



Municipal District of **GREENVIEW**

MUNICIPAL PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, January 10, 2024

9:00 AM

Administration Building and Zoom
Valleyview AB

#1
CALL TO ORDER

#2
ADOPTION OF AGENDA

#3
MINUTES

- | | | |
|-----|--|---|
| 3.1 | ADOPTION OF MUNICIPAL PLANNING COMMISSION REGULAR MEETING MINUTES HELD DECEMBER 13, 2023 | 3 |
| 3.2 | BUSINESS ARISING FROM MINUTES | |

#4
SUBDIVISION

- | | | |
|-----|---|----|
| 4.1 | S23-012 / PERROTT / FIRST PARCEL OUT / NW 20-71-25-W5M / CROOKED CREEK AREA | 11 |
| | <ul style="list-style-type: none">CHRISTIE JONES – BORDERLINE SURVEYS | |

#5
DEVELOPMENT PERMITS

- | | | |
|-----|---|----|
| 5.1 | D23-201 / HIRSCHER / PERMITTED USE - ACCESSORY BUILDING WITH FRONT YARD SETBACK VARIANCE IN HR / PLAN 7821799;1;8 / DEBOLT AREA | 53 |
|-----|---|----|

#6
NEXT MEETING

FEBRUARY 14, 2024

#7
ADJOURNMENT

Minutes of a
MUNICIPAL PLANNING COMMISSION REGULAR MEETING
MUNICIPAL DISTRICT OF GREENVIEW NO. 16
 Greenview Administration Building [and Zoom]
 Valleyview, Alberta, on Wednesday, December 13, 2023

**#1
 CALL TO ORDER**

Chair Ryan Ratzlaff called the meeting to order at 9:00 a.m.

PRESENT

Chair	Ryan Ratzlaff
Vice-Chair	Sally Rosson
Member	Christine Schlieff
Member	Jennifer Scott
Member	Bill Smith (Zoom)
Member	Tom Burton
Member	Dave Berry
Member	Winston Delorme
Member	Tyler Olsen
Member	Dale Smith

ATTENDING

CAO	Stacey Wabick
Director, Planning & Economic Development	Martino Verhaeghe
Director, Infrastructure & Engineering	Roger Autio
Manager, Planning and Development	Samantha Dyck
Municipal Planner	Jan Sotocinal
Development Officer	Nicole Friesen
Recording Secretary	Constance Boyd

GUESTS

Jason Coates, Borderline Surveys (S23-004)
 Verna Gallivan (S23-004)
 Christie Jones, Borderline Surveys (S23-004)
 Cody Beirsto, Beirsto & Associates (S23-005)
 Robin Thiessen (S23-005)
 Gerald Andreiuk, McElhanney (S23-010)
 Murray Broadhead (D23-171)

**#2
 AGENDA**

MOTION: 23.12.53 Moved by: Member Tyler Olsen
 That the November 15, 2023, agenda be adopted as presented.

CARRIED

**#3
 MINUTES**

3.1 MINUTES OF ORGANIZATIONAL MEETING

MOTION: 23.12.54 Moved by: Vice Chair Sally Rosson
 That the minutes of the Municipal Planning Commission organizational regular meeting held on November 15, 2023, be adopted as amended:

- Page 2 Martino declared Ryan as the chair

CARRIED

3.2 MINUTES OF REGULAR MEETING

MOTION: 23.12.55 Moved by: Member Jennifer Scott

That the minutes of the Municipal Planning Commission regular meeting held on November 15, 2023, be adopted as presented.

CARRIED

#4 SUBDIVISIONS

4.1 S23-004 / GALLIVAN HOLDINGS LTD / SECOND PARCEL OUT AND BOUNDARY ADJUSTMENT / SW 9-70-22-W5M / VALLEYVIEW AREA

Municipal Planner Jan Sotocinal presented an overview of a Subdivision Application for a Second Parcel out and Boundary Adjustment within SW 9-70-22-W5M; Plan 1623780 Block 1, Lot 1. The property was zoned Agricultural One (A-1) District and Country Residential One (CR-1) District.

SW 9-70-22-W5M

MOTION: 23.12.56 Moved by: Member Jennifer Scott

That the Municipal Planning Commission APPROVE the subdivision application S23-004 for the boundary adjustment of Plan 1623780, Block 1, Lot 1 from 1.21 Hectares (2.99 acres) to 4.53 Hectares (11.2 acres) and the creation of 4.0 hectares (9.9 acres) within the lands legally described as, SW 9-70-22-W5M, subject to the following:

Conditions:

1. The applicant shall submit to the MD of Greenview No. 16, a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.
2. The applicant shall pay a final subdivision endorsement fee in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 22-930.
3. The applicant shall pay all taxes owing to the MD of Greenview No. 16, up to the year in which the subdivision is to be registered prior to signing the final subdivision endorsement documents.
4. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 22-930 for the construction of a gravel approach to the proposed subdivision. The MD of Greenview No. 16 reserves the right to determine the date of construction of the approach.
5. Pursuant to Section 669(1) of the Municipal Government Act, a Deferred Reserve Caveat for the Municipal Reserve owing due to the subdivisions of lots A&B will be registered on the balance of SW 9-70-22-W5M concurrently with the subdivision registration. The Municipal District of Greenview will prepare and require the registration at the time of endorsement.

Notes:

1. You are located in the vicinity of an agricultural operation.
2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.

CARRIED

**#4
SUBDIVISIONS**

4.2 S23-005 / CNR HOLDINGS LTD / SECOND PARCEL OUT / SW 11-72-1-W6M / DEBOLT AREA

Development Officer Nicole Friesen presented an overview of a Subdivision Application for a Second Parcel Out within SW 11-72-1-W6M. The property was zoned Country Residential One (CR-1) District.

SW 11-72-1-W6M

MOTION: 23.12.57 Moved by: Member Tom Burton

That the Municipal Planning Commission APPROVE subdivision application S23-005 for the creation of a 1.62-hectare (4.00-acre) subdivision within the parcel legally described as SW 11-72-1-W6M (C. of T. 182 269 549), with a ± 12.70 -ha (± 31.39 -ac) remainder, subject to the following:

Conditions:

1. The applicant shall submit to the MD of Greenview No. 16 a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.
2. The applicant shall pay a final subdivision endorsement fee in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 22-930.
3. The applicant shall pay all taxes owing to the MD of Greenview No. 16 up to the year the subdivision is to be registered before signing the final subdivision endorsement documents.
4. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 22-930 for the construction of a gravel approach to the proposed subdivision. The MD of Greenview No. 16 reserves the right to determine the construction date of the approach.
5. A corner cut of 15 metres by 15 metres at the intersection of Township Road 721A and Range Road 12 shall be registered as road within the Plan of Survey for the subdivision at no expense to the MD of Greenview No. 16.
6. On the proposed 1.62-ha (4.00-ac) Lot 1, Block 1, the applicant shall pay cash-in-lieu of municipal reserve in the amount of \$8,500 (approx. \$2,125 per acre), representing 10% of the appraised market value of the land of \$85,000 (\$21,250 per acre) or a market value determined by an appraisal by a qualified appraisal professional in accordance with section 667 of the Municipal Government Act. The final calculation of the municipal reserve will be done upon receipt of the final plan of survey and any lands shown to be

protected under an Environmental Reserve Easement in Condition 9 would be removed from the reserve calculation.

7. Pursuant to Section 669(1) of the Municipal Government Act, a Deferred Reserve Caveat for the balance of the Municipal Reserve owing will be registered on SW 11-72-1-W6M (C. of T. 182 269 549) concurrently with the subdivision registration. The Municipal District of Greenview No. 16 will prepare and require registration at the time of endorsement.
8. Pursuant to Section 651.1(2) of the Municipal Government Act, a restrictive covenant shall be registered against the title of the proposed Lot 1 prohibiting:
 - a) The construction of any subgrade development or basement unless as high-water table analysis is provided showing the water table is more than 2.4 m in the fall/winter or 1.8 m in the spring/summer below grade;
 - b) The development of any private sewage disposal systems which would allow for the infiltration of seasonal flooding into the septic tank or effluent disposal into/onto the ground; and
 - c) The development of a well.

Notes:

1. You are located in the vicinity of an agricultural operation.
2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.
3. The subdivision may contain sensitive wetland resources which will impact future development of the site.

CARRIED

**#4
SUBDIVISIONS**

4.3 S23-010 / BROCHU / FIRST PARCEL OUT / NW 14-71-23-W5M / NEW FISH CREEK AREA

Municipal Planner Jan Sotocinal presented an overview of a Subdivision Application for a First Parcel Out within NW 14-71-23-W5M. The property was zoned Agricultural One (A-1) District.

NW-14-71-23-W5M

MOTION: 23.12.58 Moved by: Member Dale Smith

That the Municipal Planning Commission APPROVE the subdivision application S23-010 for the creation of approximately 8.09 hectares (19.99 acres) based on the amended tentative plan parcel within the lands legally described as, NW 14-71-23-W5M, subject to the following:

Conditions:

1. The applicant shall submit to the MD of Greenview No. 16 a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.

2. The applicant shall pay a final subdivision endorsement fee in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 22-930.
3. The applicant shall pay all taxes owing to the MD of Greenview No. 16 up to the year the subdivision is to be registered before signing the final subdivision endorsement documents.
4. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 22-930 for the construction of a gravel approach to the remainder of the quarter section. The MD Greenview No. 16 reserves the right to determine the date of construction of the approach.

Notes:

1. You are located in the vicinity of an agricultural operation.
2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.

CARRIED

**#5
DEVELOPMENT
PERMITS**

5.1 D23-171 / 1189220 AB LTD / OILFIELD SERVICE, SHOP WITH OFFICES AND ACCOMMODATION EMPLOYEE / SW 33-69-6-W6M / GROVEDALE AREA

Manager, Planning and Development Samantha Dyck presented an overview of a development permit application for Oilfield Service, Shop with Offices and Accommodation Employee on Plan 1621185; Block 2; Lot 2 within SW 33-69-6-W6M. The property was zoned Industrial Light (M-1) District.

SW 33-69-6-W6M

MOTION: 23.12.59 Moved by: Vice Chair Sally Rosson
That the Municipal Planning Commission APPROVE Development Permit application D23-171 for an Oilfield Service, Shop with Offices, and Accommodation Employee, on Plan 1621185, Block 2, Lot 2, subject to the following:

Conditions:

1. Prior to the occupation of the Employee Accommodations or operation of the offices, evidence of a potable water source or evidence of the installation of a Cistern for potable water, must be provided to the Municipal District of Greenview No. 16.
2. A Temporary Construction Approach developed on the East Boundary of the parcel must pass an inspection by the M.D. of Greenview No. 16 Roads Supervisor. Should the approach not pass inspection, this approach must be removed, and the ditch remediated or upgraded to meet the M.D. of Greenview No. 16 approach standards, at the developer's expense.
3. Prior to construction or commencement of any development, it is the responsibility of the applicant to ensure they obtain all necessary permits required by Alberta Safety Codes Authority, including but not limited to Building, Gas, Plumbing, and Electrical permits, in accordance with the Safety

Codes Act of Alberta. Copies of such permits are to be submitted to the Municipal District of Greenview No. 16.

4. Fencing shall not exceed 2.5 m (8.2 ft) in height and shall be set back a minimum of 0.3 m (1.0 ft) from the property line adjacent to the road right-of-way.
5. Stripping of vegetation or grading shall be done in a manner which will minimize soil erosion by ensuring the extent of the disturbed area and the duration of exposure is minimal and in accordance with the approved Storm Water Management Plan.
6. Applicant complete the approach application and pay the necessary application fee in accordance with the Schedule of Fees, 22-930 Bylaw.

Standards:

1. No signage related to the business is permitted and a separate permit will be required before any signage is installed in relation to this site's activities.
2. The applicant is responsible for weed control. Contact Greenview's Agricultural Fieldman at 780.524.7602 for further information.

Notes:

1. This permit indicates that only the development to which it relates is authorized pursuant to the provisions of the Land Use Bylaw. Compliance with the provisions of Land Use Bylaw 18-800 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.
2. All development must conform to the conditions of this development permit and the approved plans, and any revisions as required pursuant to this approval. Any subsequent changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to, an expansion or intensification of the use.
3. The exterior of the buildings shall be completed within twenty-four (24) months from the issuance of the development permit. If the development authorized by a Development Permit is not completed within twenty-four (24) months from the effective date of the permit, such permit approval ceases, and the permit itself is deemed void, expired, and without effect unless an extension to this period has been previously granted.
4. This development permit is valid upon the decision being advertised in accordance with Municipal District Greenview No. 16's Advertising Bylaw and no appeal against said decision being successful.
5. All development(s) must be designed to ensure the stormwater runoff to adjacent lands or watercourses does not exceed pre-development flows.
6. Development(s) shall not adversely affect groundwater resources or disturb natural drainage patterns or watercourses unless such measures are

necessary to serve a proposed development and receive approval from Alberta Forestry, Parks, and Tourism.

7. Deleterious materials must not be allowed to enter any watercourse.
8. You are located in the vicinity of an agricultural operation.

CARRIED

**#6
NEXT MEETING**

Wednesday, January 10, 2024

**#7
ADJOURNMENT**

MOTION: 23.12.60 Moved by: Member Christine Schlieff
That the meeting be adjourned at 10:44 a.m.

CARRIED

CHAIR
RYAN RATZLAFF

DIRECTOR, PLANNING & ECONOMIC DEVELOPMENT
MARTINO VERHAEGHE



REQUEST FOR DECISION

SUBJECT: **S23-012 – First Parcel Out Subdivision**
SUBMISSION TO: MUNICIPAL PLANNING COMMISSION REVIEWED AND APPROVED FOR SUBMISSION
MEETING DATE: January 10, 2024 **DIRECTOR:** MAV **PRESENTER:** JS
REPORT TYPE: Subdivision Application **MANAGER:** SD **WRITER:** JS

FILE NO.: S23-012 **LAND USE DISTRICT:** Agricultural One (A-1)
LEGAL LOCATION: NW 20-71-25-W5M
AREA: Ward 7, Crooked Creek and Sturgeon Heights
APPLICANT/SURVEYOR: Borderline Surveys Ltd.
LANDOWNERS: Sharon Dillabough, Brenda and Violet Jantz, Debbie Perrott, Diane Duffy, Valerie Erker

BACKGROUND/PROPOSAL:

Administration has received the subdivision application for a first parcel out within the lands legally described as NW 20-71-25-W5M, which is an unsubdivided quarter section. The subdivision proposal is to take 8.10 hectares (20.0 acres) out of the quarter section. The subject quarter section is located approximately 4.8 kilometers (3 miles) north of Highway 43 W and can be accessed via Range Road 255 and Township Road 714. The quarter section is within Ward 7, Crooked Creek, and Sturgeon Heights.

The majority of the remainder of the quarter section is cultivated land, with treed areas in the centre and eastern edge of the quarter section. There is currently an approach on the western side of the quarter section, which can be used to access the rest of it. However, there is also a proposed approach application that would be located in the northeastern part of the proposed subdivision. If approved, this new approach would provide direct physical access to the area.

There are currently no existing or proposed developments within the proposed subdivision, although the landowner intends to develop a country residence on the proposed parcel in the future. As such, water and sewer servicing may not be required at this time, but water and sewer servicing will be required during the Development Permitting stage for this use.

PROPERTY DETAILS:

Proposed Servicing: No proposed servicing for water supply and sewage disposal system
Soil Type: Orthic Gray Luvisol
Topography: Mixed
Wetland Inventory: 31
LSRS Spring Grains: 3T(8) – 5WT(2): moderate limitation to very severe limitation due to slope condition and drainage in which excess water limiting soil production;

7WBV (10): Unsuitable due to drainage, organic soil in which degree of decomposition of the organic material is not optimum for production, and soils have a pH value is either high or low for optimal growth.

RELEVANT LEGISLATION AND POLICY CONSIDERATIONS:

Municipal Development Plan (MDP) Bylaw No. 15-742

Section 3.4.2 Subdivision of Better Agricultural Land

Greenview may support the subdivision of better agricultural land where the proposed subdivision is for:

(b) A first parcel out for residential purposes in accordance with Policy 3.4.3;

Section 3.4.3 Vacant First Parcel Out

Pursuant to Policy 3.4.2 (b) (“Subdivision of Better Agricultural Land”), the subdivision of one vacant parcel out of a previously unsubdivided quarter section for a residential use shall only be allowed if the following criteria are met to the satisfaction of Greenview:

- (a) The proposed subdivision boundary and building site adheres to Provincial Regulations regarding setback distances between lines, buildings, water sources, and private disposal systems;*
- (b) Legal and physical access to a developed Municipal District road is provided;*
- (c) The proposed use of the parcel does not negatively impact adjacent agricultural uses,*
- (d) The proposed parcel is not located within the Minimum Distance Separation of an established confined feeding operation (“CFO”), and will not be located as to interfere with the future expansion of existing CFOs;*
- (e) In the sole discretion of Greenview, the parcel is in a location that minimizes to the greatest extent possible disturbance to and loss of environmentally significant areas, or other environmentally sensitive features, such as wetlands, riparian vegetation, natural drainage courses and tree stands;
and*
- (f) Any other considerations as may be determined by Greenview.*

Based on section 3.4.2 of the MDP, a first parcel out subdivision when it is a vacant parcel out may be supported if it meets the requirements or criteria specified under Section 3.4.3 of the MDP.

Respecting section 3.4.3 (a), the parcel size of the proposed subdivision is sufficient to accommodate setback distances of potential developments in the future, especially the distance of future private disposal systems (e.g. open discharge). Although there is nothing proposed at this time, there is a sufficient building envelope for a country residence or farmyard which can meet setback requirements.

Currently, there is an approach which provides access to the remainder of the quarter section, and a proposed approach to the proposed subdivision which meets the requirement in section 3.4.3 (b).

