

March 4, 2025

sent by email

VFA Pork Limited
Martin and Annette van de Velde
RR 1, Site 11, Box 1
Lacombe, Alberta T4L 2N1

**Re: Deemed (Grandfathered) Permit PR24003
Martin and Annette van de Velde (VFA Pork Ltd.)
Southwest corner of SW 11-040-28 W4M**

This letter sets out the Natural Resources Conservation Board (NRCB)'s assessment of the permitted status and livestock capacity of the confined feeding operation (CFO) at this site.

Martin and Annette van de Velde, operating as VFA Pork Limited, have asked for a grandfathering determination. I have determined that the owner and operator of the CFO at SW 11-040-28 W4M holds a deemed (grandfathered) approval under the *Agricultural Operation Practices Act* (AOPA). This deemed permit:

- a) allows the CFO to confine feed 250 sow farrow-to-finish (swine); and
- b) allows the following facilities as part of the permit:
 - A. Grower barn
 - B. Finishing/shipping barn
 - C. Weaner barn
 - D. Dry sow/pregnant sow/breeding barn
 - E. Farrowing barn
 - F. Liquid manure storage facility

Background

The site is located in Lacombe County, approximately 12 kilometres west and 4 kilometres south of Lacombe, Alberta. The CFO operates under the corporate name VFA Pork Limited, and the land is owned by Martin and Annette van de Velde.

On April 24, 1998, Lacombe County approved an expansion for a 250 sow-farrow-to-finish operation (Appendix A) and Development Permit 61/98 was issued May 14, 1998.

The current owners/operators of this CFO, Martin and Annette van de Velde, purchased the CFO in the spring of 1999 and have been the owners/operators of this facility since then. On February 3, 2000, Lacombe County approved an extension of the expansion (Appendix B) with a condition that construction must "be started" before November 14, 2001. The extension letter did not provide a construction end date. Annette van de Velde confirmed with me that construction did commence before November 14, 2001. She indicated the construction of the expansion, from a 160 sow farrow-to-finish CFO to a 250 sow farrow-to-finish CFO was completed sometime in 2007. She indicated that no further construction or expansion has occurred at the CFO since 2007. After a historical imagery review using Google Earth and the

Government of Alberta Geocortex web mapping tool website, I confirmed this to be accurate. This was also confirmed after a site inspection on January 18, 2025, conducted by NRCB Inspector Denny Puszkur.

The site currently exists as it did when construction of this CFO was completed in 2007. Because all the construction was completed pursuant to a development permit issued before January 1, 2002, the grandfathered permit will include the construction of the approved expansion of the CFO from 2001 to 2007. Similarly, the deemed footprint will include the approved expansion as depicted in the detailed site image that was confirmed with the operator (Appendix C).

On November 7, 2024, Annette van de Velde contacted the NRCB and requested a grandfathering determination for their 250 sow/swine farrow-to-finish hog confined feeding operation (Appendix D).

The NRCB has formalized grandfathering decisions by adopting processes set out in section 11 of the Administrative Procedures Regulation under AOPA and through [Operational Policy 2023-01: Grandfathering \(Deemed Permit\)](#). These documents provide the framework to establish the facts and the scope of the grandfathering determination process.

Status of deemed permit today

Abandonment

While a grandfathering determination is limited to a point in time – January 1, 2002 – the NRCB also takes this opportunity to assess the validity or status of a deemed permit, today. If a facility or CFO were abandoned, that might invalidate its deemed permit today.

There is no information to suggest this CFO was ever abandoned at any time since January 1, 2002. After reviewing all documentation provided, speaking with the van de Veldes, and after a site inspection on January 18, 2025, I conclude that the 250 sow farrow-to-finish hog operation has been well maintained and has continued to be operational. The owners' intent has always been, and still is, to keep the CFO in operation. The CFO has not stopped operating, and the condition of the facilities is such that they are usable for confining livestock or storing manure without the requirement of any renovation. The CFO is not considered abandoned.

