



**TECHNICAL REVIEW COMMITTEE**

**A TECHNICAL REVIEW REPORT  
PREPARED FOR THE**

**RM of RITCHOT**

**MIVELAZ FARMS INC.**

**NW 1/4 24-8-3 EPM**

**TRC 12-099**

**January 4, 2024**

## **A. INTRODUCTION – THE TEAM**

The Technical Review Committee (TRC) is supported by the following department personnel:

### Agriculture (AGR)

- Agricultural Engineer
- Business Development Specialist
- Veterinarians
- Livestock Environment Specialist
- Nutrient Management Specialist

### Economic Development, Investment, Trade and Natural Resources (EDITNR)

- Crown Lands Manager
- Fish Habitat Specialist
- Habitat Mitigation Biologist

### Environment and Climate Change (ECC)

- Environmental Engineer
- Environment Officer
- Water Rights Licensing Technologist
- Land-Water Specialist
- Groundwater Specialist

### Manitoba Transportation and Infrastructure (MTI)

- Senior Development Review Technologist
- Senior Flood Protection Planning Officer

### Municipal and Northern Relations (MNR)

- Community Planners

And any other specialist or department that may have an interest, which may be consulted during the process.

## **THE TECHNICAL REVIEW COMMITTEE (TRC) REPORT**

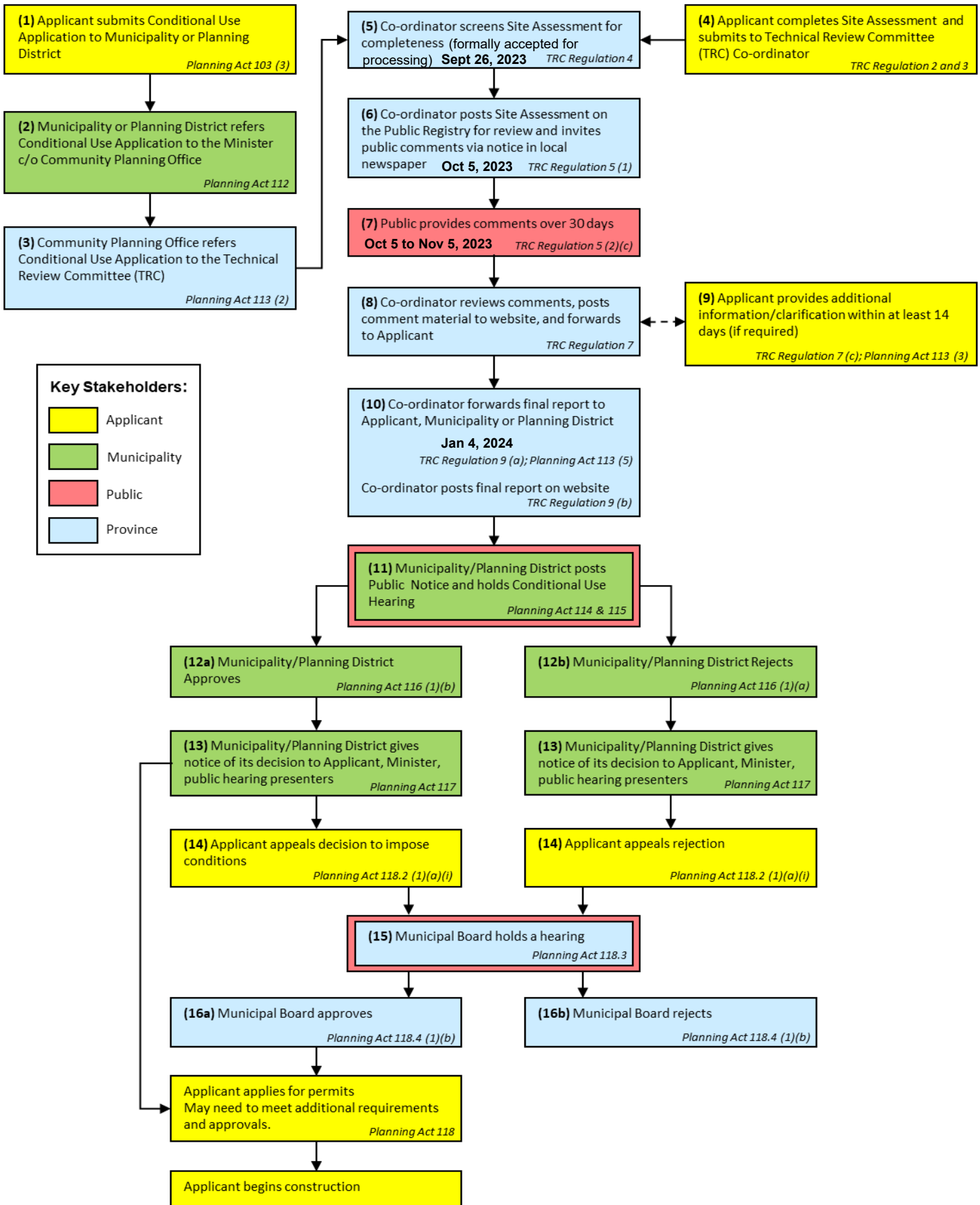
### Purpose of TRC Reports

To provide objective, credible, technically-based assessments that:

- a) Enable municipal councils or planning districts to make informed Conditional Use Permit decisions;
- b) Create a common stakeholder understanding of a livestock proposal, potential impacts and related regulatory requirements and safeguards;
- c) Provide a vehicle/forum that enables the sharing of public concerns and proponent responses;
- d) Offer recommendations to both municipal councils, planning districts and proponents; and
- e) Represents the fulfillment of the TRC's role as per 116(1)(b)(i) of *The Planning Act* – to determine, based on available information, that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measure and safeguards.