Regarding the proposed use of the proposed subdivision, as there are plans of putting a country residence on that parcel in the future, the proposed use may not negatively impact adjacent agricultural use, as per

section 3.4.3 (c). In comparison to other non-agricultural uses, the residential development will create minimal impact on adjacent agricultural lands and/or operations.

The closest established CFO in the area is the CFO operated by the Hutterian Brethren Church of Ridge Valley and located on the quarter sections: NW 4-71-26-W5M, NE 5-26-W5M and SE-71-26-W5M. This is approximately, 5 miles southwest of the subject quarter section. In accordance with the Decision Summary FA1800, found on page 12, due to the expansion of the existing CFO, the required Minimum Distance Separation (MDS) for land zoned as agricultural is 0.584 kilometers (0.36 miles) and for a large-scale country residential, hamlets, villages, towns, or cities is 1.56 kilometers (1 mile). In this case, if the subject quarter section is to be developed for country residential, it would be outside of MDS of the closest established CFO and therefore meets the requirement as per Section 3.4.3 (d), as depicted in *Map 4B Distance from the nearest Confined Feeding Operation*.

Section 3.4.3 (e) provides that the proposed subdivision shall only be allowed if the location of the proposed subdivision will occur in an area where disturbance or loss of environmentally significant features are minimized. Based on the mapping and site visit, there is no indication or evidence of any occurrence of wetlands, riparian areas, and natural drainage courses within the proposed subdivision. The majority of the proposed subdivision already is cleared of any trees, although there are some portions of existing tree stands that will be included in the proposed subdivision. As such, it can be considered that the current location of the proposed subdivision minimizes the loss of environmentally significant features.

Based on section 3.4.3 of the MDP, the proposed subdivision of a vacant first parcel out can be allowed as this subdivision meets the criteria specified under this policy.

Section 3.4.4 Parcel Location

Where possible, subdivisions identified in 3.4.2 will be encouraged to locate on portions of a quarter section that are:

- a) Physically severed or are of lower agricultural capability; and/or*
- b) Adjacent to or near quarter section boundaries to minimize the fragmentation of agricultural land and without constraining or otherwise impacting agricultural operations on the quarter section.*

Since the proposed subdivision is located in an area adjacent to and near the quarter section boundaries, it limits fragmentation of agricultural lands and impact on existing agricultural operations. The proposed subdivision can be supported as per section 3.4.4 of the MDP.

Section 3.5.1 Subdivision of Agricultural Lands

On those lands that are not defined as better agricultural lands, or that are considered exceptions by Greenview to the definition of better agricultural land by virtue of slope, configuration, surrounding land use or size, Greenview may allow the subdivision and/or development of non-agricultural uses.

Section 3.5.1 of the MDP provides that subdivision can be allowed if it is not suitable for agriculture on the basis of the slope, configuration, surrounding land use or size. With respect to the surrounding land use and size, quarter sections immediately to the north, west and south of the subject quarter sections are cultivated lands, while the quarter sections to the east and to the north are forested area/crown land. There are also

existing country residences in the area, which do not negatively impact agricultural operations. Based on the AGRASID map and topography maps, the soil is characterized as having limitations due to drainage and slope issues. As such, Greenview may allow subdivision and/or development of non-agricultural uses under Section 3.5.1, as these lands may be considered as exceptions to the definition of better agricultural lands.

Land Use Bylaw (LUB) No. 18-800

The current zoning for the parcel legally described as is Agricultural One (A-1) District. Within the A-1 District, for the first parcel out, the minimum parcel size is 1.2 hectares (3 acres) while the maximum parcel size is 8.1 hectares (20.0 acres). Since this proposed subdivision is the first parcel out of the quarter section, the subdivision proposal of taking 8.10 hectares (20.0 acres) out of the quarter section may be approved as this is within the maximum parcel size for the A-1 District.

Since the landowner does not currently have any plans to develop the proposed subdivision to country residential at this time, Administration shall require the water and servicing at the Development Permitting stage. The location for the proposed services (e.g. water and sewer) shall be required at the development stage, as per section 3.4 (d)(vi) of the Land Use Bylaw: *“Section 3.4.3 A completed application shall require the following (where applicable): A dimensioned site plan showing the location of all existing and proposed services.”*

Policy 6003 – Land Acquisition for Road Right-of-Way for Subdivisions

2. Policy Statement

2.1 Road Widening will be taken along road rights-of-way on all parcels being subdivided in accordance with the MGA, unless previously taken along the respective road rights-of-way or as recommended by the Director of Infrastructure & Engineering.

Neither the adjacent Township Road 714 nor the adjacent Range Road 255 have been previously widened, therefore road widening of 5.03 metres is required as per Policy 6003.

Comments Received

Prior to the MPC meeting, Administration has referred the subdivision application to the relevant referral agencies and departments. To date, Administration has received six (6) comments. Administration has received comments from ATCO Electric, Alberta Transportation and Economic Corridor, Alberta Energy Regulator, East Smoky Gas Co-op, Telus, and Greenview’s Environmental Services, where they have no objections or concerns with the proposed subdivision.

Adjacent landowners were also notified of the proposed subdivision; however, Administration did not receive any written or verbal comments or concerns regarding the proposed subdivision.

Recommendation

Administration has determined that the subdivision proposal sufficiently meets policy requirements within the Municipal Development Plan (MDP) Bylaw No. 15-742, and the Land Use Bylaw No. 18-800. When

circulated to the referral agencies and adjacent landowners, there are no objections or concerns with the proposed subdivision. The future development of a country residential use will require a development permit prior to its construction, where water and sewer servicing shall be a condition of this development permit.

RECOMMENDED ACTION:

MOTION: That the Municipal Planning Commission **APPROVE** the subdivision application S23-012 for the creation of approximately 8.10 hectares (20 acres) parcel within the lands legally described as, NW 20-71-25-W5M, subject to the following conditions:

1. The applicant shall submit to the MD of Greenview No. 16, a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.
2. The applicant shall pay a final subdivision endorsement fee, in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 22-930.
3. The applicant shall pay all taxes owing to the MD of Greenview No. 16, up to the year in which the subdivision is to be registered, prior to signing the final subdivision endorsement documents.
4. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 22-930 for the construction of a gravel approach to the proposed subdivision. The MD of Greenview No. 16 reserves the right to determine the date of construction of the approach.
5. In accordance with Policy 6003, road widening of 5.03 metres along the proposed subdivision frontage of Township Road 714 shall be dedicated and road widening of 5.03 metres along the remnant lands of NW 20-71-25-W5M along Township Road 714 and Range Road 255 and a corner cut of 15 metres by 15 metres at the intersection of along Township Road 714 and Range Road 255 shall be sold to the MD of Greenview No. 16 in accordance with Schedule of Fees Bylaw 22-930. The road widening and corner cut shall be registered as road within the Plan of Survey for the subdivision at no expense to the MD of Greenview No. 16.

Advisory Notes:

1. You are located in the vicinity of an agricultural operation.
2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.

ALTERNATIVES:

Alternative #1: The Municipal Planning Commission may refuse the subdivision application, S23-012. Administration does not recommend this option as the proposal complies requirements of the Municipal Development Plan (MDP) Bylaw No. 15-742, and the Land Use Bylaw No. 18-800.

MOTION: That the Municipal Planning Commission **REFUSES** the subdivision application S23-012 for the creation of approximately 8.10 hectares (20 acres) parcel within the lands legally described as NW 20-71-25-W5M.

Alternative #2: The Municipal Planning Commission may table subdivision application, S23-012, to the next regular meeting or until additional information is received. Administration does not recommend this option as the applicant has provided all information required to provide a decision.

FINANCIAL IMPLICATION:

All costs associated with the application will be borne by the applicant.

STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

The Municipal Government Act requires that applications for subdivision be circulated to adjacent landowners and referral agencies for a minimum of fourteen (14) days. Greenview's Subdivision Process Policy 6007 requires adjacent landowners and encumbrances listed on title be provided twenty-one (21) days to respond.

FOLLOW UP ACTIONS:

No follow-up action is required by the Municipal Planning Commission.

ATTACHMENTS:

- Subdivision Application
- Tentative Plan
- NRCB Decision Summary FA18003
- Minimum Distance Separation (MDS) from an established CFO – Map
- Land Use Bylaw 18-800 – Section 8.1 Agricultural One (A-1) District
- AGRASID Map
- Topography Map
- Wetland Inventory Map
- Owner Map



SUBDIVISION APPLICATION - FORM A

Municipal District of Greenview

4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0
T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608
www.mdgreenview.ab.ca

FOR ADMINISTRATIVE USE

APPLICATION NO.	
FORM A AS COMPLETED	
FEES SUBMITTED	RECEIPT NO.
ROLL NO.	

November 6, 2023

THIS FORM MUST BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED LANDOWNER(S) OR BY AN AUTHORIZED AGENT ACTING ON HIS/HER (THEIR) BEHALF.

1. Name of registered owner(s) of land to be subdivided:

(Name(s) in Block Capitals) Brenda Jantz, Diane Duffy
Rural Address: Valerie Erker _____
Address: _____ Phone: _____
Email: _____

2. AGENT ACTING ON BEHALF OF REGISTERED OWNER:

(Name(s) in Block Capitals) Dale Perrott
Address: _____ Phone N: _____
Email: _____

3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED

All/part of the _____ ¼ Sec. _____ Twp. _____ Range: _____ West of _____ Meridian
Being all / parts of Reg. Plan No. _____ Block _____ Lot _____ C. of T. No. _____
Area of the above parcel of land to be subdivided _____ HA _____ AC

4. LOCATION OF LAND TO BE SUBDIVIDED

- a. Is the land situated immediately adjacent to the municipal boundary? Yes No
If "yes", the adjoining municipality is _____
- b. Is the land situated within 1.6 km (1600 m) of the right-of-way of a Highway? Yes No
If "yes", the Highway is No. _____
- c. Does the proposed parcel contain or is it bounded by a river, stream, lake, other body of water, drainage ditch or canal?
Yes No If "yes" state its name _____
- d. Is the proposed parcel located within 1.5 km of a sour gas facility? Yes No
- e. You must provide the [Abandon Wellbore Search](#) information to identify all well locations or confirming the absence of any abandoned wells as per ERCB Directive 079 (see attached info). Date Search Complete: _____

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED Describe:

- a. Existing use of land _____
- b. Proposed use of land _____
- c. The designated use of land as classified under Municipal District No. 16's Land Use Bylaw is _____

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) _____
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) _____
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) _____

7. EXISTING BUILDINGS ON THE LAND PROPOSED TO BE SUBDIVIDED

Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved

8. PLEASE COMPLETE WATER & SEWER SERVICE INFORMATION – FORM B

9. REGISTERED OWNER(S) OR AGENT ACTING ON BEHALF OF REGISTERED OWNER(S):

I / WE _____ hereby certify that
(full name is block capitals)
 I am / are the registered owner(s), or I am the agent authorized to act on behalf of the registered owner, and that the information given on this form is full and complete and is, to the best of my / our knowledge, a true statement of the facts relating to his/her application for subdivision.
SIGNED: _____ Date: _____

The personal information collected on this form is being collected under the authority of Sections 33 and 39(1)(a)(b) of the Alberta Freedom of Information and Protection of Privacy Act, and Section 301.1 of the Municipal Government Act. The information will be used to process your application(s). Your name, contact telephone number and address may be used to carry out current and/or future construction, operating programs, services or activities of the Municipality. If you have any questions about the collection, use or disclosure of the personal information provided, please contact the Freedom of Information and Protection of Privacy Coordinator at 780.524.7600.



WATER & SEWER INFORMATION – FORM B

Municipal District of Greenview

4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0
 T: 780.524.7600; F: 780.524.4307; Toll-Free 1.866.524.7608
www.mdgreenview.ab.ca

Please note below the type of water supply and sewage disposal that is either **Existing** or **Proposed** for the lots indicated on the sketch accompanying your application. *(The location of these facilities must be accurately indicated on the sketch.)*

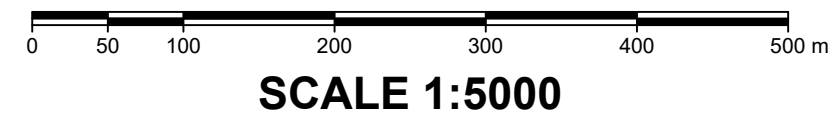
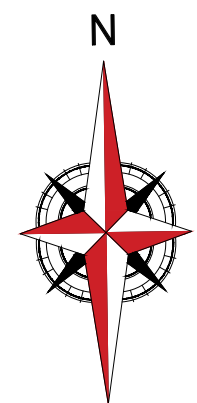
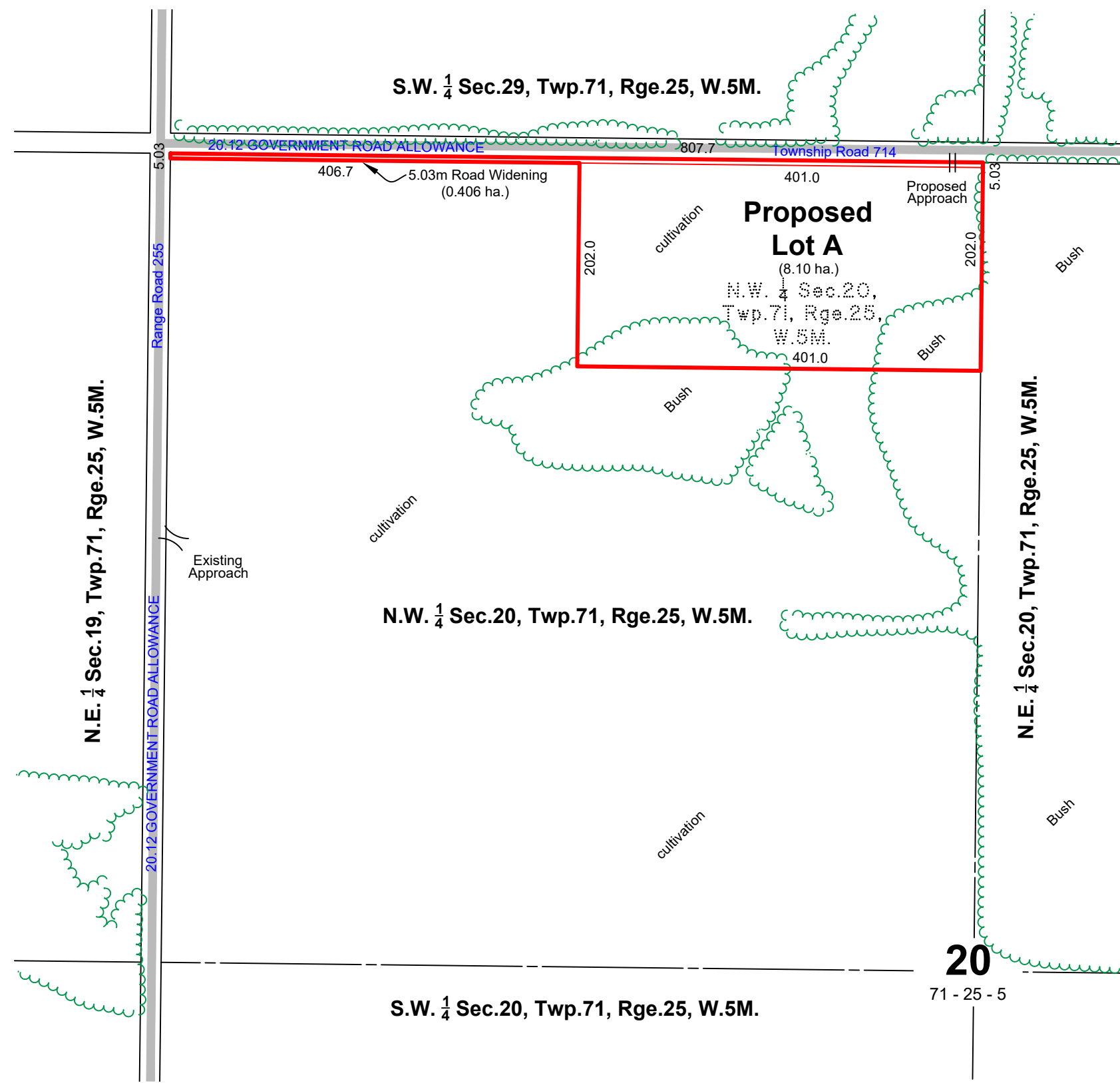
Please indicate if water and sewer services are existing or proposed by entering the initial as follows:

E – for Existing or **P – for Proposed** in the appropriate box.

TYPE OF WATER SUPPLY	1 st Parcel	2 nd Parcel	Balance of Quarter
Dugout			
Well			
Cistern & Hauling			
Municipal Service			
Other <i>(Please specify)</i>			

N/A

TYPE OF SEWAGE DISPOSAL	1 st Parcel	2 nd Parcel	Balance of Quarter
Open Discharge/Pump-out			
Septic Tank/Holding Tank			
Tile Field/Evaporation Mound			
Sewage Lagoon			
Municipal Service			
Other <i>(Please specify)</i>			



TENTATIVE PLAN SHOWING

PROPOSED SUBDIVISION OF
N.W. 1/4 Sec. 20, Twp. 71, Rge. 25, W. 5M.
 (For New Parcel)
 Within
 Municipal District of Greenview No. 16, Alberta

Schedule of Area(s)

Contains 1 Lot & Road
 Road = 0.406 ha. (1.0 Ac.)
 Lot = 8.10 ha. (20.0 Ac.)
 Total Lot & Road = 8.51 ha (21.0 Ac.)

Registered Title Encumbrances (Affecting Extent of Title)

002 200 454: Caveat - Right of Way Agreement - Atco Electric Ltd.

Notes

- Distances are in Meters and Decimals Thereof.
- No field inspection conducted on subject property.

