

County of Wetaskiwin No. 10

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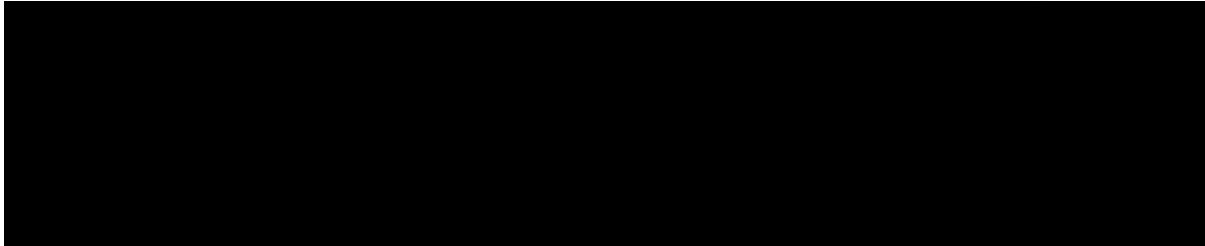
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Strong Proactive Leadership • Safe Progressive Communities

March 23, 2022



Re: Application RA21045 G&S Cattle Ltd. – NW 3-47-2-W5M

After receiving and reviewing the aforementioned application, these are the comments that the County would like to return to the NRCB for your consideration. The documents that will be referenced are the County of Wetaskiwin's Land Use Bylaw 2017/48 (2021), the County's Municipal Development Plan (2010), the County's Pigeon Lake Watershed Area Concept Plan (2014) and the County's Pigeon Lake Watershed Management Plan (2000).

Is the Application consistent with your municipal development plan (MDP)?

Within the County of Wetaskiwin's Municipal Development Plan (MDP), there are provisions made for the placement of new Confined Feeding Operations (CFO) and how to minimize conflicts with surrounding land uses. The *Municipal Government Act* (MGA) requires the County to identify where new CFOs should be located. The setback distances that have been created by the County that are further to that of the minimum distance setback of the Alberta Agriculture Code of Practice are as follows:

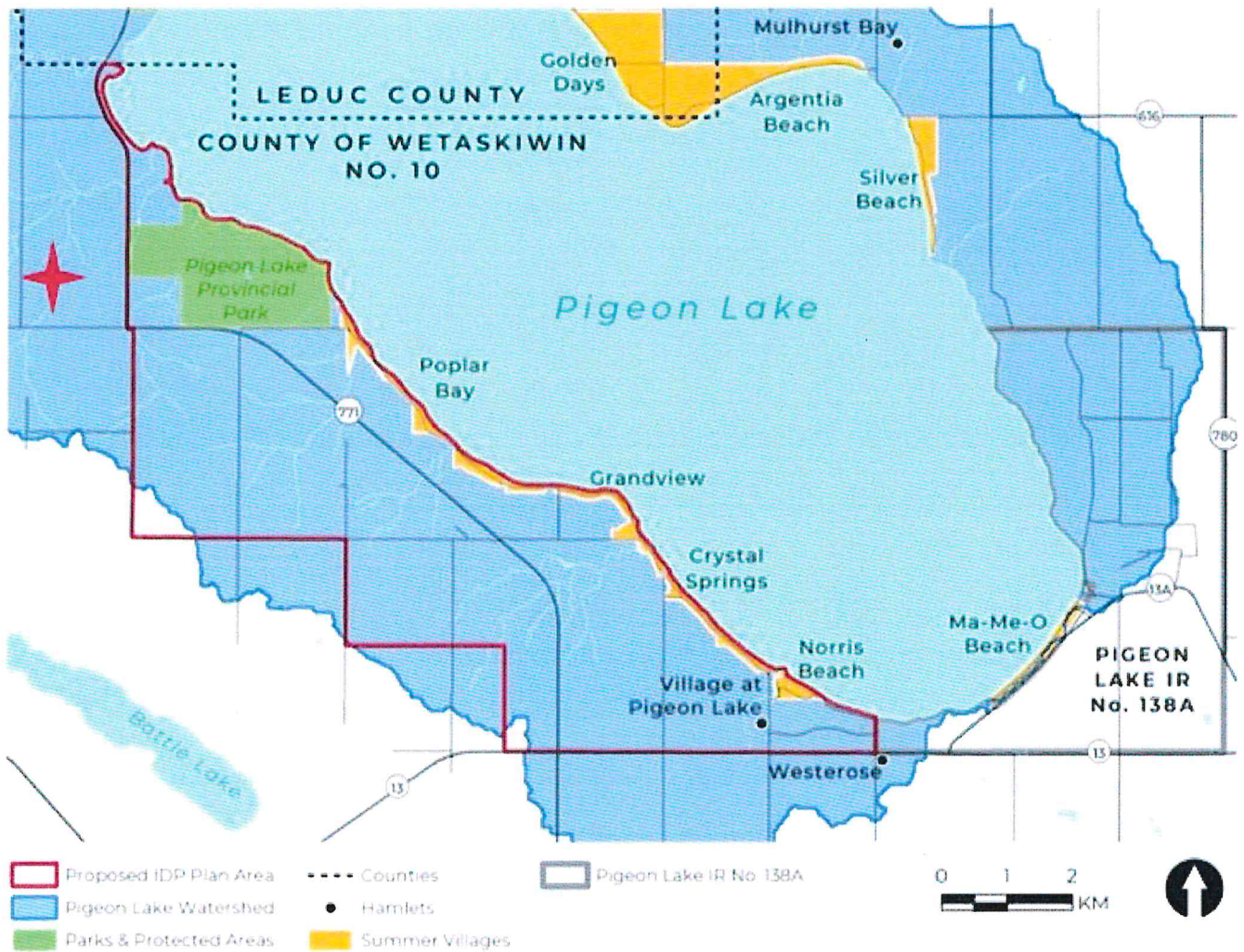
- a) 2.4 km (1.5 miles) from the boundary of any city, town, village, hamlet, school and hospital.
- b) Under no circumstances can a new CFO be located within 1.6 km (1 mile) of the following named lakes: Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake, Wizard Lake and Twin Lakes.
- c) 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.

