127 Alberta Ltd. operating as Sunworks Farm submitted a Part 1 application to the NRCB to expand an existing poultry confined feeding operation (CFO).

The Part 2 application was submitted on September 18, 2024. On October 8, 2024, I deemed the application complete.

The proposed expansion involves:

- Decreasing the permitted number of chicken broilers from 22,300 to 18,000
- Increasing the permitted number of chicken layers from 1,000 to 6,000
- Increasing the permitted number of chicken layer pullets from zero to 2,000
- Constructing a new pullet barn - 42.7 m x 6.1 m (140 ft. x 20 ft.)
- Constructing a new layer barn - 69.0 m x 12.2 m (226 ft. and 4 in. x 40 ft.)

#### a. Location

The existing CFO is located at NE 9-48-21 W4M in Camrose County, approximately 3.2 km northwest of Armena, Alberta, south of Highway 616. The topography of the site and the quarter section is relatively flat.

#### b. Existing permits

To date, the NRCB has issued Registrations RA05041, RA06024A and RA08044. Collectively, these NRCB permits allow Sunworks Farm to construct and operate a poultry CFO with 22,300 chicken broilers and 1,000 chicken layers. The CFO's existing permitted facilities are listed in the appendix to the Registration RA24022.

## 2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are "affected" by a registration application. Section 5 of AOPA's Part 2 Matters Regulation defines "affected parties" as:

- in the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 216 metres. Therefore, the notification distance is ½ mile.

None of the CFO facilities are located within 100 m of a bank of a river, stream, or canal.

A copy of the application was sent to Camrose County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in Camrose Booster newspaper in circulation in the community affected by the application on October 8, 2024, and
- sending 16 notification letters to people identified by Camrose County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours.

### **3. Notice to other persons or organizations**

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA) and Alberta Transportation and Economic Corridors (TEC).

I also sent a copy of the application to Apex Utilities Inc. as they are a utility right of way holder.

Ms. Cindy Skjaveland, a development and planning technologist, responded on behalf of TEC. Ms. Skjaveland stated that a roadside development permit will be required. The applicant is reminded that they are required to obtain all necessary permits.

A representative from Apex Utilities responded and stated that they have no objection to the application.

No other responses were received.

### **4. Alberta Land Stewardship Act (ALSA) regional plan**

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the proposed CFO is to be located.

## **5. Municipal Development Plan (MDP) consistency**

I have determined that the proposed expansion is consistent with the land use provisions of Camrose County's municipal development plan. (See Appendix A for a more detailed discussion of the County's planning requirements.)

## **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed expansion:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 9 and in Appendix C, the application meets all relevant AOPA requirements.

## **7. Responses from municipality and other directly affected parties**

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the Act as "directly affected." Camrose County is an affected party (and directly affected) because the existing CFO is located within its boundaries.

Ms. Kim Hunter, a development officer with Camrose County, provided a written response on behalf of Camrose County. Ms. Hunter stated that the application is consistent with Camrose County's land use provisions of the municipal development plan. The application's consistency with the land use provisions of Camrose County's municipal development plan, are addressed in Appendix A, attached.

Ms. Hunter also listed the setbacks required by Camrose County's land use bylaw (LUB) and noted that she was unable to determine if the proposed site plan meets these setbacks. I have reviewed the setbacks and the applicant's site plan and believe that the proposed facilities will meet the required setbacks. The applicant is reminded that they need to meet these requirements.

Apart from municipalities, an owner or occupant of land within the notification distance may request to be considered "directly affected." The NRCB received a response from Dave and Joyce Woodcock. Under our policy, because they are located within the notification distance and have submitted a timely response they are presumed to be directly affected. (See NRCB Operational Policy 2016-7: Approvals, part 7.2.2)

Dave and Joyce Woodcock raised concerns regarding noise, coyotes/foxes bringing dead chickens and eggshells into their yard, and road traffic.

These concerns are addressed in Appendix B.