Legend

Area Affected by This Plan is Outlined Thus.....	Power Pole Shown Thus.....	
Roads Shown Thus.....	Water Well/Cistern Shown Thus.....	
Fence Shown Thus.....	Septic Tank Shown Thus.....	
Gas Co-op Shown Thus.....	Septic Discharge Shown Thus.....	
Overhead Power Shown Thus.....	Proposed Approach Shown Thus.....	
Existing Approach Shown Thus.....		

Land Owner(s)

Sharon Dillabough	Brenda Jantz	C. of T. 202 100 510 +2
Debbie Perrott	Diane Duffy	(Transfer Pending)
Violet Jantz	Valerie Erker	

Site Information

Address: Not Available



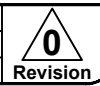
#103-2, 8301 99 Street
 Clairmont, Alberta T8X 5B1
 Phone: (780) 538-1955
 E-mail: jwc.surveyor@gmail.com



PREPARED BY
 Jason Coates, A.L.S.

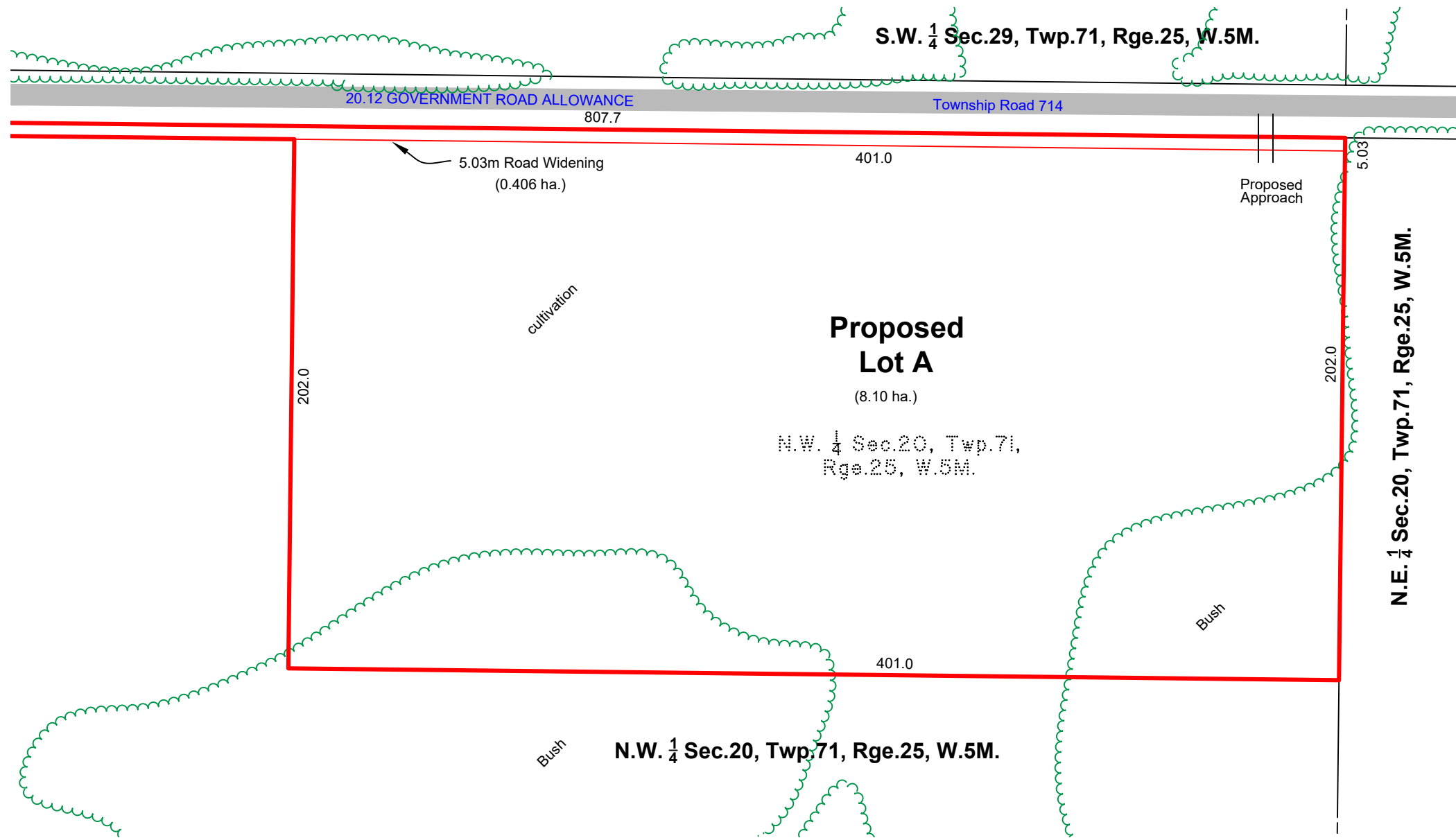
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No.	Revision Type	Drafted	Chk'd	Surveyed	Date
0	Original	MM	JC	JC	Nov. 1, 2023
Client File No: N/A					
File No: 230202T Job No: 230202 Sheet: 1 of 4					



TENTATIVE PLAN SHOWING

PROPOSED SUBDIVISION OF
N.W. ¼ Sec.20, Twp.71, Rge.25, W.5M.
 (For New Parcel)
 Within
 Municipal District of Greenview No. 16, Alberta



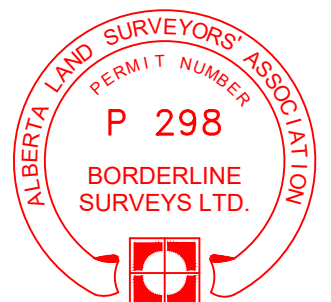
SCALE 1:2000

Notes

- There are no improvements to the land.



#103-2, 8301 99 Street
 Clairmont, Alberta T8X 5B1
 Phone: (780) 538-1955
 E-mail: jwc.surveyor@gmail.com



PREPARED BY
 Jason Coates, A.L.S.

Revision Table

No.	Revision Type	Drafted	Chk'd	Surveyed	Date
0	Original	MM	JC	JC	Nov. 1, 2023
Client File No: N/A					 0 Revision
File No: 230202T		Job No: 230202		Sheet: 2 of 4	

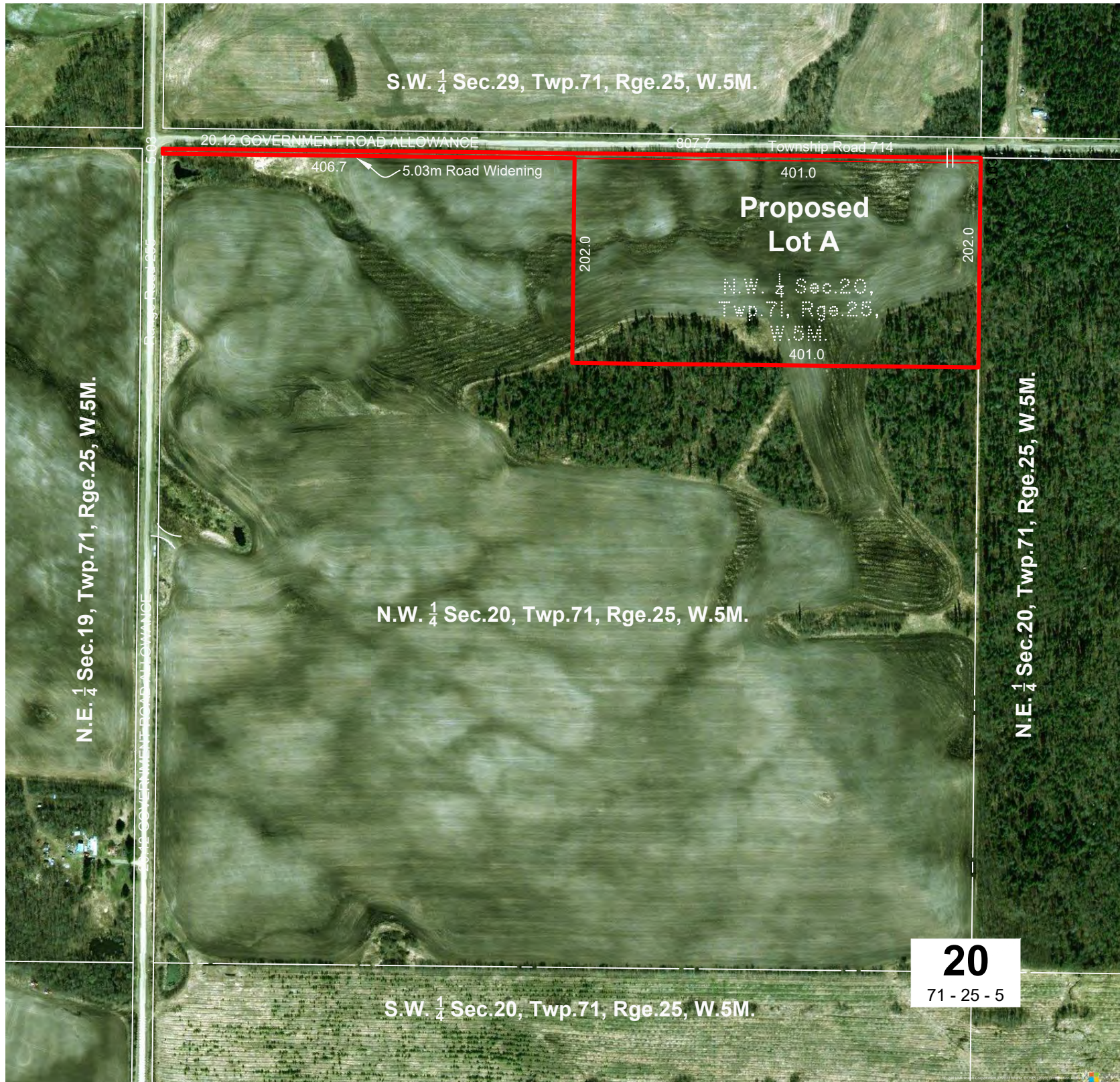


Photo is current Bing Imagery



SCALE 1:5000

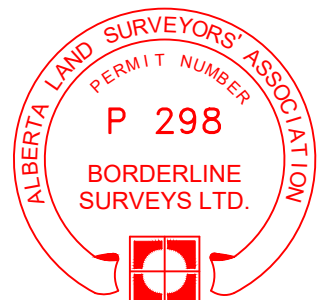
TENTATIVE PLAN SHOWING

PROPOSED SUBDIVISION OF
N.W. 1/4 Sec. 20, Twp. 71, Rge. 25, W. 5M.
 (For New Parcel)
 Within
 Municipal District of Greenview No. 16, Alberta



BORDERLINE
SURVEYS

#103-2, 8301 99 Street
 Clairmont, Alberta T8X 5B1
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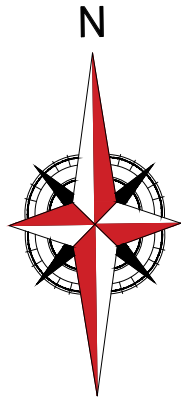
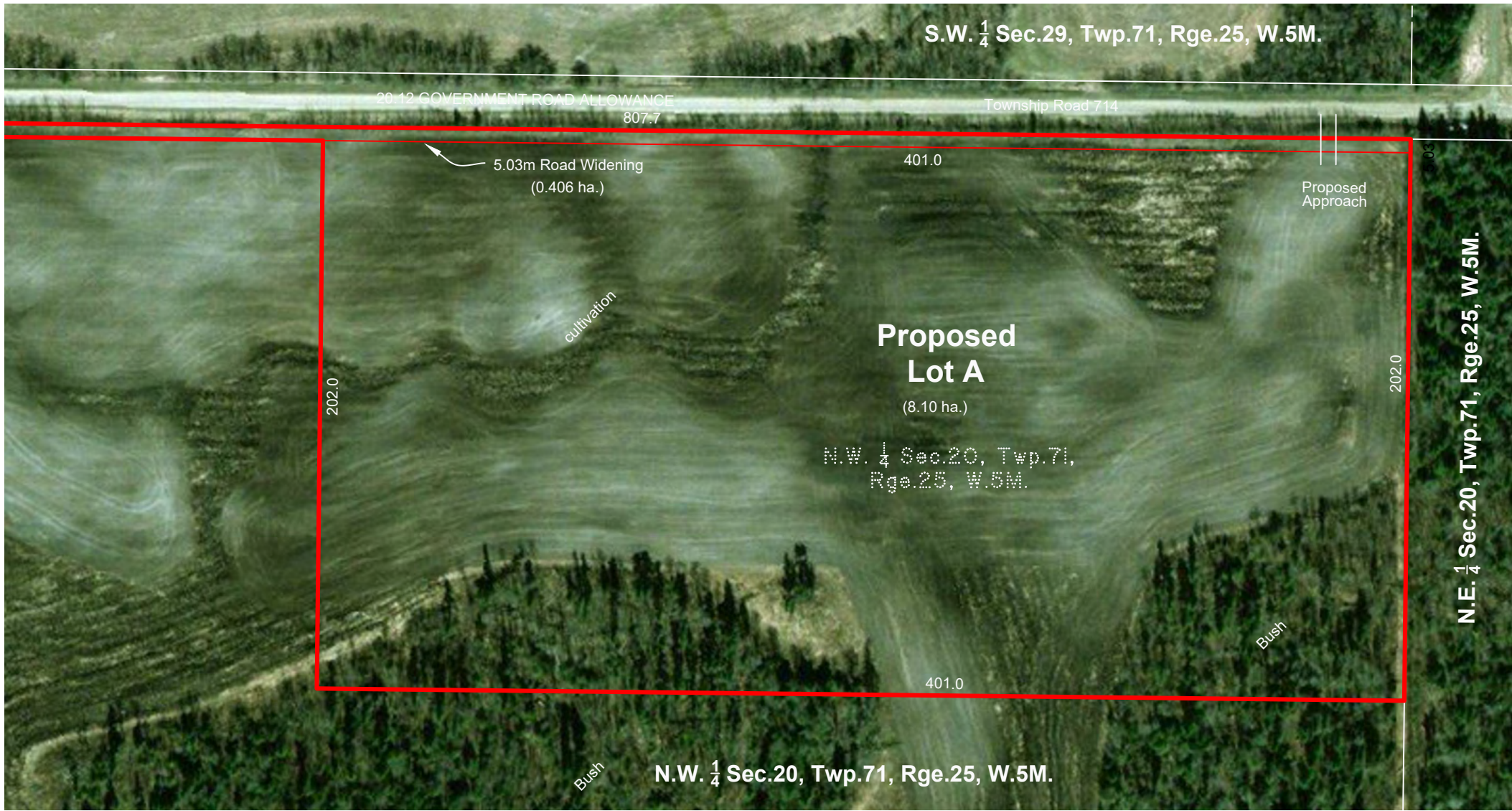
Revision Table

No.	Revision Type	Drafted	Chk'd	Surveyed	Date
0	Original	MM	JC	JC	Nov. 1, 2023
Client File No: N/A					
File No: 230202T Job No: 230202 Sheet: 3 of 4					



TENTATIVE PLAN SHOWING

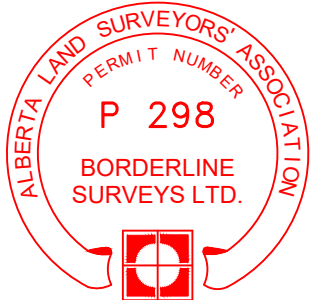
PROPOSED SUBDIVISION OF
N.W. 1/4 Sec.20, Twp.71, Rge.25, W.5M.
 (For New Parcel)
 Within
 Municipal District of Greenview No. 16, Alberta



SCALE 1:2000



#103-2, 8301 99 Street
 Clairmont, Alberta T8X 5B1
 Phone: (780) 538-1955
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PREPARED BY
 Jason Coates, A.L.S.

Revision Table

No.	Revision Type	Drafted	Chk'd	Surveyed	Date
0	Original	MM	JC	JC	Nov. 1, 2023
Client File No: N/A					 0 Revision
File No: 230202T		Job No: 230202		Sheet: 4 of 4	

Photo is current Bing Imagery

Decision Summary FA18003

This document summarizes my reasons for issuing Approval FA18003 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document FA18003. That document and the full application are available from the decisions search engine on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca. 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.

1. Background

On July 6, 2018, Hutterian Brethren Church of Ridge Valley (Ridge Valley) submitted a Part 1 application to the NRCB to expand an existing multi-species confined feeding operation (CFO). The Part 2 application was submitted on August 9, 2018. On August 20, 2018, I deemed the application complete.

The proposed expansion involves:

- Increasing livestock numbers from 50,000 to 210,000 chicken broilers
- Increasing livestock numbers from 6,400 to 21,400 chicken layers (plus associated pullets)
- Constructing four broiler barns – each 126.1 m x 19.5 m
- Constructing a layer barn – 66.8 m x 20.7 m
- Constructing a solid manure storage pad – 24.3 m x 21.3 m

The application also includes construction of a service area (20.7 m x 15.5 m) attached to the layer barn and a service area (45.7 m x 9.1 m) attached between two sets of broiler barns. These facilities are “ancillary structure,” under sections 1(b.6) of AOPA and 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because they will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, these structures do not need to be permitted under the act.

Under AOPA, this type of application requires an approval.

a. Location

The existing CFO is located on NW 4-71-26 W5M, NE 5-71-26 W5M, and SE 8-71-26 W5M in the Municipal District (MD) of Greenview, roughly 7 kilometres southwest of the unincorporated community Crooked Creek, Alberta. The terrain is relatively flat to gently rolling with the nearest common body of water being Cornwall Creek, approximately 188 metres to the northeast of the CFO.

b. Existing permitted facilities

The CFO was originally permitted by the Municipal District (MD) of Greenview on June 1, 1999 under Municipal Permit #99D80. Under section 18.1 of AOPA, this MD permit became a deemed (that is, grandfathered) approval under AOPA when that act came into effect on January 1, 2002. The CFO’s grandfathered status is explained in Decision Summary FA09007.