Disturbed liner

The Grandfathering (Deemed Permit) Policy states that facilities that are deemed to have an AOPA permit retain that deemed status only as long as the essential conditions of those facilities remain as they were on January 1, 2002.

As a general rule, if a deemed facility is changed in a way that constitutes “construction” under AOPA, including the NRCB’s interpretation, then that facility will lose its deemed status. Further explanation of what constitutes “construction” is provided in [NRCB Operational Policy 2012-1: Unauthorized Construction](#), and [Livestock Pen Floor Repair and Maintenance Fact Sheet](#).

In this case, there is no information to suggest that any liners or protective layers for the CFO facilities were disturbed in a way that would constitute “construction” and would invalidate the deemed permit.

Although construction did occur after January 1, 2002, this is not considered to be unauthorized construction in this case as the municipal development permit authorized it, without an end date. Annette van de Velde indicated construction of the CFO was completed in 2007 and the facility has not changed since 2007. As such, the grandfathered deemed permit will include all construction that occurred up to and including 2007.

Findings

By operation of section 18.1 of AOPA, if on January 1, 2002:

- a) a CFO existed,
- b) with respect to which a municipal development permit was issued, and
- c) that development permit was in effect,

the owner or operator of that CFO is deemed to have been issued an approval under AOPA. The deemed livestock capacity is the capacity authorized by the development permit.

The AOPA threshold for an approval of a sow/swine farrow-to-finish operation is 250+ sows. Based on the information above, I determined that a CFO existed above AOPA thresholds, and the owner and operator holds a deemed approval (250+ sows) permit.

This CFO was constructed pursuant to a municipal development permit issued before January 1, 2002. The municipal development permit specifies livestock capacity and type. In this case, a grandfathering determination does not require the field services staff (inspector) to notify affected parties, or to issue a full decision report (see 5.2.1 and 7.1 of NRCB Operational Policy 2023-01: Grandfathering (Deemed Permit)).

I also found that the deemed permit is still valid today.

I have enclosed a copy of the NRCB's Deemed Permit for this CFO, recognizing the grandfathered status, livestock capacity, and facilities. Deemed Approval PR24003 also recognizes the terms and conditions of the deemed permit.

(Original signed)
Morgan Schindel
NRCB Inspector

Cc: Lacombe County (*sent by email*)
Encl. Deemed (Grandfathered) Permit PR24003

Appendices:

- Appendix A: Lacombe County Notice of Decision and Permit April 24, 1998 & May 14, 1998
- Appendix B: Lacombe County Time Extension for Development Approval dated February 3, 2000
- Appendix C: Site Image labelled February 13, 2025 by M. Schindel
- Appendix D: Grandfathering Determination Request form dated November 12, 2024



**Development Application No. 61/98
NOTICE OF DECISION**

This is to advise that the Municipal Planning Commission has approved the following development:

250 sow farrow-to-finish operation
**expansion of existing 160 sow farrow-to-finish operation*

(see reverse side for conditions of approval)

Legal Description: Pt. SW 11-40-28-W4M
Property Owner(s): R. Bruce Epple

Date of Decision: April 22, 1998

Any person claiming to be affected by the approval of this development can appeal the decision by submitting a written statement of concern to:

Secretary
Subdivision and Development Appeal Board
Lacombe County
5432-56 Avenue
Lacombe, Alberta T4L 1E9

by no later than May 13, 1998.

For more information, contact the Planning and Development Department at (403) 782-6601.