With the proposed development being to establish a new 4,000 head beef cow/finisher CFO, the aforementioned setbacks were applied to the proposal. It was determined that the proposed new CFO location meets the requirements of the County's MDP for CFOs.

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?

At this point in time there are no Area Structure Plans (ASP) that have been submitted to the County for the lands on which the application is proposed for that may need to be taken into consideration. Further, the existing site is well away from any other municipal boundaries and therefore is not subject to an existing or proposed IDPs. It should be noted that the proposed Pigeon Lake South IDP area is east of this location by two (2) miles.

Proposed IDP Map



= Approximate location of proposed CFO

Further to the above, the County has a Pigeon Lake Watershed Management Plan and a Pigeon Lake Area Concept Plan in Place which encompass the lands on which the new CFO is proposed. The County's Pigeon Lake Watershed Management Plan states:

"POLICY 1: RECOGNIZE THE RIGHTS OF THE FARMING COMMUNITY
The Management Committee recognizes that farming in this area pre-dates the recreational use of the lake.

The report by John Lilley and Chris Earle shows that agriculture has a significant effect on water quality. Land clearance results in more runoff and less groundwater, and gives more fluctuations in streamflow. Runoff from farm land is richer in nutrients than from tree covered land, resulting in more plant and algae growth in the lake. However, agriculture is the backbone of the economy in the Counties of Leduc and Wetaskiwin, and the county councils will not demand any changes in accepted farming practices. Any desired changes must be achieved by education and incentive, not compulsion.

POLICY 2: MAINTAIN WATER QUALITY
The Management Committee believes that maintaining water quality must have the highest priority in lake and watershed management.

Review existing animal operations: *There are several intensive animal operations in the Pigeon Lake drainage basin. We do not know how well they are being managed at present. Although all existing farm operations are grandfathered under Policy 1, the operators would probably welcome an offer of help to improve their manure handling methods. County agricultural service board personnel should be made available to help them. The County of Wetaskiwin recently did this with a cattle operation near Coal Lake, with positive results.*

Improving manure storage and handling systems could be costly, but there may be funds available from the Alberta government. Alberta Agriculture's Environmentally Sustainable Agriculture (ESA) program provides technical advice and some funding. Municipalities may wish to contribute financially to cleaning up a source of pollution, even if it is located in another municipality. Where there is a definite local benefit, local improvement levies might be used as the source of funds.

Control new animal operations: *Alberta Agriculture provides technical support at no cost to municipalities and will advise whether a site is suitable from an environmental point of view. Among other things the department looks at manure handling and runoff. It is possible to design and run an intensive animal operation so as to contain all nutrients on site. The critical factors are runoff from the confinement area, and how the manure is spread on the land. The counties should amend their land use bylaws so that all new confined animal operations (including cow-calf confinement areas) require a development permit, and then, as a condition of giving a permit, have operators design a system with minimal offsite effects.*

Municipalities do not have the technical expertise to set operational standards for intensive animal operations. At present they depend on Alberta Agriculture to recommend standards.