Since AOPA came into effect, the NRCB has issued the CFO Approval FA09007 which was

amended twice (FA09007A and FA09007B), and Authorization FA10005. Collectively, these NRCB permits and Ridge Valley's deemed approval allow the colony to construct and operate a multi-species CFO with: 2,800 beef feeders, 50,000 broilers, 6,400 layers, 5,000 turkey broilers, 1,200 ducks, 300 geese, and 100 milking cows (plus associated dries and replacements).

As noted above, Ridge Valley's existing permits allowed Ridge Valley to confine 50,000 broiler chickens. Approval FA09007B permitted the construction of two broiler barns and two solid manure storage pads. To date, one of the two broiler barns and one of the two solid manure storage pads have not been constructed. Ridge Valley no longer wishes to construct and operate the second broiler barn (82.3 m x 24.4 m) and second solid manure storage pad (15.2 m x 12.2 m) that was permitted by Approval FA09007B. Therefore, these facilities will be removed from the CFO's list of permitted facilities, in Approval FA18003. The associated livestock number will be housed in the existing facilities and the proposed facilities in Approval FA18003. This change is discussed in Appendix E, attached.

The CFO's other existing permitted facilities are listed in the appendix of Approval FA18003.

2. Notices to affected parties

Under section 19 of AOPA, the NRCB is required to notify (or direct the applicant to notify) all parties that are "affected" by an approval application. Section 5 of AOPA's Part 2 Matters Regulation defines "affected parties" as:

- the municipality where the CFO is or is to be located
- any other municipality whose boundary is within a specified distance from the CFO, depending on the size of the CFO
- all individuals who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For this application, the distance is 1.5 miles. (The NRCB refers to this distance as the "affected party radius.")

Municipalities that are affected parties are defined by the act to be "directly affected" and are entitled to provide evidence and written submissions. The MD of Greenview is an affected party (and therefore also a directly affected party) because the proposed expansion is located within its boundaries.

All other parties who receive notice of the application may request to be considered "directly affected." Under NRCB policy, all individuals who own or reside on land within the affected party radius are presumed to be "directly affected" if they submit a written response to the notice within the prescribed timeline. (See NRCB Operational Policy 2016-7: *Approvals*, part 6.2.)

Under section 20 of the act, all directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application.

All directly affected parties are also entitled to request an NRCB board review of the approval officer's decision on the approval application.

The NRCB published notice of the application in the Daily Herald Tribune on August 20, 2018 and posted the full application on the NRCB website for public viewing. The NRCB also emailed referral letters and a copy of the complete application to the MD of Greenview, Alberta Health

Services (AHS), and Alberta Environment and Parks (AEP). Thirty-four courtesy letters were sent to people identified by the MD of Greenview as owning or residing on land within the affected party radius.

3. Responses from the municipality and referral agencies

I received responses from the MD of Greenview, AHS and AEP.

Ms. Sally Rosson, a manager of planning and development, provided a written response on behalf of the MD of Greenview. As noted in section 2, the MD of Greenview is a directly affected party.

Ms. Rosson stated that the application is consistent with the MD of Greenview's municipal development plan (MDP). She also noted that there are no planning-type documents incorporated by reference in the MDP that apply to this application. The application's consistency with the MD of Greenview's MDP is addressed in Appendix A, attached.

Ms. Rosson also listed the setbacks required by the MD of Greenview's land use bylaw (LUB) and noted that the application appears to meet these setbacks, being 40 metres from a property line adjacent to a district road and 15 metres from any other property line. Ms. Rosson also noted that the property is zoned agriculture one (A-1) district and that within 1,600 metres of the CFO, lands are zoned agriculture one district and crown land (CL) district.

Ms. Rosson also requests within her letter that the applicant contact the municipality to determine if a road use agreement is necessary. This letter was forwarded to the applicant for their information.

Ms. Andrea Simmons, an executive officer, replied on behalf of AHS. Ms. Simmons stated that AHS has no concerns with the proposed expansion. She also noted that all current and future developments must meet the requirements of the Alberta Nuisance and General Sanitation Regulation and the *Public Health Act*.

Mr. Scott Klasens, a water approvals engineer – team lead, replied on behalf of AEP. Mr. Klasens addressed water regulations in general and that the applicant should contact AEP if they require additional approvals under the *Water Act*.

4. Responses from other parties

The NRCB received three statement of concerns (SOC) from eight individuals. The first SOC was from two individuals, the second SOC was from four individuals and the third SOC was from two individuals.

The third SOC own or reside on land within the 1.5 mile radius for affected persons. Because of their location within this radius and because they made a submission, they are presumed to be directly affected by the application.

The other six individuals that submitted the first and second SOC's do not own or reside on land within the 1.5 mile radius for affected persons. I consider all of the six individuals to be not directly affected by the approval application. Appendix B sets out my reasons for my determination of the directly affected parties.

The directly affected parties raised concerns in the third SOC regarding:

- Air quality
- Dust due to an increase in traffic
- Disposal of deads and increase in predators

These concerns are addressed in Appendix C.

5. Environmental risk screening of existing and proposed facilities

As part of my review of this application, I assessed the risk to surface water and groundwater posed by the CFO's existing and proposed manure storage facilities. I used the NRCB's environmental risk screening tool for this purpose (see NRCB Operational Policy 2016-7: *Approvals*, part 8.13). The tool provides for a numeric scoring of risks, which can fall within either a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Guides on the NRCB website at www.nrcb.ca.)

All of the CFO's existing and proposed facilities pose a low potential risk to groundwater and surface water (The CFO's existing facilities are listed in the appendix to Approval FA18003).

6. Other factors considered

The application meets all relevant AOPA requirements, with the terms and conditions summarized in part 7.¹

In addition, the proposed expansion is consistent with the land use provisions of the MD of Greenview's MDP (See Appendix A, attached for a more detailed discussion of the municipality's planning requirements.) I also noted that the subject land is currently zoned agricultural one (A-1) in the municipality's LUB. The proposed expansion meets the setbacks set out in the LUB for agricultural one zoned land.

With respect to the act's technical requirements, 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 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

I also determined that the proposed layer barn is located within the required AOPA setback from an existing water well. However, as explained in Appendix D, this facility warrants an exemption from the 100 metre water well setback due to the well's construction and location upslope from the layer barn.

1. For a summary of these requirements, please see the [2008 AOPA Reference Guide](http://www.nrcb.ca/Guides), available on the NRCB website at www.nrcb.ca/Guides.

In addition, I assessed the effects of the proposed expansion on the environment. Consistent with NRCB policy, I determined that these effects are presumed to be acceptable because the application meets all of AOPA's technical requirements and the directly affected parties' concerns have been adequately addressed. I also determined that the application's effects on the economy and community are presumed to be acceptable, and that the proposed expansion is an appropriate use of land. Under NRCB policy, these determinations are based on the application's consistency with the MDP. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.). Nothing that I reviewed rebutted these presumptions.

7. Terms and conditions

Approval FA18003 specifies the new permitted livestock capacity as 2,800 beef feeders, 210,000 chicken broilers, 21,400 chicken layers (plus associated pullets), 5,000 turkey broilers, 1,200 ducks, 300 geese, and 100 milking cows (plus associated dries and replacements) and permits the construction of four broiler barns, one layer barn and one solid manure storage pad.

Approval FA18003 also contains terms that the NRCB generally includes in all AOPA approvals, 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, Approval FA18003 includes conditions that:

- Set phased construction deadlines of November 30, 2022 and November 30, 2025 for the approved construction to be completed
- Require the applicant to meet AOPA surface water and groundwater requirements in effect on November 30, 2022 for phase 2 facilities constructed after that date
- Require the concrete used to construct the liner of the manure collection and storage portion of the broiler barns, layer barn and solid manure storage pad to meet the specification for category D (solid manure – wet) and category C (solid manure – dry), respectively, in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas”
- Require written confirmation from a qualified third party that the concrete used for the manure collection and storage areas meets the required specifications
- Prohibit Ridge Valley from placing manure or livestock in the broiler barns, layer barn or on the solid manure storage pad until the facilities have been inspected by the NRCB following their construction

For an explanation of the reasons for these conditions, see Appendix E.

a. Conditions carried forward from previously issued permits

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Approval FA18003: Authorization FA10005, Approval FA09007B and FA09007A and Municipal Development Permit #99D80 (see NRCB Operational Policy 2016-7: *Approvals*, part 10.5). 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, and then cancelling all existing permits once the new permit is issued. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

Therefore, in addition to containing the new terms and conditions summarized above, Approval FA18003 includes all existing terms and conditions in Authorization FA10005, Approval

FA09007B and FA09007A, and Municipal Development Permit #99D80, except the terms and conditions noted below. Construction conditions that are being carried forward and that have been met are identified and included in an appendix to the new approval.

As noted above, Ridge Valley no longer desires to construct the CFO's permitted second broiler barn (82.3 m x 24.4 m) and second solid manure storage pad (15.2 m x 12.2 m) that was permitted by Approval FA09007B. Therefore, these facilities will be removed and the construction conditions associated with these two facilities will not be carried forward into Approval FA18003.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that condition #4 from Municipal Development Permit #99D80 and conditions #1-4 for the second broiler barn and second solid manure storage pad from Approval FA09007B should be deleted and therefore are not carried forward to Approval FA18003. My reasons for deleting these conditions are provided in Appendix E, attached.

8. Conclusion

Approval FA18003 is issued for the reasons provided above, in the attached appendices, and in Technical Document FA18003.

Ridge Valley's deemed permit including Municipal Development Permit #99D80, and NRCB-issued Approval FA09007A and FA09007B, and Authorization FA10005 are therefore cancelled, unless Approval FA18003 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval FA09007B and Authorization FA10005 will remain in effect.

October 12, 2018

(Original signed)

Julie Wright
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Exemptions from water well setbacks and monitoring requirements
- E. Explanation of conditions in Approval FA18003

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may approve an application for an approval only if the approval officer finds that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

The NRCB interprets the term “land use provisions” as covering MDP policies that provide generic directions about the acceptability of various land uses in specific areas and that do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.5.) Under this interpretation, the term “land use provisions” also excludes MDP policies that impose procedural requirements. In addition, section 20(1.1) 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.”)

Ridge Valley’s CFO is located in the Municipal District (MD) of Greenview and is therefore subject to that county’s MDP. The MD of Greenview adopted the latest revision to this plan on September 27, 2016, under Bylaw #15-742.

The relevant MDP policies are identified and discussed below.

The MDP does not define the term “confined feeding operation” (or “CFO”) but defines “intensive livestock operations” (or “ILO”) as “Means an agricultural operation that involves the rearing, confinement, and feeding of livestock, but does not meet the minimum threshold numbers requiring provincial approval as a [CFO] under the [AOPA].” This definition refers to the province’s assumption of “control” of CFOs under AOPA and to the NRCB’s regulatory authority over CFOs under that act. Based on this discussion, the MDP’s use of the term “CFO” likely refers to “CFO” as defined in AOPA.

Policy 3.3.1 states that “On lands shown as “Agriculture Policy Area” on the Future Land Use Concept, agricultural uses shall have priority over all other uses except as provided for in [the] MDP.” This CFO is located within the Agriculture Policy Area and its proposed expansion is consistent with this policy.

Policy 3.6.1 states “CFOs shall not be supported by Greenview unless they are compatible with adjacent land uses and do not generate adverse health or environmental effects.” This policy is likely not a land use provision as it calls for site-specific, discretionary judgements. Therefore, this policy is not relevant to the MDP consistency determination required by section 20(1) of AOPA. Regardless, the proposed expansion has been determined to pose a low risk to the environment, and meets the “technical and locational” requirements of AOPA.

Policy 3.6.2 (a) and (b) states CFOs will not be supported unless “the proposed CFO conforms to the required [MDS] determined by the NRCB in accordance with the [AOPA]; or If the proposed CFO is proposed in an area in which intensive agriculture is precluded by the provisions of an approved ASP, other Statutory Plan or Concept Plan.” The application meets AOPA’s MDS requirements and is not located within any area structure plans or other statutory or concept plans. Therefore, the application is consistent with this policy.

Policy 3.6.3 states that “CFOs should not be established or expanded where there is any risk that runoff will contaminate ground or surface water supplies.” This policy is likely not a land use

provision as it calls for site-specific, discretionary judgements. Therefore, this policy is not relevant to the MDP consistency determination. Regardless, the proposed expansion has been determined to pose a low risk to both surface water and groundwater, and meets the surface and groundwater protection requirements in AOPA.

Policy 3.6.4 states that the MD will protect “existing CFOs by refusing development permits for new residences proposed to be located within the [MDS] of these operations as defined by [AOPA].” As this application is not for a residence, it is not relevant to my MDP determination.

For these reasons, I conclude that the application is consistent with the land use provisions of the MD of Greenview’s MDP. The municipal district’s response supports my conclusion.

APPENDIX B: Determining directly affected party status

The following individuals own or reside on land within the “affected party radius,” as specified in section 5(c) of the Agricultural Operations, Part 2 Matters Regulation:

- Lawrence and Ena Clegg
NW 28-70-26 W5M
SW 33-70-26 W5M

Therefore, under NRCB policy, as they submitted a timely statement of concern, these individuals are presumed to be “directly affected” by the application. (See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.)

The following individuals who submitted responses to the public notice/courtesy letter reside outside of the affected party radius. The MD of Greenview provided names and addresses of neighbouring landowners including some who are outside the 1.5 mile notification radius. The neighbouring landowners located outside of the 1.5 mile radius was determined through a review of the municipality’s landownership map and other available resources. The parties who live outside of the 1.5 mile notification radius, and who submit a response, are not automatically considered directly affected parties. However, they may still qualify as directly affected parties based on their “exposure to potential nuisances or risks” posed by the proposed expansion (*Ijtsma*, RFR 2011-05, page 3):

- Don and Sharon Nelson (492398 Alberta Ltd.)
SE 11-71-1 W6M
- Kim Logan, Bruce Logan, Dwight Logan, and Wayne Dunbar
SW 13-71-01 W6M
N½ 11-71-1 W6M
SE 1-71-1 W6M
N½ 10-71-1 W6M
SW 10-71-1 W6M
NW 13-71-1 W6M
SW 14-71-1 W6M
NW 14-71-1 W6M (Grazing lease)
NE 14-71-1 W6M
Sec 15-71-1 W6M

Under NRCB policy, a person has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate that:

- A plausible chain of causality exists between the proposed project and the effect asserted;
- The effect would probably occur;
- The effect could reasonably be expected to impact the party;
- The effect would not be trivial; and
- The effect falls within the NRCB regulatory mandate under AOPA. (See NRCB Operational Policy 2016:7 – *Approvals*, part 6.3; see also *Ijtsma*, RFR 2011-05, page 4.)

For the following reasons, I conclude that the six individuals who submitted the first and second SOCs that are located beyond the 1.5 mile radius have not met their burden of showing that they are directly affected by the application by establishing the elements of this test.

The concerns from these six individuals were generally in regard to surface water contamination of Cornwall Creek and the Simonette watershed from manure spreading lands, water licensing, odour, air quality, composting and disposal of dead animals, and cumulative effects.

The respondents indicated that one of their main concerns was surface water contamination of Cornwall Creek which is a tributary to the Simonette River. The closest proposed CFO facility to Cornwall Creek is located approximately 419 metres. The entirety of the CFO is located approximately 188 metres from Cornwall Creek and 1,875 metres (1.2 miles) from the Simonette River as identified from aerial photography.

There was also concern for surface water contamination from manure spreading lands, particularly on one section of land (Sec 7-71-26 W5M), and nutrient loading. One SOC asked questions about contaminant build-up and the effect on water wells or lands. I interpret the respondent's term of contaminant as manure. It also asked for historical data and asked how much study was done to ensure that the land will never be contaminated. These are understandable questions but do not establish how this party is directly affected. The operator is required to adhere to AOPA regulations include setbacks to water bodies, water wells, neighbouring residences and spreading requirements. There are also requirements in relation to nutrient loading. If the operator is non-compliant, the operator can be reported to the NRCB's 24 hour complaint line: 1-866-383-6722 or 310-0000 (toll free line).

One statement of concern also claimed they have water licensing for household purpose and traditional agricultural use which could be potentially impacted, but they did not explain how the impact would probably occur in a material way. The NRCB Board has accepted as a starting point that notification distances established in the Part 2 Matters Regulation provide context in determining what constitutes a direct effect (*Zealand Farms*, RFR 2011-02 at p 3). For water users and their inclusion as affected parties in section 5(a) of the AOPA Part 2 Matters Regulations which states:

*"5. Unless specified otherwise in the Act, for the purposes of Part 2 of the Act an affected party is
(a) in the case of any part of a confined feeding operation that is located or is to be located within 100 metres of the bank of a river or stream or of a canal, a person or municipality that is entitled, under the Water Act, to divert water from the river, stream or canal within 10 miles downstream, as measured along the water course;"*

Where the statements of concern do not provide evidence of special circumstances associated with this application, and where the 100 metre distance is exceeded – as it is here, by 88 metres between the CFO and Cornwall Creek – it is difficult to find that there will be a direct effect by virtue of the proximity of the Creek to the CFO. Considering the above, the concerned parties are not affected parties under section 5(a) of the Part 2 Matters Regulation. This is a reasonable indication that the effect of the CFO on the individuals' use of Cornwall Creek is reasonably expected to not impact them in a material way.