## **8. Environmental risk of CFO facilities**

New CFO facilities which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, and surface water systems an approval officer may require groundwater monitoring for the facility. A determination was made, and groundwater monitoring is not required for the proposed facilities.

As part of my review of this application, I assessed the risk to the environment posed by the CFO's existing manure storage facilities and manure collection areas. I used the NRCB's environmental risk screening tool (ERST) to assist in my assessment of risk to surface water and groundwater (see NRCB Operational Policy 2016-7: Approvals, part 9.17). The tool provides for a numeric scoring of risks, which can fall within a low, moderate, or high-risk range. (A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca).)

For the sake of efficiency, I first assessed the CFO's existing 2004 broiler barn using the ERST. This appears to be the CFO's highest risk facility, due to the age and close proximity of the nearest water well. The assessment found that this facility poses a low potential risk to groundwater and surface water. Because this is the CFO's highest risk facility, I presume that the CFO's other existing facilities also pose a low potential risk to both groundwater and surface water. From a review of other information gathered in the course of this application, I am satisfied that the screening provided by the ERST is adequate and that the presumption is not rebutted. A further assessment of the risks posed by these other facilities, using the ERST, is not necessary.

## **9. Terms and conditions**

Registration RA24022 specifies the cumulative permitted livestock capacity as 18,000 chicken broilers, 6,000 chicken layers and 2,000 chicken layer pullets and permits the construction of the new pullet and layer barns.

Registration RA24022 contains terms that the NRCB generally includes in all AOPA registrations, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

In addition to the terms described above, Registration RA24022 includes conditions that generally address construction deadlines, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Registration RA24022: Registrations RA08044, RA06024A, and RA05041 (see NRCB Operational Policy 2016-7: Approvals, part 11.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into

the new permit, with any necessary changes or deletions of those terms and conditions. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Appendix C discusses which conditions from the historical permits are or are not carried forward into the new registration.

## **10. Conclusion**

Registration RA24022 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA24022.

Sunworks Farm's previously issued NRCB Registrations RA08044, RA06024A, RA05041 are hereby superseded, and their content consolidated into this Registration RA24022, unless Registration RA24022 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Registrations RA08044, RA06024A, RA05041 will remain in effect.

January 29, 2025

(Original signed)  
Lynn Stone  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Concerns raised by directly affected parties
- C. Explanation of conditions in Registration RA24022

## **APPENDIX A: Consistency with the municipal development plan**

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

“Land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 22(2.1) of the Act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions”.) “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 9.2.7.)

Sunworks Farm’s CFO is located in Camrose County and is therefore subject to that county’s MDP. Camrose County adopted the latest revision to this plan on March 26, 2024, under Bylaw 1540.

Below are the MDP policies that apply to CFOs.

Policy 4.3.7 requires that applications for a new or expanding CFO “meet the Agricultural Operations Practices Act (AOPA)”. This is likely not a land use provision. At any rate, as discussed above, the application meets all relevant AOPA requirements.

Policy 4.3.8 states that “at the discretion of County Council, large CFOs shall be prohibited in the County”. However, the MDP does not define “large CFO.” This policy is likely not a “land use provision” because it calls for discretionary judgements about the acceptable maximum size of a CFO.

Policy section 4.3.9 states that the County does not support new CFOs that are “within 3,219 m (2 miles) from any recreational lake, or 1,610 m (1 mile) from any hamlet.” Sunworks Farm’s CFO is not new; therefore, this provision does not apply. Regardless, there are no hamlets within 1 mile of the CFO.

Policy 4.3.10 states that “development of new or expanding CFOs adjacent to other municipal neighbours shall be as outlined in the applicable IDP.” The site is not located in an area covered by an IDP, or any other planning documents.

Policy 4.3.11 states that “AOPA regulations shall apply to those new or expanding CFOs outside of the areas identified in 4.3.9 and 4.3.10.” The application meets all AOPA requirements.

For these reasons, I conclude that the application is consistent with the land use provisions of Camrose County’s MDP. The County’s written response supports this conclusion.