April 24, 1998
Date of Issue



Allan Williams
Planner/Development Officer

Development Application No. 61/98 Conditions of Approval

1. mobile home may remain on property for as long as required for hog operation
2. no new buildings to be located closer than 125 feet from centre line of government road allowance on west side of quarter section. Owner/operator also to ensure that buildings are fully contained within subdivided parcel
3. minimum twelve-month storage capacity required for operation
4. prior to start of construction, licensed engineer to confirm with County that site conditions at proposed storage location are suitable for earthen storage
5. if earthen storage deemed acceptable, inlet pipe to be placed near bottom of lagoon
6. construction completion certificate from licensed engineer to be given to County upon completion of expanded manure storage
7. trees to be planted on north side of earthen storage prior to start of expanded operation
8. any manure contaminated run-off to be fully contained on owner's property. Owner/operator must also ensure that manure stays on lands on which it is spread. Drainage courses or other bodies of water on property and other lands used for spreading must be protected from contamination
9. all manure spread on land to be done so in accordance with guidelines set out in Code of Practice for the Safe and Economic Handling of Animal Manures, and including any revisions thereto
10. prior to start of expanded operation, soil testing to be done by qualified professional on all lands on which manure is to be spread to determine proper manure application rates and adequacy of land base for spreading. Testing to be repeated on a yearly basis or other interval as may be agreed to by County. Results of such testing to be provided to County and Alberta Agriculture, Food and Rural Development
11. owner/operator to ensure that sufficient land base is available at all times for manure spreading, based on standards in Code of Practice, including any revisions thereto, and results of soil testing
12. dead animals to be disposed of in prompt and acceptable manner. Designated collection site must not be visible by public
13. owner/operator to maintain at all times high degree of cleanliness in and around livestock facilities to minimize odour nuisances for neighbouring residents

please note that a license must be obtained from Alberta Environmental Protection for all water well and/or other sources of water required for the operation. For more information, contact Lois Collier, Water Resources Administration Division, Alberta Environmental Protection at (403) 340-5310.

it is also the responsibility of the applicant to ensure that the proposed development meets the requirements of the provincial Safety Codes Act. For more information on necessary permits, contact one of the safety service agencies listed on the attached sheet.



**Development Application No. 61/98
DEVELOPMENT PERMIT**

This Development Permit is hereby issued to:


R. Bruce Epple

for the following development:

250 sow farrow-to-finish operation
Pt. SW 11-40-28-W4M

in accordance with the Notice of Decision of the Municipal Planning Commission dated April 22, 1998.

May 14, 1998
Date of Issue


Allan Williams, ACP, MCIP
Planner/Development Officer

IMPORTANT NOTES

1. This permit is issued on the basis of the information and/or plan(s) contained in Development Permit Application No. 61/98. A further application will be required for any changes or additions.
2. Approval is subject to the provisions of the Lacombe County Land Use By-law No. 772/92 and all amendments thereto.
3. If the use or development is not started within 12 months from the date of issue of the Permit, the Permit may be declared void, unless the County has agreed to an extension of this time limit.
4. A development, once started, must not be abandoned, or left for an extended period of time in what the County considers to be an unsightly or unsafe condition.
5. The issuance of a permit by the County does not relieve responsibility of complying with other provincial and federal regulations, by-laws or acts which may affect the use or development.



Lacombe County

February 3, 2000

Martin and Annette van de Velde
RR1
Lacombe AB
TOC 1S0

Dear Mr. and Mrs. van de Velde:

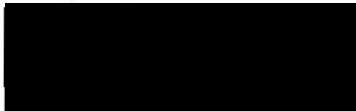
**RE: Time Extension for Development Approval
250 Sow Farrow-to-Finish Operation
Pt. SW 11-40-28-W4M**

This is to advise that the County is prepared to grant you an eighteen month extension to the development approval for the expansion of your livestock operation. This extension is in addition to the previous one year extension requested last year. Expansion of the operation must now be started before November 14, 2001, or the permit will be declared void.

All conditions of the development approval, as described in the **Notice of Decision** dated April 24, 1998, must be met. Condition #4 requires that a qualified professional engineer confirm in writing with the County that the site conditions are suitable for the proposed new earthen storage lagoon before any building construction begins.

If you have any further questions or require any additional information, do not hesitate to give me a call.

Yours truly,



Dale Freitag
Assistant Planner/Development Officer
Lacombe County

enc.