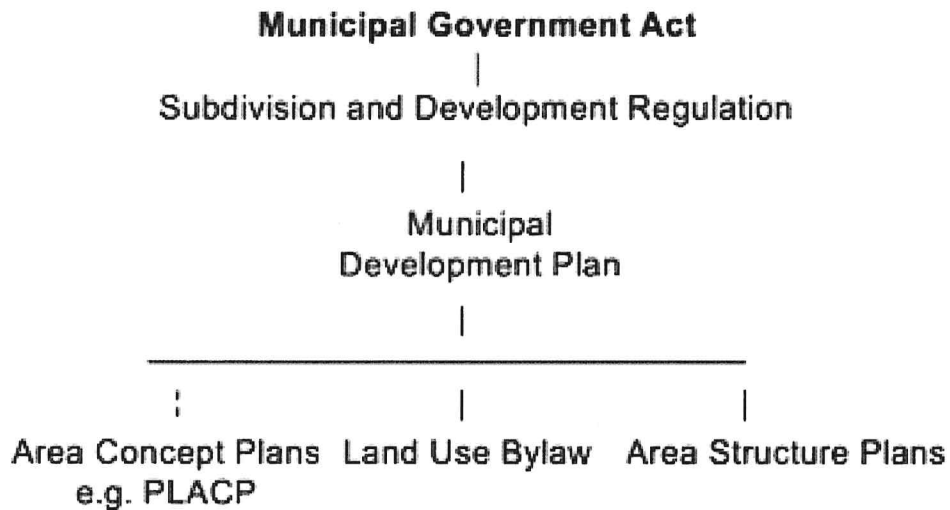
The department is currently reviewing its rules and practices on intensive livestock operations. The latest discussion draft of the Proposed Regulatory Framework for Livestock Feeding Operations in Alberta says that the province will set environmental siting requirements, construction standards, and the standards for manure storage and use. Municipal governments will retain responsibility for determining whether a proposed development is acceptable through the municipal planning process.

Some municipalities in Alberta are protecting recreational lakes by refusing to allow any new intensive livestock operations on land draining into those lakes. The County of Ponoka has done this in the Gull Lake basin, with surprisingly little opposition, even from the farm community. Leduc and Wetaskiwin should consider a similar policy, at least within a mile of the lake. Such a policy, being as land use and not an operational matter, appears to be compatible with the proposed provincial Regulatory Framework.”

The County’s Pigeon Lake Watershed Area Concept Plan states:

“5.5.2 Agriculture Large-scale confined animal operations are not appropriate in the Pigeon Lake watershed. Recreational and residential development must not diminish the right of neighbouring farmers to manage their land using generally acceptable agricultural practices. This is guaranteed by provincial law (Agricultural Operations Practices Act, section 2). Farm land will be reserved for agriculture, or released for other uses, depending in part on its assessment rating. The County’s normal policy is to reserve better farm land for agriculture. Section 1.2.1 of the MDP defines this as land with a farmland assessment rating of 30% or more, but because of the recreational value of land near Pigeon Lake, the County may allow residential subdivision on land with a farmland assessment rating up to 50%. Figure 7 shows the location of such land. Note that this applies only in the Pigeon Lake watershed. The cut-off remains 30% in other parts of the County. Soil quality does not change at property boundaries. Most quarters have a mixture of good and poor soil. On these mixed quarters, development must normally be clustered on the poorer soil, leaving better soil for agriculture, although small or odd-shaped areas of good soil may be included in the developed area.”

However, it should be noted that the County’s MDP supersedes both the Pigeon Lake Watershed Area Concept Plan and the Pigeon Lake Watershed Management Plan. The references from both of these Plans have been added for informational purposes and the maps outlining each of the areas covered by the respective Plans have been attached as Appendix A. Further to this, it should be mentioned that the Management Plan was adopted when CFO’s were still under the jurisdiction of local municipalities, since that time CFO’s have become the jurisdiction of the Province.



Note: the dashed line represents non-statutory plans

What is the land zoning of the Application site, and surrounding lands within 1600 metres of the proposed site, under your Land Use Bylaw? What is the status of the proposed development in the Application under the application zoning classification (e.g. permitted, discretionary or not listed)?

The Application site itself is located on land that is Agriculturally zoned, however, within 1,600 metres of the property in question there are three (3) different land zonings. The surrounding land parcels within 1,600 metres are composed of twenty-six (26) agriculturally zoned parcels and nine (9) Rural Residential parcels and three (3) Watershed Protection parcels (See attached maps below).

The status of the proposed development in the Application is neither permitted nor discretionary under the County's Land Use Bylaw 2017/048. This is because Confined Feeding Operations as defined under the Agricultural Operation Practices Act (AOPA), fall under the jurisdiction of the Natural Resources Conservation Board (NRCB). Some of the relevant specifics of the County's Agricultural district are as follows:

10.1 Agricultural District

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

Zoning Map



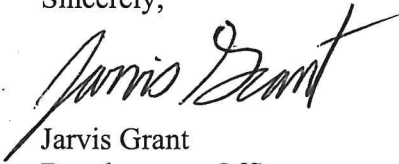
*** Note *** The **yellow tan** coloured land is Agriculturally zoned while the **light blue** is Country Residential, the **red** is Rural Residential and **purple** is Watershed Protection

Does the Application meet the required municipal setbacks?