## APPENDIX B: Concerns raised by directly affected parties

Section 21 of AOPA limits these directly affected parties to making submissions respecting whether the application meets the requirements of the regulations. Dave and Joyce Woodcock (SW 16-48-21 W4M) meet this requirement, and are a directly affected party.

The directly affected party raised the following concerns: noise, coyotes/foxes bringing dead chickens and eggshells into their yard, and road traffic.

Noise-the respondents expressed a general concern over noise.

Approval Officer's comments:

AOPA's minimum distance separation (MDS) requirements are a proxy for keeping odours, flies, noises, dust and other nuisance impacts at acceptable levels from CFOs, based on land zoning. The proposed CFO meets the MDS to all neighbouring residences. It is presumed that nuisance effects from a proposed CFO will be acceptable if the MDS has been met.

Coyotes/foxes-the respondents expressed concerns about the increased coyote and fox populations. They explained that the coyotes and foxes have been bringing dead chickens and eggshells into their yard and leaving carcasses.

Sunworks Farm's response:

The applicant has stated that they have employed a professional Wildlife Control Specialist for several years to help manage the coyote population in the area.

Approval Officer's comments:

Alberta Agriculture and Irrigation (AGI) has jurisdiction over pests and other nuisance animals under the *Agricultural Pests Act*. Additionally, AGI has jurisdiction over the disposal of dead animals under the *Animal Health Act*. Because AGI has expertise in these areas, the NRCB defers to their greater knowledge and refers related concerns to AGI. The applicant is reminded to properly dispose of carcasses.

Road Traffic-the respondents expressed concern about Sunworks Farm's staff driving inappropriately on nearby roads, as well as increased road traffic.

Sunworks Farm's response: With respect to the increased employee traffic on the Secondary Hwy that his property is on – over the years we have had very few employees that live/have lived to the west of us and would drive past his property on their way to or from work. Currently, only 2 of our over 30 employees live in that direction.

Approval Officer's comments:

The NRCB does not have direct responsibility for regulating road use or maintenance. Section 18 of the *Municipal Government Act* gives counties "direction, control and management" of all roads within their borders. Because of this it would be impractical and inefficient for the NRCB to attempt to manage road use through AOPA permits (see Operational Policy 2016-7 Approvals, part 9.13).

In addition, municipalities own the roads within their jurisdiction, and have the knowledge and expertise to determine if road use agreements are required, and have the jurisdiction to implement and enforce road use restrictions and road use agreements.

A copy of this application was forwarded to Alberta Transportation and Economic Corridors (TEC), as they have jurisdiction over provincial roadways. In their response, TEC stated that a roadside development permit is required for the proposed application.



## **APPENDIX C: Explanation of conditions in Registration RA24022**

Approval RA24022 includes several conditions, discussed below, and carries forward conditions from Registrations RA05041 and RA06024A (see section 2 of this appendix).

### **1. New conditions in RA24022**

#### **a. Construction Deadline**

Sunworks Farm proposes to complete construction of the proposed new pullet and layer barns by April 2025. This timeframe may not be sufficient given the weather and seasonal construction challenges. The deadline of November 30, 2026, is included as a condition in Registration RA24022.

#### **b. Post-construction inspection and review**

The NRCB's general practice is to include conditions in new or amended permits to ensure that the new or expanded facilities are constructed according to the required design specifications. Accordingly, Registration RA24022 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the new pullet barn and layer barn to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Sunworks Farm to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the pullet barn and layer barn.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed in accordance with the permit requirements. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Registration RA24022 includes conditions stating that Sunworks Farm shall not place livestock or manure in the manure storage or collection portions of the new pullet barn nor the layer barn until NRCB personnel have inspected the pullet barn and layer barn and confirmed in writing that they meet the registration requirements.

### **2. Conditions carried forward and modified from RA06024A**

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that condition 4 from Registration RA06024A should be carried forward. This condition will be modified to reflect the NRCB's current monitoring practices. The monitoring requirements are described in the attached Water Well Monitoring Statement for RA24022.