The respondents also indicated that they were concerned about odours. One response indicated that they have a vacation cabin rental which is located approximately 2.8 miles from the CFO and approximately 7 miles downstream from the CFO site, and expressed concern about air quality. I observe that, in this case, the MDS for land zoned agriculture is 584 metres (0.36 miles) and for large-scale country residential, hamlets, villages, towns or cities is 1,557 metres (1 mile). The location of the vacation cabin rental is more than 7 times the required MDS for agricultural land. Despite this, there may be occasions that odours from the CFO may be

experienced, however the response has not identified that it should be considered non-trivial. In Appendix C, I address this concern in part.

The respondents also indicated concern that disposal or composting of dead animals and increased predators added to their water and air concerns. It is not clear how this would reasonably be expected to impact these parties. I have touched on this concern in Appendix C below. If there is concern about dead animal disposal, the appropriate agency is Alberta Agriculture and Forestry under the *Animal Health Act*. This is not an effect that falls within the NRCB regulatory mandate under AOPA.

In regards to baseline studies, and ongoing inspections and penalties, the respondents did not demonstrate that these concerns are causally related to this proposed project. One SOC asks how many convictions there have been for CFO contamination in the last decade, and how many staff are in the Peace region. In my view, these concerns fall outside the test for directly affected party status stated above in five bullets. In the event of a concern, NRCB's 24 hour complaint line is: 1-866-383-6722 or 310-000 (toll free line).

Finally, I do not find that these parties are directly affected by virtue of their concern about cumulative effects and the size of the operation. The Board has held that the issue of cumulative effects is not within the Board's regulatory mandate, as AOPA does not provide for such an assessment (*Zealand Farms*, RFR 201102 at p 5).

APPENDIX C: Concerns raised by directly affected parties

The directly affected parties raised the following concerns, each of which is summarized below, followed by my assessment:

Air quality – Increase in odours and negative effects on air quality.

Approval officer's conclusion:

AOPA's minimum distance separation (MDS) is a means for mitigating odour and other nuisance impacts from confined feeding operations (CFOs). Ridge Valley's application for expanding their CFO meets the required MDS to neighbouring residences. The closest neighbouring residence to the CFO is located approximately 1,304 m away from Ridge Valley's CFO. The required MDS is 584 m to that residence. These respondents' residence is located 2,862 m away from the proposed CFO which is about five times the required MDS.

As per NRCB policy, I also referred the application to Alberta Health Services (AHS). AHS replied with no concerns in regards to the proposed expansion as seen above in Part 3.

If a member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its toll free response line (1-866-383-6722 or 310-0000). An NRCB inspector will follow up on the concern.

Dust control with increase traffic generated – An increase in traffic and the associated potential negative effects.

Approval officer's conclusion:

Traffic and dust generated on the municipality roads may increase as a result of the expansion of this CFO. The municipality controls local roads to which the municipality's response to the application requested the applicant contact the municipality to determine if a road use agreement was necessary. As explained above in part 3, the letter was forwarded to the applicant.

Operational Policy 2016-7: *Approvals* section 8.9 states that approval officers will not include conditions requiring operators to enter into a road use agreement with the municipality. However, Ridge Valley has been made aware of the municipality's request.

Disposal of deads and increase in predators – The affected party requests that the operator incinerate dead birds instead of using an open pit since it results in an increase in predators in the area.

Approval officer's conclusion:

The disposal of dead animals is regulated by Alberta Agriculture and Forestry under the *Animal Health Act*. Concurrent oversight of dead animal disposal under AOPA would be inefficient and might lead to inconsistent approaches.

In Ridge Valley's response to statement of concerns, Mr. Walter stated that their plan is to have Northern Alberta processors pick up livestock mortalities once a week which will subsequently reduce the amount of predators in the area. Rendering of dead animals

(transporting carcasses to an approved rendering plant) is an acceptable way to dispose of livestock mortalities under the *Animal Health Act*. Ridge Valley must follow the requirement of the Act, to properly dispose of dead animals.

APPENDIX D: Exemptions from water well setbacks and monitoring requirements

According to the application, one water well is located within 70 metres of the proposed layer barn. I have confirmed this information by a site visit on August 9, 2018 and through a review of satellite imagery.

Because of this proximity, the applicant's proposed layer barn conflicts with a regulation under AOPA, which prohibits the construction of manure storage facilities (MSFs) within 100 metres of water wells.² However, the regulation allows approval officers to grant an exemption from this prohibition. I must therefore consider whether an exemption is appropriate in this instance.

Under the regulation, the test for granting an exemption is whether the "aquifer into which the well is drilled is not likely to be contaminated" by the proposed MSF. (According to the regulation, when granting an exemption, an approval officer may require the applicant to implement a "groundwater monitoring program.")

The regulation also makes it clear that the applicant has the burden of proving that an exemption is warranted.

In considering whether an applicant has met that burden, approval officers presume that the risks of direct aquifer contamination from the MSF are low if the applicant's proposed MSF meets AOPA's technical requirements to control runoff and leakage. However, when determining whether an MSF that meets AOPA's technical requirements should be exempted from the 100 metre water well setback requirement, approval officers also assess whether water wells that are less than 100 metres from the MSF could act as conduits for aquifer contamination.

Approval officers assess the following factors to determine the risk of aquifer contamination via the water well:

- How the well was constructed
- Whether the well is being properly maintained
- The distance between the well and the proposed MSF
- The estimated water well pumping rate
- Whether the well is up- or down-gradient from the MSF and whether this gradient is a reasonable indication of the direction of surface and groundwater flow between the two structures

These presumptions and considerations are based on NRCB Operational Policy 2016-7: *Approvals*, part 8.7.1.

Water well #397209 is upslope from the proposed MSF and the direction of groundwater flow from the MSF is away from the well base on topography. The well is drilled to a depth of 121.92 metres with a clay and rock protective layer from ground surface to a depth of 24.38 metres. The well has a driven seal but does not specify the thickness. The report also indicates the depth of water removal is from 82.3 metres from a sandstone layer.

An exemption from the 100 metre setback to this well is warranted, for the following reasons:

² Standards and Administration Regulation, Alta. Reg. 267/2001, section 7(1)(b).

- The MSF meets all other AOPA technical requirements, as noted in the attached decision summary and documented in Technical Document FA18003. Therefore, the risk of manure-contaminated water leaking or running off from the MSF is low.
- In the unlikely event that any manure did leave the MSF, it is unlikely to migrate directly into the aquifer into which the well is drilled because of the clay and rock protective layer located above the aquifer.
- Any manure that leaves the MSF is unlikely to reach the water well because the well is upslope from the MSF and is located approximately 70 metres away.
- In the unlikely event that any manure reaches the well, the manure is unlikely to actually enter the well and flow down the well into the aquifer. This risk pathway is very unlikely because the casing height is >1 ft above ground and is in good condition.

In addition, the NRCB has developed a “water well exemption screening tool,” based on the factors listed above, to help approval officers assess the groundwater risks associated with a nearby water well and to decide whether an exemption from the 100 metre setback to a well is warranted. This tool consists of a two-stage risk screening process; each stage provides a numeric risk “score” based on the information that is input into the tool.

The first stage focuses on the well’s construction. If the well scores less than 10 at this stage, the tool suggests granting a setback exemption for the subject facility. If the well scores more than 28, the tool recommends denying the exemption. If the well scores between 10 and 28, the tool recommends that the approval officer proceed to the second stage screening, which focuses on the gradient and other factors bearing on the risk of manure runoff or leachate reaching the water well. If the risk score at the second stage is more than 20, the tool suggests denying the setback exemption to the subject well.

For the process described above, water well #397209 scored 25 in the first risk screening stage and 4 in the second stage. Based on these risk scores, an exemption from the 100 metre setback to water well #397209 is warranted for the proposed layer barn.

APPENDIX E: Explanation of conditions in Approval FA18003

Approval FA18003 includes several conditions, discussed in part 1 below, and carries forward a number of conditions from Approval FA09007B, Authorization FA10005 and Municipal Development Permit #99D80. Conditions not carried forward are discussed in part 2, below.

1. New conditions in Approval FA18003

a. Construction Deadline

Ridge Valley proposes to complete construction of the proposed facilities over a multi-year phased construction program and has included an assumed timeline for all the proposed new facilities over a nine year period. This time-frame is considered to be unreasonable for the proposed scope of work as potential changes in requirements or regulations may occur during this period. As such, I am of the opinion with the following completion deadlines for the multiple facilities will be included in Approval FA18003. These deadlines will be on November 30, 2022 for the completion of the phase one construction and November 30, 2025 for the completion of the phase two construction.

It's reasonable to allow Ridge Valley a phased construction schedule that extends out to 2025, given the large scope of permitted CFO facilities, the difficulty of building them all at once, and the colony's need for certainty that it'll be able to develop the entire CFO expansion as planned. However, given the extended construction timeline, it's also reasonable to require the colony to meet the groundwater and surface water protection requirements in effect, for facilities that won't be constructed right away. Therefore, a condition will be included in the approval relating to the facilities that will be constructed after 2022. For these facilities, the NRCB may waive or modify this condition, in writing, based on reasonable construction or scheduling delays that occur after construction has commenced.

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, Approval FA18003 includes conditions requiring:

- the concrete used to construct the liner of the manure collection and storage portion of the broiler barns, layer barn and solid manure storage pad to meet the specification for category D (solid manure – dry) and category C (solid manure – wet), respectively, in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- Ridge Valley to provide written confirmation, signed by a qualified third party, that the concrete used for the manure collection and storage area meets the required specifications.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval FA18003 includes a condition stating that Ridge Valley shall not place livestock or manure in the manure storage portions of the new broiler barns, layer barn or manure storage pad until NRCB personnel have inspected the facilities and confirmed in writing that it meets the approval requirements.

2. Conditions not carried forward from Municipal Development Permit #99D80 and NRCB Approval FA09007B

Municipal Development Permit #99D80

4. The developer/owner is responsible for weed control.

Weed control is regulated by Alberta Agriculture and Forestry under the *Weed Control Act*. Concurrent oversight of weed control under AOPA would be inefficient and might lead to inconsistent approaches, therefore this condition will not be carried forward.

NRCB Approval FA09007B

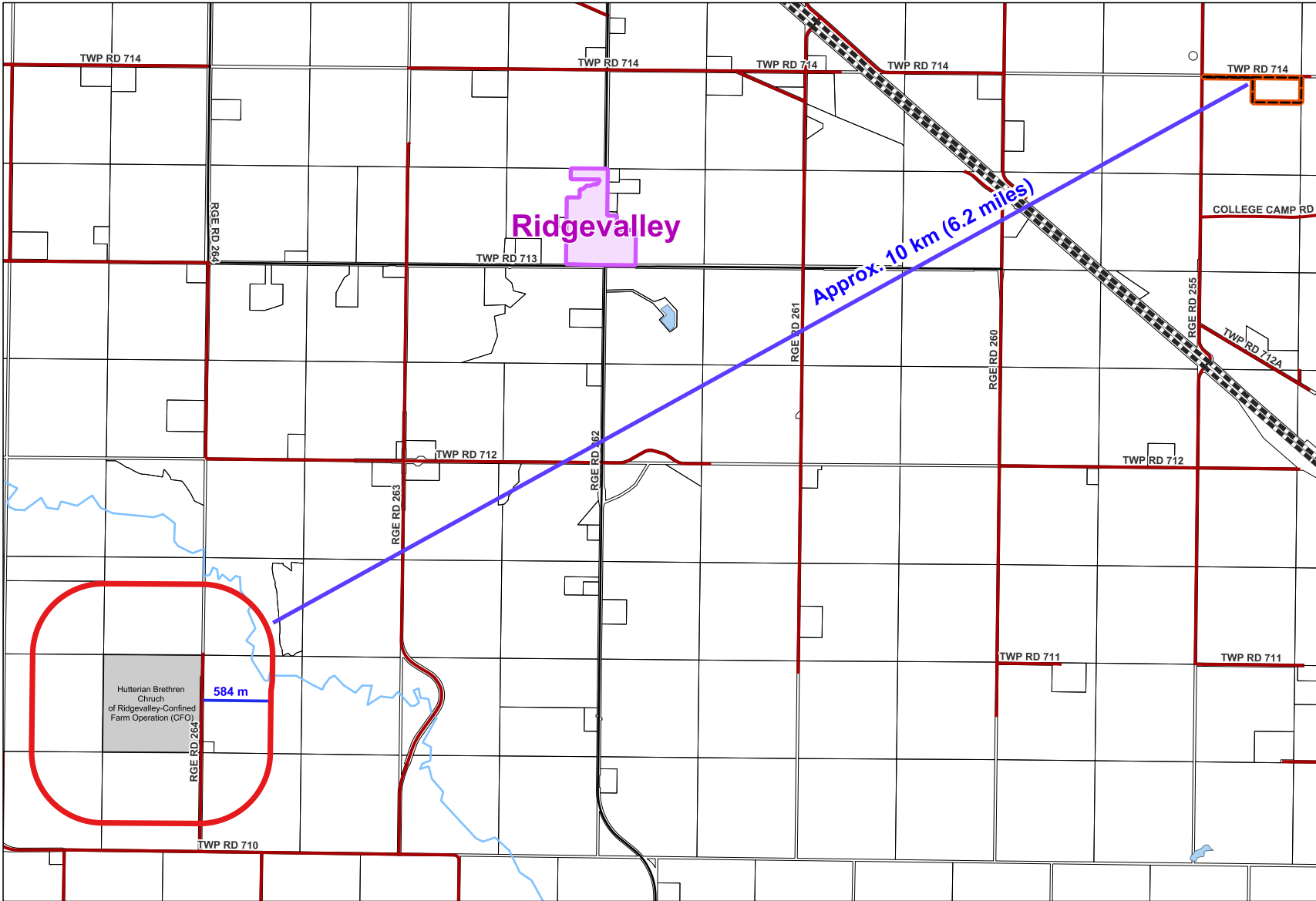
NRCB Approval FA09007B allowed Ridge Valley to construct two chicken broiler barns (82.3 m x 24.4 m each) and two solid manure storage pads (15.2 m x 12.2 m each). Ridge Valley never constructed the second chicken broiler barn and second solid manure storage pad and no longer wishes to do so at this time. Therefore, the second broiler barn and second solid manure storage pad will be removed from the list of permitted facilities for the CFO. The associated livestock will be housed in the existing and proposed facilities. Therefore, this term and the following three applicable construction conditions for the second chicken broiler barn and second solid manure storage pad will not be carried forward to Approval FA18003

1. A completion report confirming the concrete liner material and construction procedures, prepared by a qualified third party, must be provided to the NRCB prior to manure entering the barns. The completion report must include:
 - Verification of the barn sizes, including depths below and above grade.
 - Verification of the type, thickness and strength of the concrete and the size and pattern of rebar used to construct the barn floors.
 - Verification that the barns were constructed according to the submitted drawings.
2. A completion report confirming the solid manure pad concrete liner material and construction procedures, prepared by a qualified third party, must be provided to the NRCB prior to manure entering the solid manure storages. The completion report must include:
 - Verification of the storage pad sizes, including depths below and above grade.
 - Verification of the type, thickness and strength of the concrete and the size and pattern of rebar used to construct the pad floors and walls, and
 - Verification that the solid manure storage pads were constructed according to the submitted drawings.
3. Construction of the manure collection and storage portions of the CFO facilities must be completed prior to December 31, 2016 unless otherwise agreed upon by the NRCB.
4. The manure storage portion of the barns and the solid manure storages must be inspected by NRCB personnel prior to animals or manure being placed in the new barn and manure being placed in the new solid manure storage.



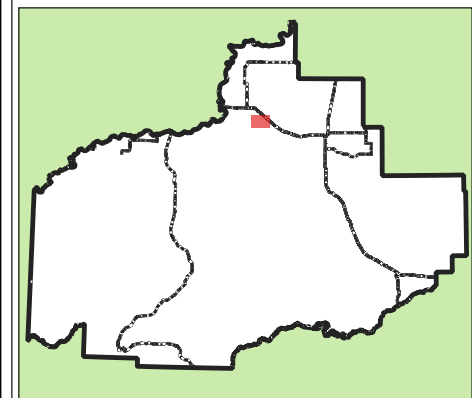
MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Distance from the nearest Confined Farm Operation (CFO)



LEGEND

- CFO buffer 584 m
 - Proposed Subdivision
 - Hamlet / Localities
- TRANSPORTATION**
- Paved Highways
 - Fair-Weather Road
 - Gravel Road
 - Paved Road
- HYDRO FEATURES**
- River / Lake
 - Stream / Creek
 - Cadastre

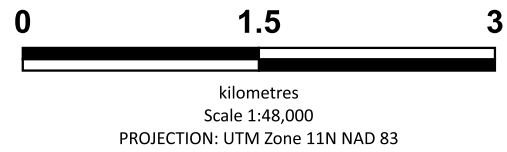


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Map Print Date : December 20, 2023



8.0 LAND USE DISTRICTS

8.1 Agricultural One (A-1) District

8.1.1 Purpose

- a) The purpose of this District is to protect and preserve better agricultural lands. The uses allowed in this District are those which may be compatible with extensive agricultural operations, and which minimize the loss of agricultural lands to non-agricultural uses.

8.1.2 Uses

- a) Table 8-1 identifies the permitted and discretionary uses within the A-1 District.