Development Permit No. 61/98



Grandfathering Determination Request

Request under the *Agricultural Operation Practices Act (AOPA)* for a grandfathering determination for a confined feeding operation (CFO), manure collection area (MCA), or manure storage facility (MSF)

NRCB USE ONLY	NRCB Grandfathering Number PR24003	Date Stamp Received 12 Nov 24
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CONTACT/OWNER INFORMATION

Name of owner: Martin and Annette van de Velde		Corporate Name (if applicable): VFA Pork Ltd	
Name of person making request: Martin and Annette van de Velde			
Address: (Street/P.O. Box) RR 1, Site 11, Box 1			
City/Town: Lacombe	Province: AB	Postal Code: T4L 2N1	

LOCATION FOR WHICH GRANDFATHERING DETERMINATION IS REQUESTED

Legal Land Description: Pt. SW 11-40-28-W4M	(Qtr-Sec-Twp-Rg-W Mer)
County/Municipal District: Lacombe	
Is the person making the request the registered landowner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(If no, please attach letter of consent signed by all landowners)</i>	
Does this legal land location have an existing permit(s) for CFO facilities? (e.g. municipal development permit.): <input type="checkbox"/> Yes (if yes please provide a copy) <input type="checkbox"/> No Permit(s) #: 61/98	

Claimed Grandfathered Livestock Capacity (Capacity of the enclosures On **January 1, 2002**)

Livestock category and type	Claimed grandfathered livestock capacity
Hogs farrow to Finish	250Sows Farrow to Finish

Claimed Grandfathered Facilities (On **January 1, 2002**)

Facility Name	Dimensions Length x width (x depth as applicable) (m)	Description of management of the facility (Seasonal use, movement of livestock, type of livestock etc.)
Breeding/Dry Sow Barn/We:	48 x 26	Holds weaned and bred sows and weaned piglets
Farrowing Barn	30 x 10	Holds farrowing sows and piglets
Finisher Barn	36 x 11	Holds finisher pigs. Has been rebuild in 2006

Grandfathering Determination Request

Information to support grandfathering determination request: (Provide all relevant information to support the grandfathering claim. This can include, permits issued prior to January 1, 2002, records supporting the claimed capacity, photographs, details of facilities used to confine livestock, site layout plan, etc. Attach pages as required.)

Types of Records for Years 2000-2004	Yes	No	Comments
Aerial imagery (<i>old farm photos</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Photographs (<i>personal photos taken of animals/facilities</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Livestock Purchase Records (<i>auction market receipts</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Livestock Sales Records (<i>auction market receipts</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Financial Records (<i>Taxes</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Feed, Straw, Mineral Purchase Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Government Support Program Records (<i>GRIP, NISA</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Premises Identification Registration Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Quota Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Veterinary Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Manifests	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Calving/Farrowing/Lambing etc. Records	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Livestock Health Records (<i>records of livestock treatments/vaccinations</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Purchases of Livestock Holding/Handling Equipment (<i>poultry cages, dairy cow beds/stalls, farrowing crates</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Testimonies from Employees or Family Members (<i>that worked on the operation in 2002-2004 and could be contacted now</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building and Construction Records (<i>concrete bunks, buildings, sheds, slab fences, barns, waterers, etc.</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any Diaries, Journals or Daily Logs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development permit. Building started in 2000.

Grandfathering Determination Request

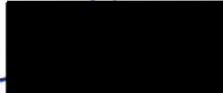
REQUEST DISCLOSURE

I acknowledge that this information is collected under the authority of the *Agricultural Operation Practices Act*, is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, and shall be deemed public unless the NRCB grants a written request that certain sections remain private.



I, the owner, or agent of the owner, have read and understand the statements herein and acknowledge that the information provided in this application is true to the best of my knowledge.

October 28, 2024
Date of signing

VFA Pork Ltd.
Corporate name (if applicable)


Signature

Annette (Adriana) van de Velde
Print name

This contact information is only for NRCB, municipal, and referral agency use, and is not for public disclosure.			
Owner Contact Information			
Name: Martin and Annette van de Velde		Corporate Name (if applicable): VFA Pork Ltd	
Contact Numbers	Business: 403-782-4854	Cell: 	Home: 
Email: vfpork@gmail.com			

Person (Other than Owner) Requesting the Determination Contact Information (if applicable)		
Name:		Relationship to Owner:
Contact Numbers	Home:	Cell:
Email:		