As per the submitted site plan the application meets the required municipal setbacks for development as stated under the County's Land Use Bylaw 2017/48.

In conclusion, the Development Authority has no concerns with the proposed new CFO as it aligns with the hierarchy of planning documents of the County. I hope that the information provided is sufficient and if you require more information or have any questions please contact me by email at jgrant@county10.ca or by phone at (780) 361-6222.

Sincerely,

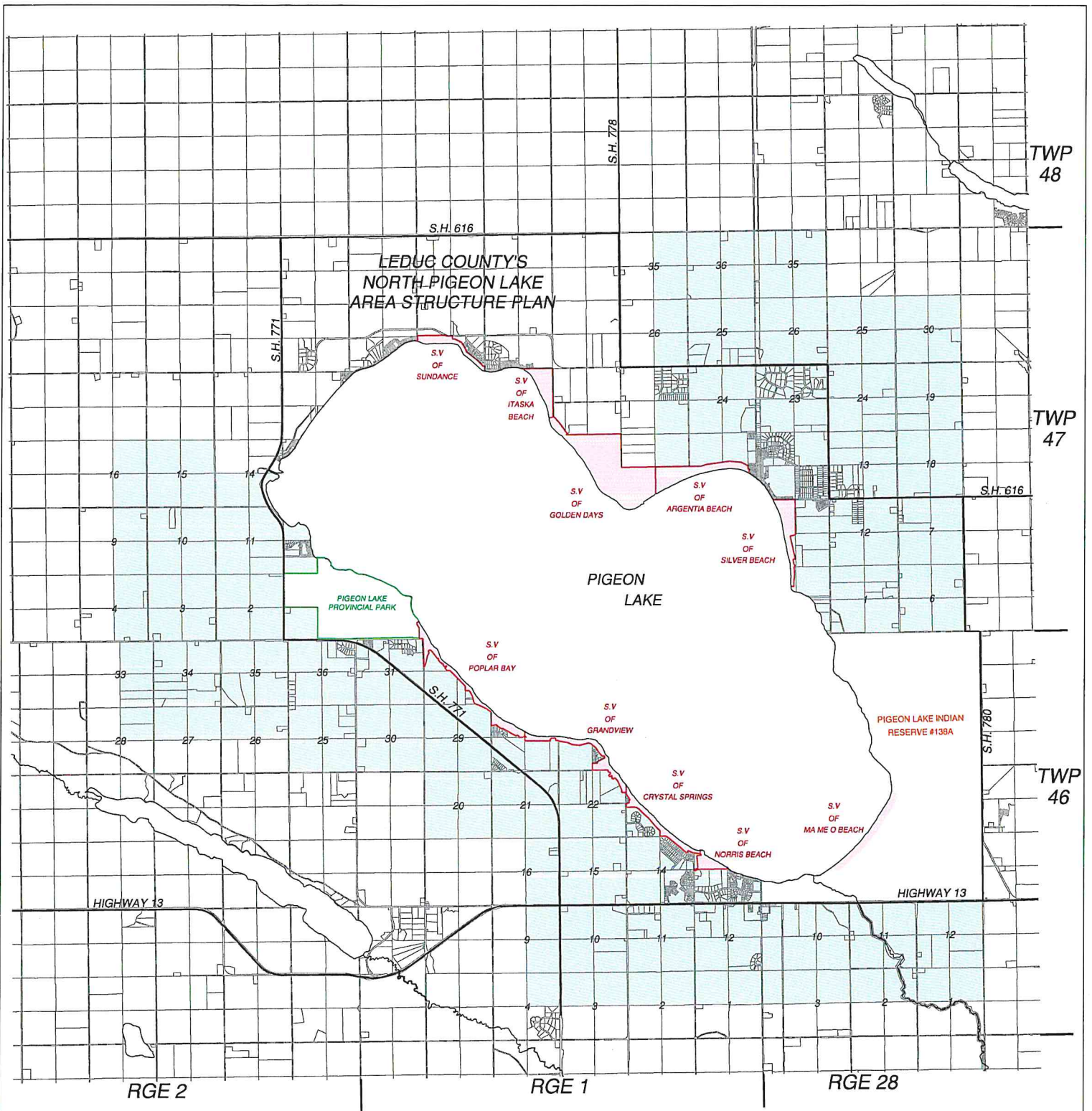


Jarvis Grant
Development Officer

:jg

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

Appendix A



**FIGURE 2.0
PIGEON LAKE AREA CONCEPT PLAN
STUDY AREA**

+ RANGE 2 W5 -

RANGE 2 W5

RANGE 2 W5

RANGE 2 W5



TOWNSHIP 46 N

TOWNSHIP 46

Pigeon Lake Management Plan REFERRAL AREA