Table 8-1: A-1 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
1. Accessory Building	1.a Abattoir
2. Agricultural Processing	2.a Airstrip
3. Agriculture, Horticulture	3.a Compressor
4. Animal Breeding Establishment	4.a Coverall Building
5. Apiary	5.a Craft Brewery and Distillery
6. Bed and Breakfast	6.a Home Occupation, Major
7. Boarding and Lodging	7.a Natural Resource Extraction
8. Borrow Pit	8.a Oil and Gas Facility
9. Cabin	9.a Recreation, Outdoor Motorized Vehicle
10. Cannabis Production Facility	10.a Recreation, Outdoor Passive
11. Dugout	11.a Recreational Vehicle Storage
12. Dwelling Unit, Accessory	12.a Solar Collector, Major
13. Dwelling Unit, Manufactured	13.a Utilities, Major
14. Dwelling Unit, Modular	14.a Wind Energy Conversion System, Major
15. Dwelling Unit, Single Detached	15.a Work Camp, Project Oriented
16. Greenhouse	
17. Home Occupation, Minor	
18. Housing Collective, Communal	
19. Kennel, Commercial	
20. Kennel, Hobby	
21. Sign	
22. Solar Collector, Minor	
23. Storage, Outdoor	
24. Suite, Attached	
25. Suite, Detached	
26. Wind Energy Conversion System, Minor	

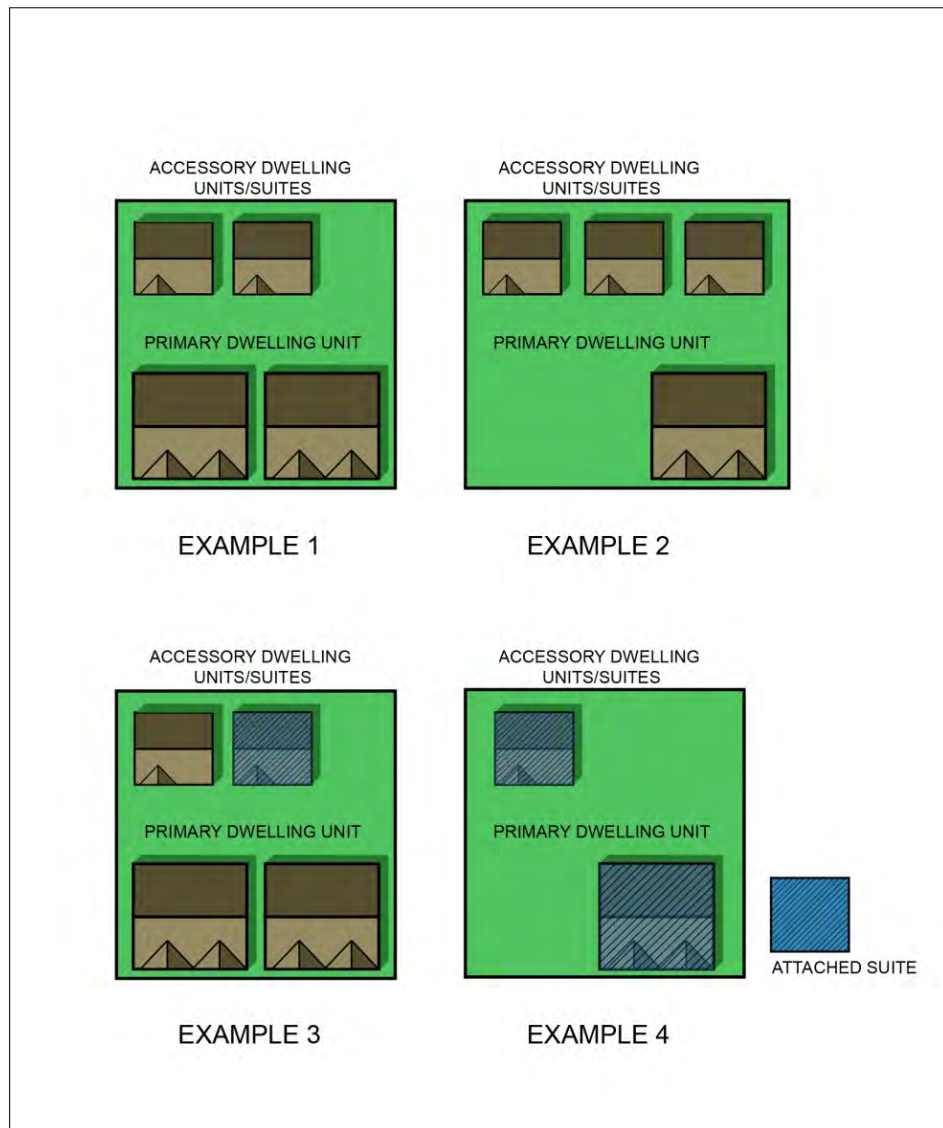
8.1.3 Regulations

- a) On a parcel located in an A-1 District, no building or structure shall be constructed, located or altered, and no subdivision approved which contravenes the regulations set out in Table 8-2.

Table 8-2: A-1 District Regulations

Matter to Be Regulated	Regulation
.1 Maximum density	A maximum of 4 dwelling units per parcel, which may include: <ul style="list-style-type: none"> • a maximum of 2 primary dwelling units • a maximum of 3 accessory dwelling units and/or suites
.2 Minimum parcel size	1.2 ha (3 ac)
.3 Minimum parcel width	100 m (328.1 ft.)
.4 Minimum setback of principal building from: <ul style="list-style-type: none"> • Front parcel and exterior side parcel lines • Interior side parcel line • Rear parcel line 	Provincial highway: 40.0 m (131.2 ft.) Internal subdivision road: 7.5 m (24.6 ft.) Service road: 7.5 m (24.6 ft.) All other roads: 40.0 m (131.2 ft.) Undeveloped road allowance: 40.0 m (131.2 ft.) 15.0 m (49.2 ft.) 15.0 m (49.2 ft.)
.5 Minimum setback of accessory building from: <ul style="list-style-type: none"> • Front parcel and exterior side parcel lines • Interior side parcel line • Rear parcel line 	Provincial highway: 40.0 m (131.2 ft.) Internal subdivision road: 7.5 m (24.6 ft.) Service road: 7.5 m (24.6 ft.) All other roads: 40.0 m (131.2 ft.) 15.0 m (49.2 ft.) 15.0 m (49.2 ft.)
.6 Maximum building and structure height <ul style="list-style-type: none"> • Principal building and structures • Accessory building 	10.0 m (32.8 ft.) 10.0 m (32.8 ft.)
.7 Maximum parcel coverage (all buildings)	30 %

Figure 8-1: Examples of A-1 Dwelling Unit Configurations



8.1.4 Other Regulations

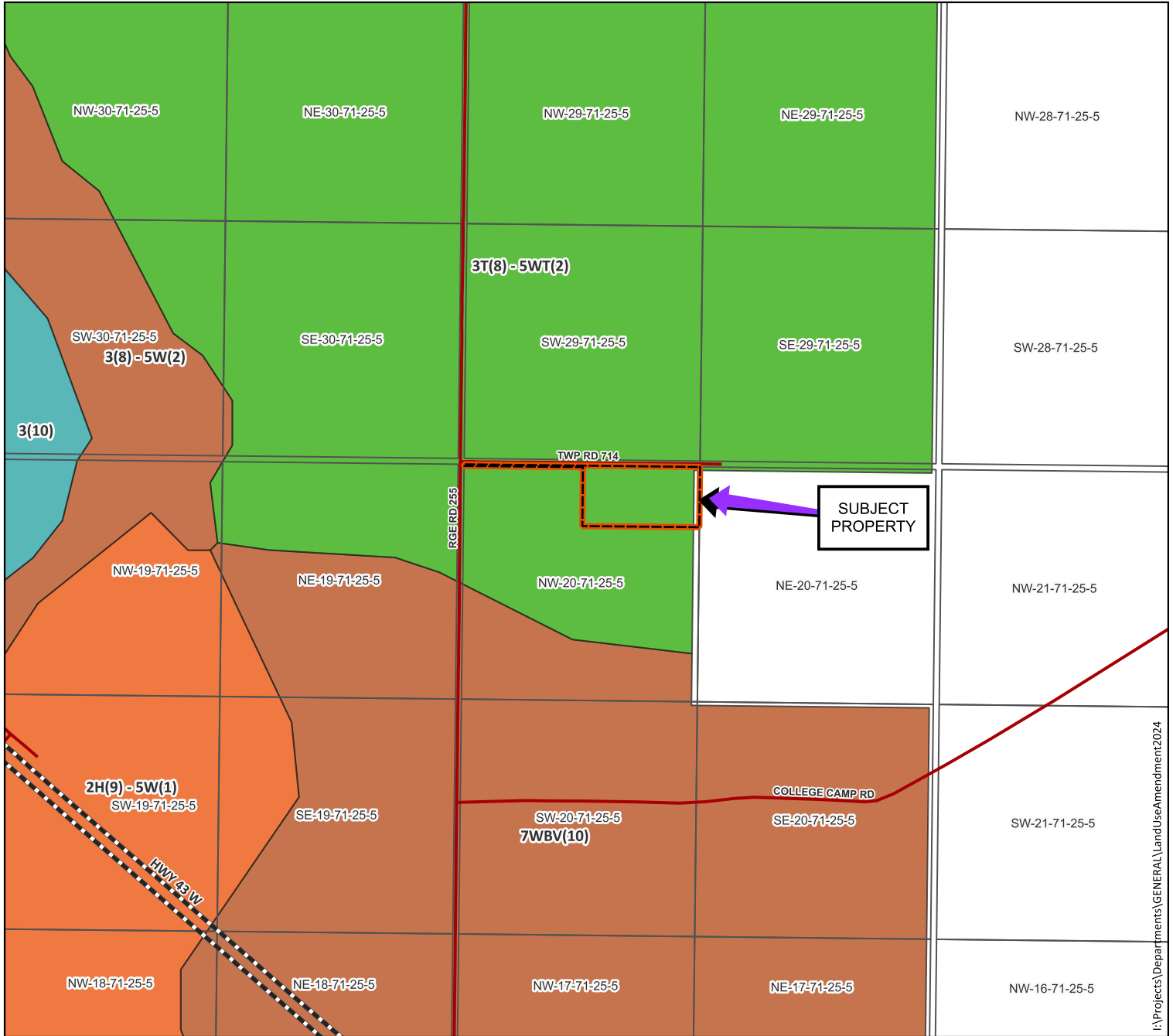
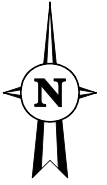
- a) All applications for confined feeding operations must be submitted to the Natural Resources Conservation Board for review and approval in accordance with the Agricultural Operation Practices Act;
- b) Only one A-1 parcel may be taken out of an unsubdivided quarter section without rezoning. Work Camp, Project-Oriented – Only within 400.00 m (1,312.3 ft.) of highways;
- c) First Parcel Out: Minimum: 1.2 ha (3.0 ac)
 Maximum: 8.1 ha (20.0 ac)
- d) An application to create two titles based upon a fragmented parcel may be approved notwithstanding the size of parcels to be created on either side of the fragmentation line with the following conditions:
 - i. Minimum parcel sizes and other development considerations must be adhered to;
 - ii. Parcels fragmented by water bodies or ravines would still be subject to environmental reserve evaluation and dedication.
- e) Agricultural parcels that are fragmented will be prorated by the size of the parcel to determine the number and size of parcels that are to qualify for subdivision from each fragmented portion as follows:
 - i. The amount of land that may be subdivided from a fragmented parcel will be directly proportionate to its percentage of the quarter section.

*** See the General Regulations (Section 5.0) for additional regulations and exceptions. ***



MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Subdivision Application S23-012 AGRASID

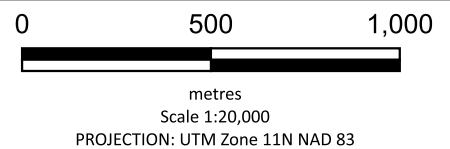
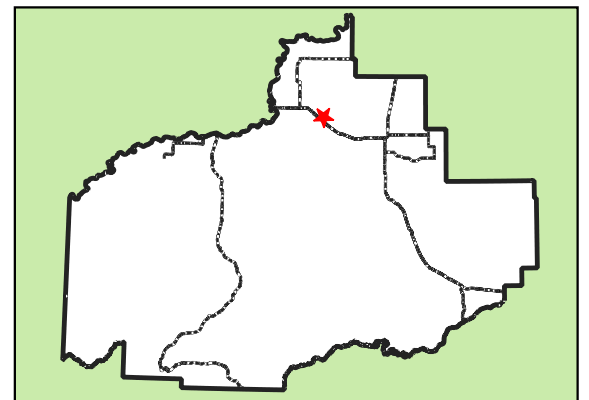


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LEGEND

- | | |
|-----------------------------------|-------------------------|
| Proposed Subdivision | undulating - low relief |
| AGRASID | TRANSPORTATION |
| inclined to steep - medium relief | Paved Highways |
| ridged - medium relief | Gravel Road |
| undulating - high relief | |

** Spring Grain LSRS Values Displayed**

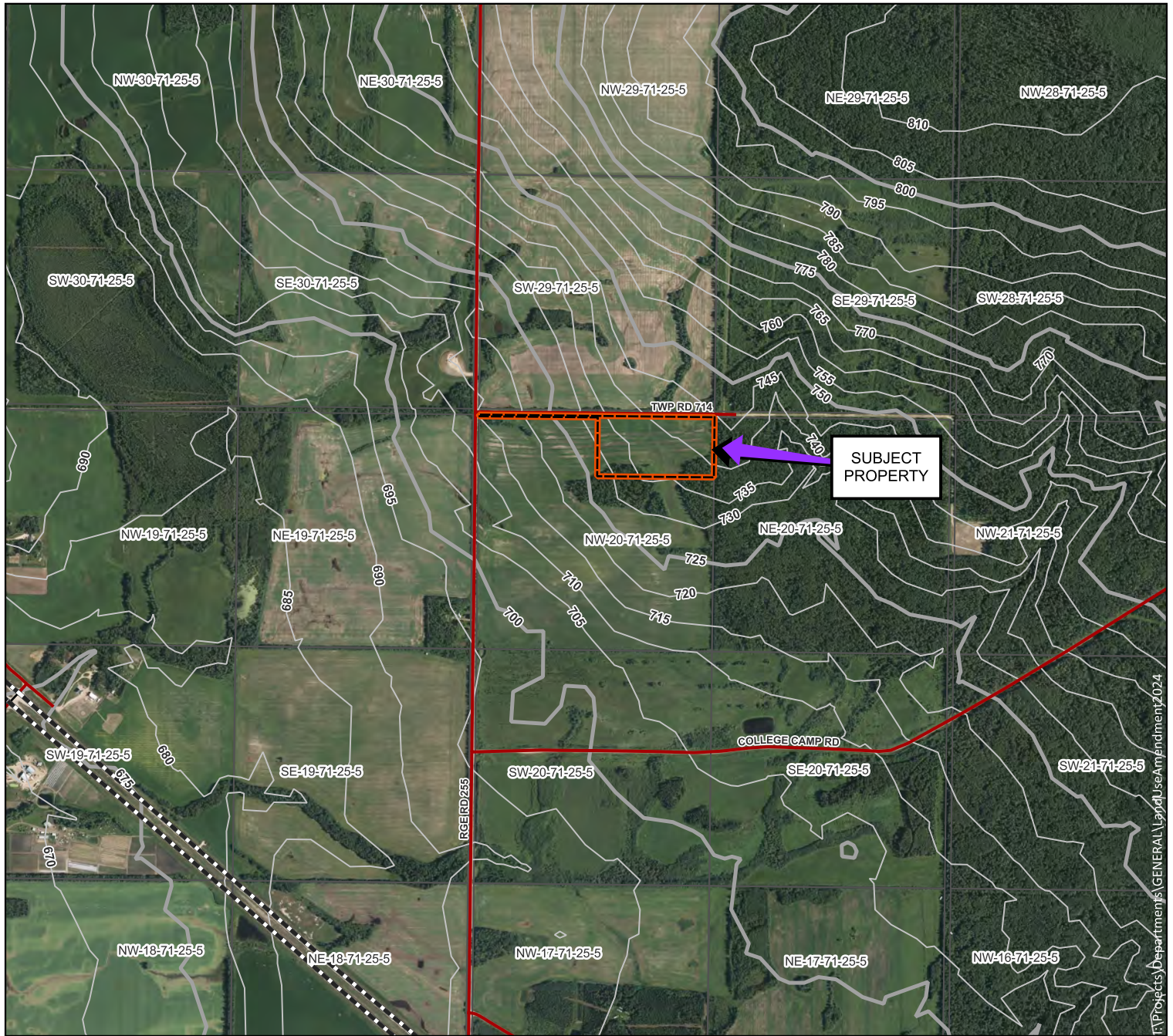


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MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Subdivision Application S23-012 Topography



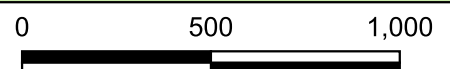
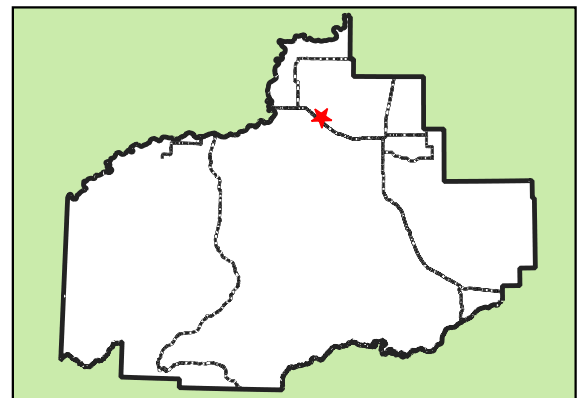
LEGEND

- | | |
|------------------------|-----------------------|
| Proposed Subdivision | TRANSPORTATION |
| Contour Line(m) | Paved Highways |
| Major Break | Gravel Road |
| Minor Break | Paved Road |

GV Imagery 2016

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Map Print Date : January 03, 2024



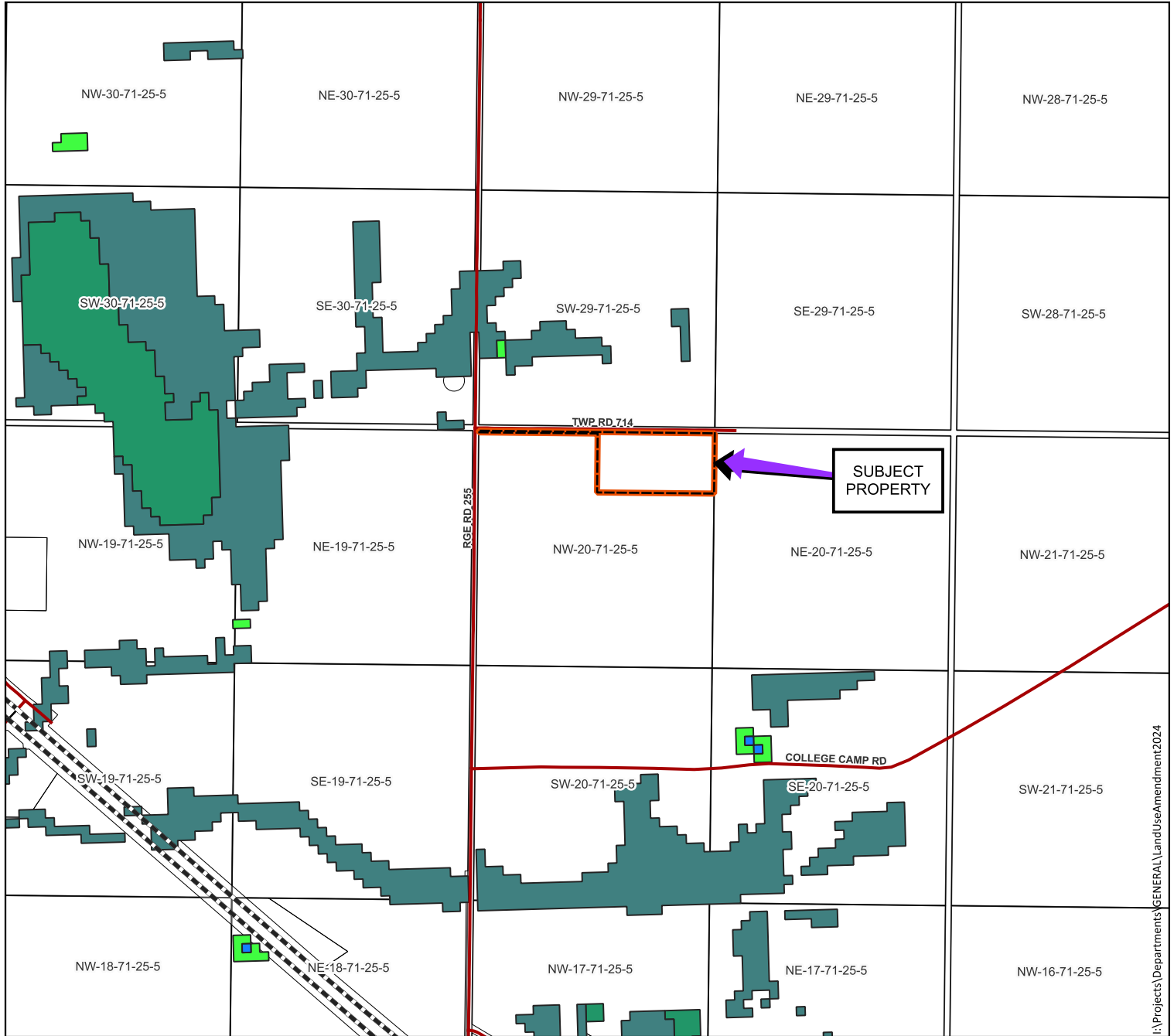
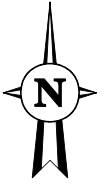
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Scale 1:20,000
PROJECTION: UTM Zone 11N NAD 83



MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Subdivision Application S23-012

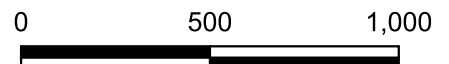
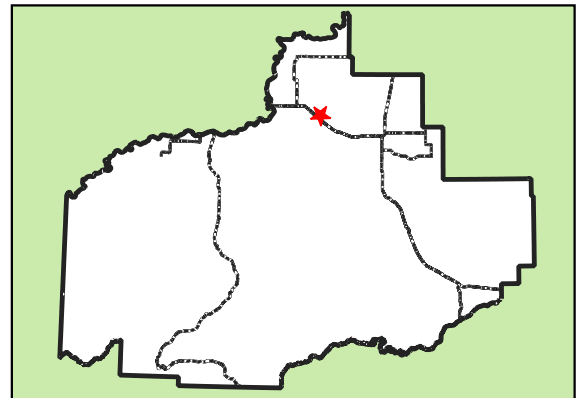
Wetland



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LEGEND

- Proposed Subdivision
- Open Water
- Gravel Road
- Bog
- Swamp
- Paved Road
- Marsh
- Paved Highways



metres

Scale 1:20,000

PROJECTION: UTM Zone 11N NAD 83

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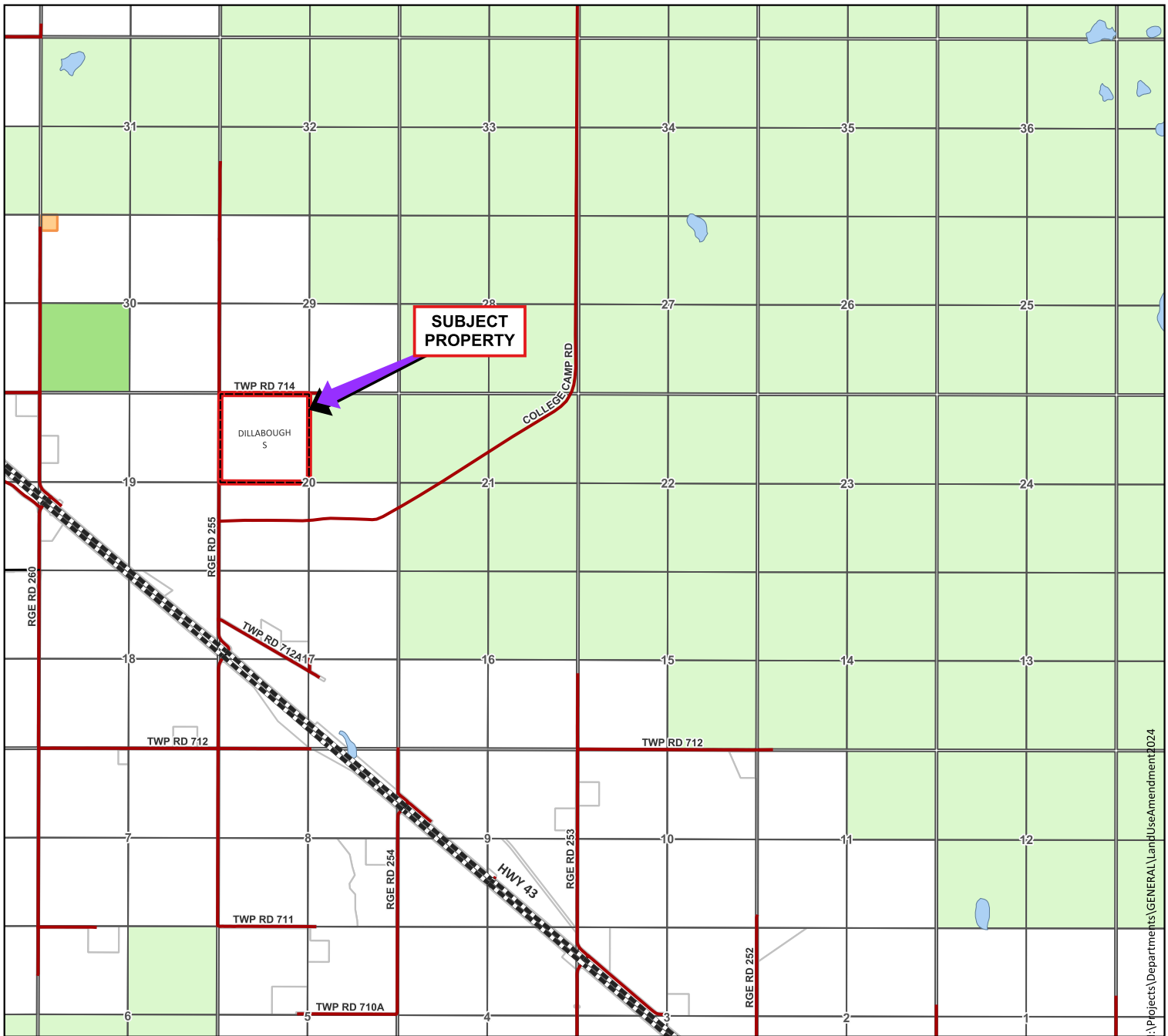
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Map Print Date : January 03, 2024



MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Township : 71
Range : 25
Meridian : 5



kilometres
Scale 1:52,000
PROJECTION: UTM Zone 11N NAD 83



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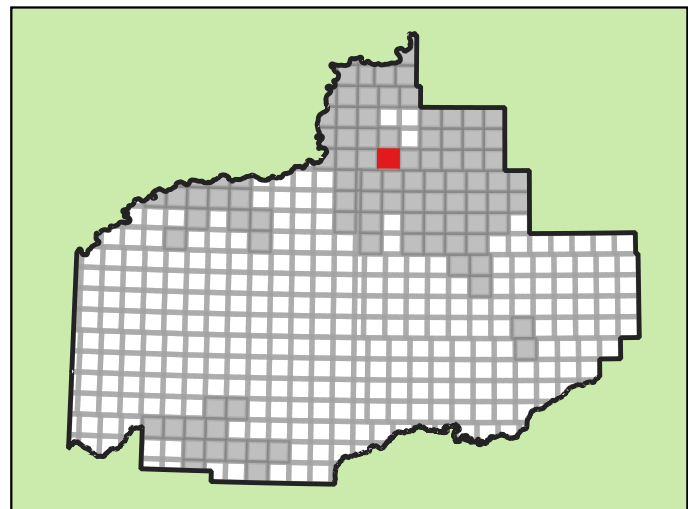
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Compiled from the Rural Cadastral Digital Base September 10, 2023

Land Ownership Compiled from municipal tax data, September 10, 2023.

Building/Site/Feature information compiled from municipal assessment data, September 2023.



SITE INSPECTION PHOTOS

S23-012 (PERROTT)

Date of Inspection: December 15, 2023



- a. Approximate location of the proposed subdivision on
NW 20-71-25-W5M along Township Road 714



b. NW 20-71-25-W5M, along on Township Road 714 towards west



c. Existing approach and access to the remainder of the quarter section, NW 20-71-25-W5M, along Range Road 255



REQUEST FOR DECISION

SUBJECT: **D23-201 Permitted Use – Accessory Building with Front Yard Setback Variance in HR**
 SUBMISSION TO: MUNICIPAL PLANNING COMMISSION REVIEWED AND APPROVED FOR SUBMISSION
 MEETING DATE: January 10, 2024 DIRECTOR: MAV PRESENTER: NF
 REPORT TYPE: Development Permit MANAGER: SD WRITER: NF

FILE NO.: D23-201 LAND USE DISTRICT: Hamlet Residential (HR)
 LEGAL LOCATION: Plan 782 1799; 1; 8
 AREA: DeBolt, Ward 6
 APPLICANT: Christian Hirscher
 LANDOWNER: Christian & Kerstin Hirscher

BACKGROUND/PROPOSAL:

Administration has received a development permit application for the construction of a new accessory building, a detached garage on Plan 782 1799, Block 1, Lot 8. The subject property is located within the hamlet of DeBolt, adjacent to First Street West and Virginia Avenue. Accessory buildings are permitted within all districts however, the applicant is requesting a variance to the front/exterior yard setback of 19% which requires a decision by the Municipal Planning Commission, in accordance with Section 3.8 of Land Use Bylaw 18-800.

The applicant proposes to locate the accessory building 6.1 metres (20 feet) from the south property line, adjacent to Virginia Avenue, 1.4 metres (4.6 ft) closer than the minimum front/exterior yard setback of 7.5 m (24.6 ft) required by the Hamlet Residential (HR) district. The residence on site has a front yard setback of 5.18 metres (17 ft), whose construction predates Greenview’s records but was issued compliance letters in 1997 and 2002. The accessory building will be 0.9 metres (3.0 ft) farther from the property line than the residence.

The home and covered deck occupy approximately 26% of the lot with the garage proposed to occupy about 6% of the area of the lot, for a total of approximately 32% of lot coverage. The maximum lot coverage allowed within the district is 40%.

PROPERTY DETAILS:

Proposed Servicing: Existing, municipal
 Soil Type: Clay, sandy clay
 Topography: Flat
 Wetland Inventory: None
 LSRS Spring Grains: 2(8) - 6W(2); Slight limitation, and extremely severe limitation due to drainage

RELEVANT LEGISLATION AND POLICY CONSIDERATIONS:

Land Use Bylaw 18-800

3.8 Variances

3.8.2 *In the case of permitted uses, should an appropriate case be made, the Development Officer may allow a variance not exceeding 10% to any regulations.*

3.8.3 *The Municipal Planning Commission may approve a variance of the regulations and standards stated in the Bylaw provided the intent of the Bylaw are met.*

The variance requested represents a 19% relaxation of the required front/exterior yard setback, therefore requiring MPC consideration. The proposed use is permitted within the district and will be contained within the parcel; therefore, the intent of the bylaw is met.

5.22 *Accessory Buildings, Structures and Uses*

5.22.1 *Accessory buildings and structures are permitted in all Districts provided they comply with the following regulations:*

- d) *When located in a multi-parcel subdivision on a parcel of less than 0.4 ha (1.0 ac), an accessory building or structure shall not be higher than the permitted height of the principal building;*
- e) *An accessory building should not be located within the front yard;*
- f) *On a corner parcel in all District, an accessory building or structure must meet the same exterior side parcel line setbacks as the principal building on the parcel;*
- g) *Where an accessory building or structure is not attached to the principal building, the accessory building or structure must be setback a minimum of 1.5 m (4.9 ft) from the principal building;*
- j) *In any Hamlet District, the accessory building or structure must not exceed the size of the principal building;*

The proposed accessory building meets all applicable requirements of Section 5.22.1. The proposed height of the accessory building is 3.69 m (12.8 ft) which is less than the maximum height of principal buildings in the Hamlet Residential (HR) district of 10.0 m (32.8 ft). The accessory building is proposed to be located in the east/interior side yard. The proposed area of the accessory building is 44.59 m² (480 ft²) which is less than to home of 113 m² (1,226 ft²).

RECOMMENDED ACTIONS:

MOTION: That the Municipal Planning Commission APPROVE development permit application D23-201 for an Accessory Building (Garage, Detached), subject to the following conditions:

1. **That an 19% variance is granted to the front yard setback to the south property boundary, from the required 7.5 m (24.6 ft) to 6.1 m (20 ft) for the placement of the Accessory Building.**
2. **The Accessory Building shall be located no closer than 1.5 m (4.9 ft) from the Dwelling or another Accessory Building.**
3. **Prior to construction or commencement of any development it is the responsibility of the applicant to ensure they obtain all necessary permits required by Alberta Safety Codes Authority, including but not limited to Building, Gas, Plumbing, and Electrical permits, in accordance with the Safety Codes Act of Alberta. Copies of such permits are to be provided to the Municipal District of Greenview No. 16.**

Standards:

1. **The applicant is responsible for weed control. Contact Greenview's Agricultural Fieldman at 780.524.7602 for further information.**

2. **The use of the Accessory Building for business, industrial, and residential purposes is not permitted. The Accessory Building shall be used for personal use only.**

Advisory Notes:

1. **This permit indicates that only the development to which it relates is authorized pursuant to the provisions of the Land Use Bylaw. Compliance with the provisions of Land Use Bylaw 18-800 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.**
2. **All development must conform to the conditions of this development permit and the approved plans, and any revisions as required pursuant to this approval. Any subsequent changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to, an expansion or intensification of the use.**
3. **You are located in the vicinity of an agricultural operation.**

ALTERNATIVES:

Alternative: The Municipal Planning Commission may refuse the application, a reason for refusal must be stated. Administration does not recommend this option as the proposal complies with the requirements of Land Use Bylaw 18-800 as a permitted use.

FINANCIAL IMPLICATION:

All costs associated with the application will be borne by the applicant.

STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

The Municipal Government Act allows applications for discretionary use development permits to be appealed by affected parties up to 21 days following the issuance of the decision.

FOLLOW UP ACTIONS:

No follow-up action is required by the Municipal Planning Commission. Following approval, the applicant may proceed with the development as stated in the application and meet the conditions listed on the approval.

ATTACHMENTS:

- Development Permit Application
- Site Plan
- Variance Request Form
- Aerial Map
- Topography Map
- Location Map
- Site Inspection Photos



APPLICATION FOR DEVELOPMENT PERMIT

Municipal District of Greenview No. 16
4806 - 36 Avenue, Box 1079, Valleyview AB T0H 3N0
T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608
www.mdgreenview.ab.ca

**MUNICIPAL DISTRICT
OF GREENVIEW No. 16**

RECEIVED

December 6, 2023

VALLEYVIEW

I / We understand that this application will only be processed if submitted in complete form and accompanied by the applicable fee. A completed application includes the forms completely filled out, signatures, plot plan, fees and any other information the development authority deems necessary to make an informed decision.

Applicant Information

Name of Applicant(s): Christin Hirscher

Development Services to contact you via email)

(Complete if different from applicant)

Registered Landowner(s) or Leaseholder(s) _____

Mailing Address: _____ City: _____ Postal Code: _____

Primary Phone: _____ Other Phone: _____

Email: _____ *(By providing email address you authorize Planning and Development Services to contact you via email)*

Land Information

Legal description of proposed development site: LSD/QTR. S/W SEC. 12 TWP. 072 RGE. 01 M. 06

Registered plan: 7821799 Block 1 Lot 8 MLL/MSL/LEASE NO.: _____

Property size: Hectares: 0.07 Acres: 0.18 Description of the existing use of the land: Residence
7,800 square feet

The land is adjacent to: Highway _____ District Road _____ LOC# _____

How is the site to be accessed? Existing approach Proposed approach *(please fill out and submit an approach application)*

Do you have a rural address? Yes Address: _____ No

FOR ADMINISTRATIVE USE

PERMITTED USE VARIANCE
 DISCRETIONARY USE PROHIBITED USE

RC

APPLICATION NO.: D23-201
DATE PAID: December 7, 2023
DEEMED COMPLETE: December 11, 2023
PROPOSED USE: ACCESSORY BUILDING

RECEIPT NO.: 394738
LAND USE DISTRICT: Hamlet Residential
COMMENTS:



APPLICATION FOR DEVELOPMENT PERMIT

Municipal District of Greenview No. 16
 4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0
 T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608
 www.mdgreenview.ab.ca

Development Information

Describe your proposed development: (if additional space is required please attach sheet)

adding a garage on the property of 480 sqft

Size of the proposed development:

Length ^{7.31} metres
24' feet

Width ^{6.096} metres
20' feet

Building height ^{3.69} metres
12' 10" feet

Accessory building:
 (if applicable)

Total Floor area

Sq. metres
 Sq. feet

Height

Metres
 Feet

Attached
 Detached

44.59

Secondary suite information:
 (if applicable)

Existing suite New suite

Attached
 Detached

Total floor area of
 primary residence: 1226 Sq. metres
 Sq. feet

Indicate the proposed setback from the property line:

Front yard ^{6.096} metres
~~20'~~ 20' feet

Rear yard ^{7.31} metres
24' feet

Side yard (1) ^{2.74} metres
9' feet

Side Yard (2) ^{to house 4.26} metres
14' feet

Does this development require a variance?

Yes, explain Front yard setback

No (If yes, please submit a Variance Request Form)

Construction Start Date: 1st May 2024 End Date: 30th July 2024 Completed Project Cost: \$ 15,000-

Has the development commenced? Yes No

Manufactured Home

Manufacturer: /

Model: /

Year: /

Sewage System

Type of sewage system: _____

Abandoned Well Information

ALL development permit applications require a printout of a map from Alberta Energy Regulator (AER, previously known as ERCB). This can be obtained via website, phone, email, fax or mail.

Is there an abandoned well or pipeline Yes No (printout must still be provided)
 on the property? Licensee name: _____

If you require any assistance or do not have access to the internet please contact AER at 1.855.297.8311

The location of all abandoned oil and gas well sites as well as the setback distances in relation to existing or proposed building sites must be shown on all applications. Please note: The Development Authority cannot approve a development application if the lot(s) do(es) not comply with the setback directed by the ERCB Directive 079. Abandoned well site information must be provided by the applicant and can be obtained by contacting Alberta Energy Regulator.

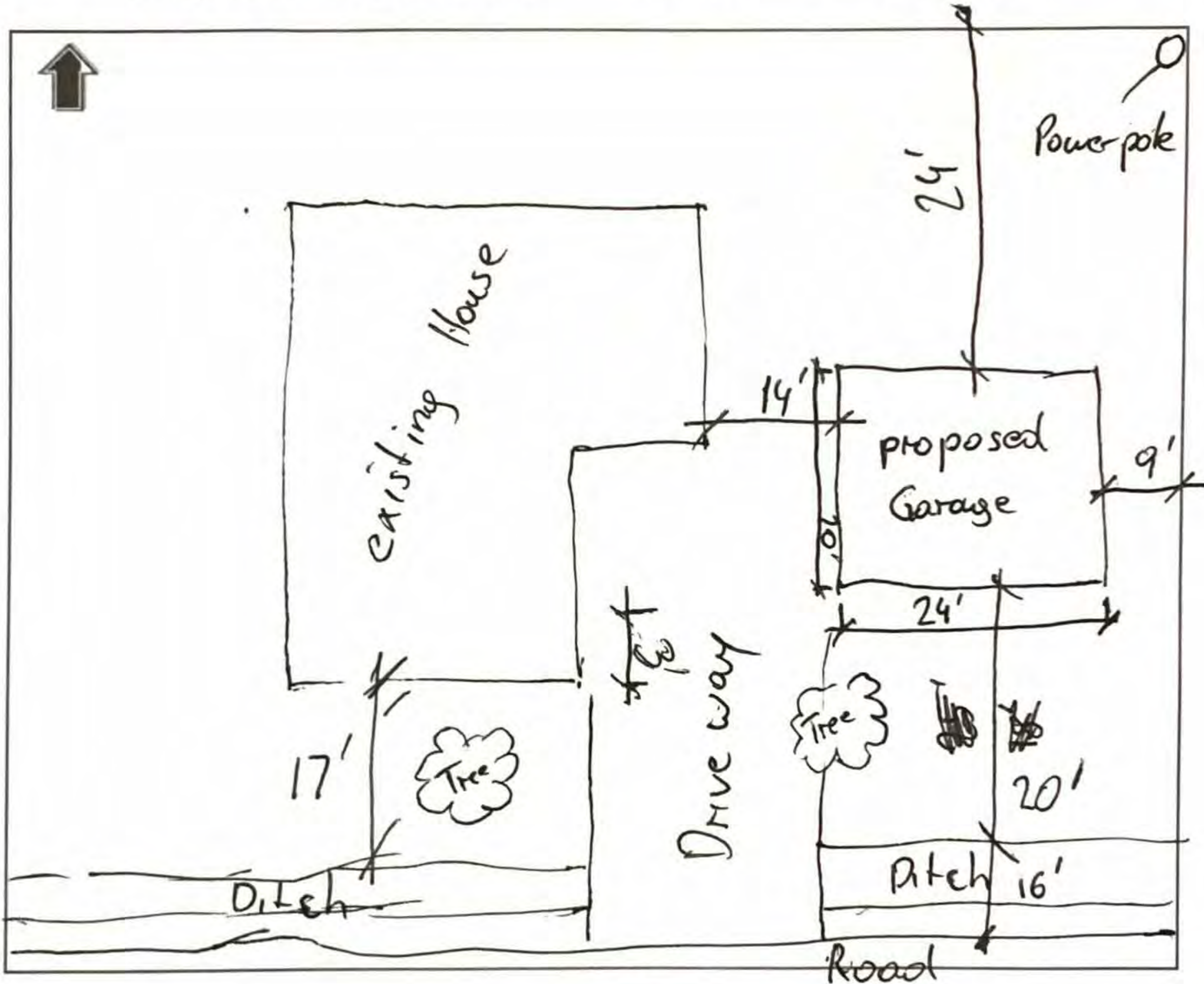
APPLICATION FOR DEVELOPMENT PERMIT

Plot Plan

Please ensure the following are present on the plot plan for the proposed development: (see example on page 4)

<ul style="list-style-type: none"> ○ Dimensions ○ Existing and proposed private roads or driveways ○ Natural features (trees, water runs, creeks, etc.) ○ Utility poles ○ Off-street parking and loading areas 	<ul style="list-style-type: none"> ○ Setback distances to existing buildings or structures (identify structures) ○ Access to development ○ Slopes greater than 15% and distance to proposed development ○ Abandoned well sites ○ Septic tank/pump-out 	<ul style="list-style-type: none"> ○ Front, rear and side yard setbacks ○ Setback distances to public roads ○ Well or other water sources ○ Rights-of-ways or easements ○ Other relevant information (signage, outdoor storage, etc.) ○ Floor plan
---	--	--

Legal Location: S 1/4 of Sec 12 Twp. 072 Rge. 01 W 06
 or Registered Plan 7821799, Block 1, Lot 8



Declaration

I/we hereby declare that the information submitted is, to the best of my/our knowledge, factual and correct.
 I/we understand that by signing this declaration, I/we also give consent for an authorized person of MUNICIPAL DISTRICT OF GREENVIEW NO. 16 to enter upon the land that is subject to a development permit application for the purposes of conducting a site inspection in order to evaluate the proposed development.

NOTE: If the applicant is not the registered landowner, the signature of the landowner(s) is required. All landowners MUST sign the application.

Signatures: 5.12.2023 Christian Murscher 5.12.2023
 Date Applicant Date Registered Landowner(s)/Leaseholders

The personal information collected on this form is being collected under the authority of Sections 33 and 39(1)(a)(b) of the Alberta Freedom of Information and Protection of Privacy Act, and Section 301.1 of the Municipal Government Act. The information will be used to process your application(s). Your name, contact telephone number and address may be used to carry out current and/or future construction, operating programs, services or activities of the Municipality. If you have any questions about the collection, use or disclosure of the personal information provided, please contact the Freedom of Information and Protection of Privacy Coordinator at 780.524.7600.

VARIANCE REQUEST



Municipal District of Greenview No. 16
4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0
T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608
www.mdgreenview.ab.ca

FOR ADMINISTRATIVE USE	
APPLICATION NO.	
DATE RECEIVED	
ROLL #	

Applicant Information

Name of Applicant(s): Christian Hirscher

(Complete if different from application)

Registered Landowner(s) or Leaseholder(s): _____

Mailing Address: _____

City: _____ Postal Code: _____

Primary Phone: _____

Other Phone: _____

Email: _____

(By providing email address you authorize Planning and Development Services to contact you via email)

Land Information

Legal description of proposed development site: LSD/QTR. S/W SEC. 12 TWP. 072 RGE. 01 M. 06

Registered plan: 7821799 Block 1 Lot 8

Variations Requested

List variances requested. Each variance should also be marked on the site drawing.

1. Front yard backset at 20'

2.

3.

Provide a written rationale for each variance being requested. The written rationale should indicate the reasons for the variance(s) being requested and why current regulations cannot be accommodated. (Attach additional pages if necessary)

Declaration

I/We HEREBY DECLARE THAT THE ABOVE INFORMATION IS, TO THE BEST OF MY/OUR KNOWLEDGE, FACTUAL

Signature of Applicant _____

Date: 5.12.2023

Signature of Registered Landowner(s) _____

Date: _____

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MUNICIPAL DISTRICT OF GREENVIEW NO. 16



Development Permit D23-201

Aerial



Projects\Departments\GENERAL\LandUse\Amendment2024

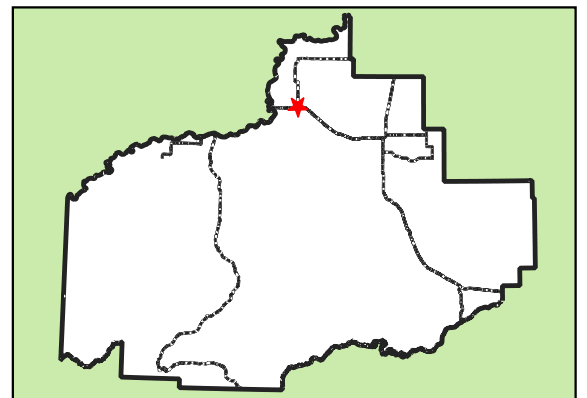
LEGEND

-  Proposed Garage
-  Cadastre

TRANSPORTATION

-  Paved Road

GV - Hamlet Imagery 2020



0 10 20



metres
Scale 1:500

PROJECTION: UTM Zone 11N NAD 83

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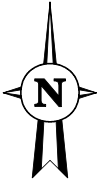
Map Print Date : January 03, 2024



MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Development Permit D23-201

Topography



LEGEND

Contour Line(m)

- Minor Break
- Major Break

TRANSPORTATION

- Paved Highways
- Gravel Road

GV Imagery 2016

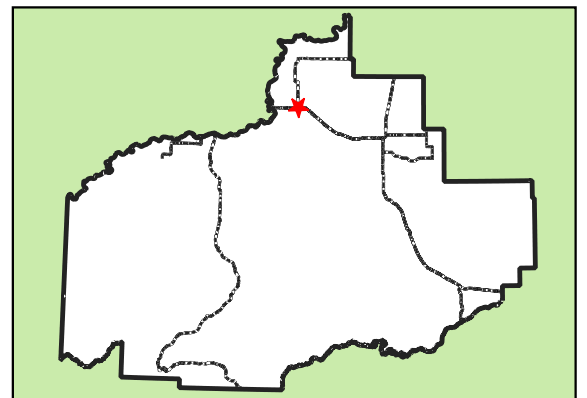
— Paved Road

Selected Lot

Hamlet

HYDRO FEATURES

— Stream / Creek



0 200 400



metres

Scale 1:10,000

PROJECTION: UTM Zone 11N NAD 83

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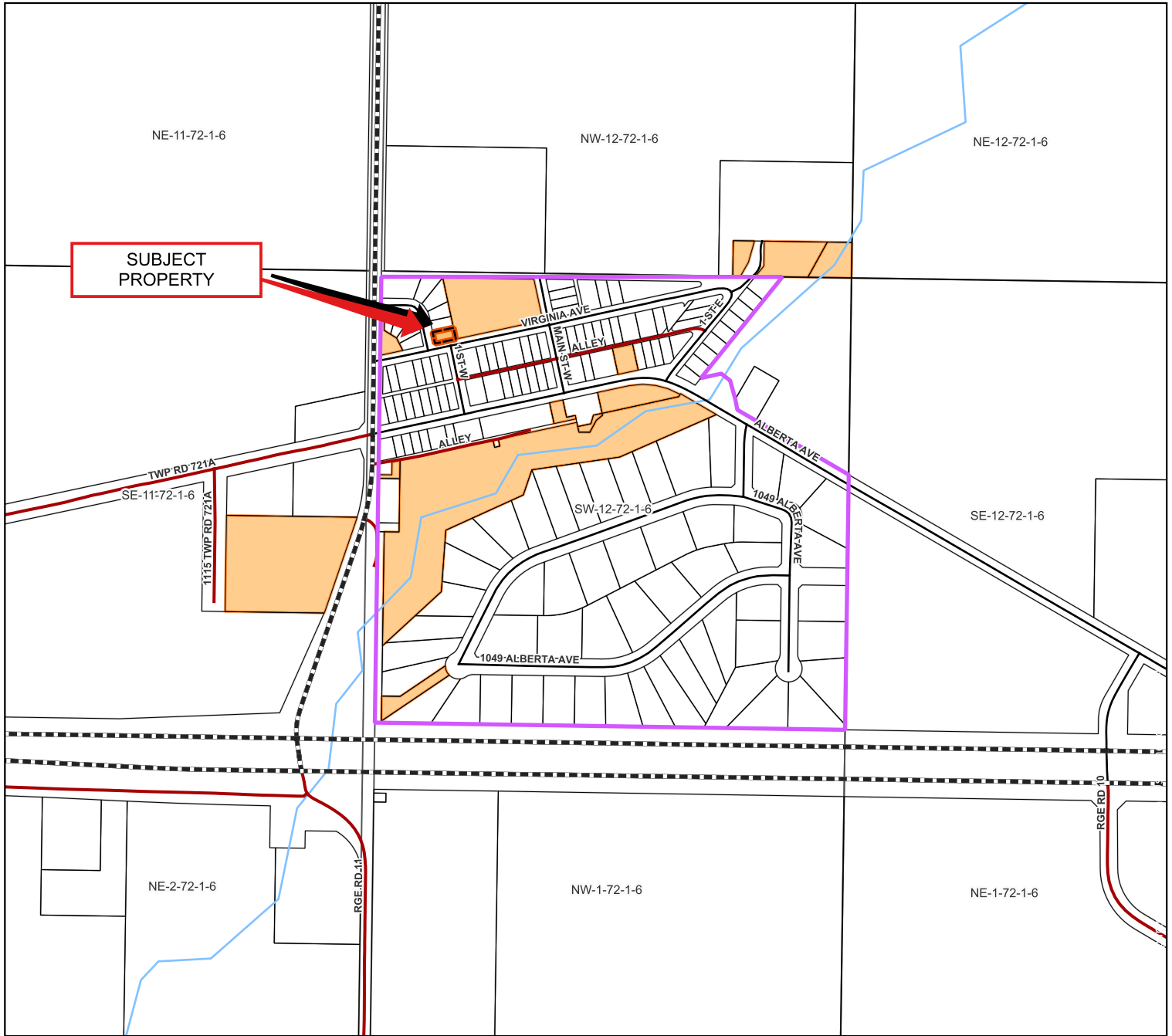
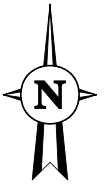
Map Print Date : January 03, 2024









MUNICIPAL DISTRICT OF GREENVIEW NO. 16

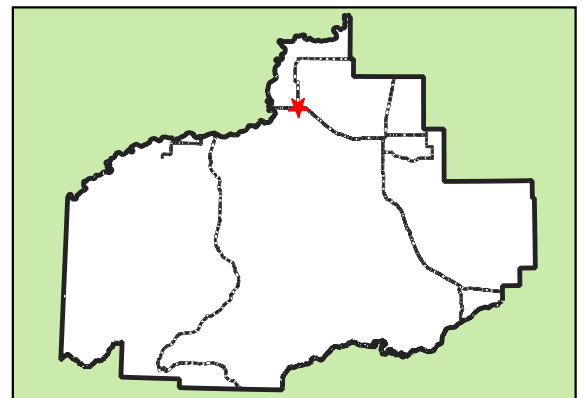
Development Permit D23-201

Location



LEGEND

-  Selected Lot
-  Gravel Road
-  Paved Road
- LAND CLASSIFICATIONS**
-  Titled Land
-  Municipal Property
-  Hamlet
- HYDRO FEATURES**
-  Stream / Creek
- TRANSPORTATION**
-  Paved Highways



0 200 400



metres

Scale 1:10,000

PROJECTION: UTM Zone 11N NAD 83

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Map Print Date : January 03, 2024

SITE INSPECTION PHOTOS

D23-201 (Hirscher)

Date of Inspection: January 3, 2024

View from Virginia Avenue.