Should the municipal council provide conditional approval of the proposal, the project proponent may be required to obtain various permits and licenses from the province to address in greater detail environmental aspects of the proposal. As of November 1, 2019, a proponent may appeal a municipal council's rejection of their application or appeal a condition imposed related to municipal council's approval. Appeals are made to the Municipal Board.

# Livestock Technical Review Process (November 1, 2019)



## **B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION**

Further information can be found at [https://www.gov.mb.ca/mr/livestock/public\\_registries.html](https://www.gov.mb.ca/mr/livestock/public_registries.html)

**Applicant:** Mivelaz Farms Inc.

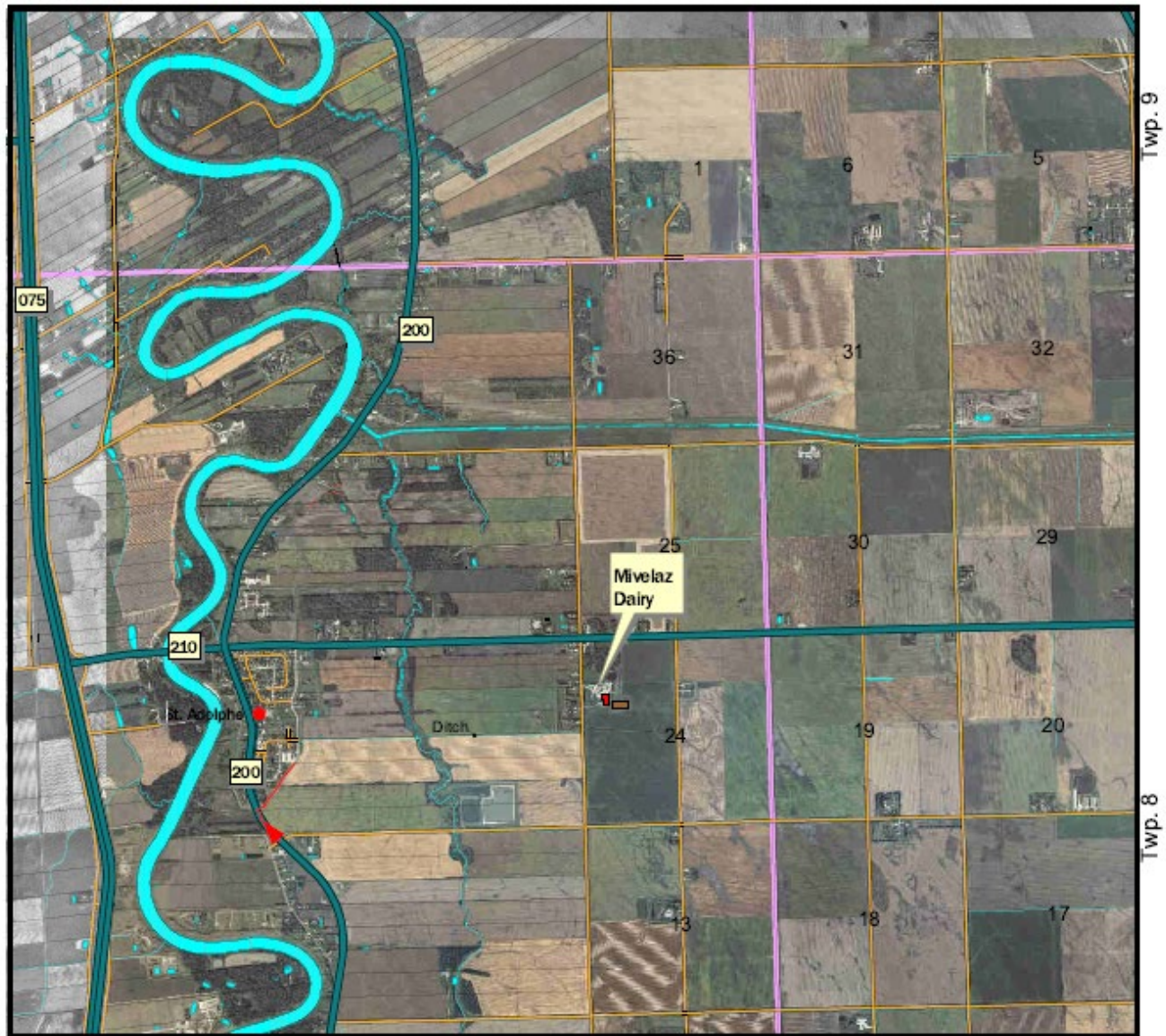
**Site Location:** NW ¼ 24-8-3 EPM Refer to map below.

**Proposal:** To seek Conditional Use approval for 900 milking cows (1800 AU).

This will involve the following:

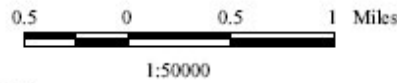
- New barn to accommodate proposed AUs (existing, constructed prior to expansion approval)
- Earthen and field manure storage (adding two cells to the existing storage system)
- Estimated daily water use of 48,699 imperial gallons from an existing well.
- Composting mortalities
- Truck haul routes as shown in map below.

# Mivelaz Farms Inc. Location



Rge. 3E

Rge. 4E



## Legend

- Municipal Roads
- Barn
- Lagoon
- Section and Lot Lines
- Township
- Waterbodies
- Watercourses

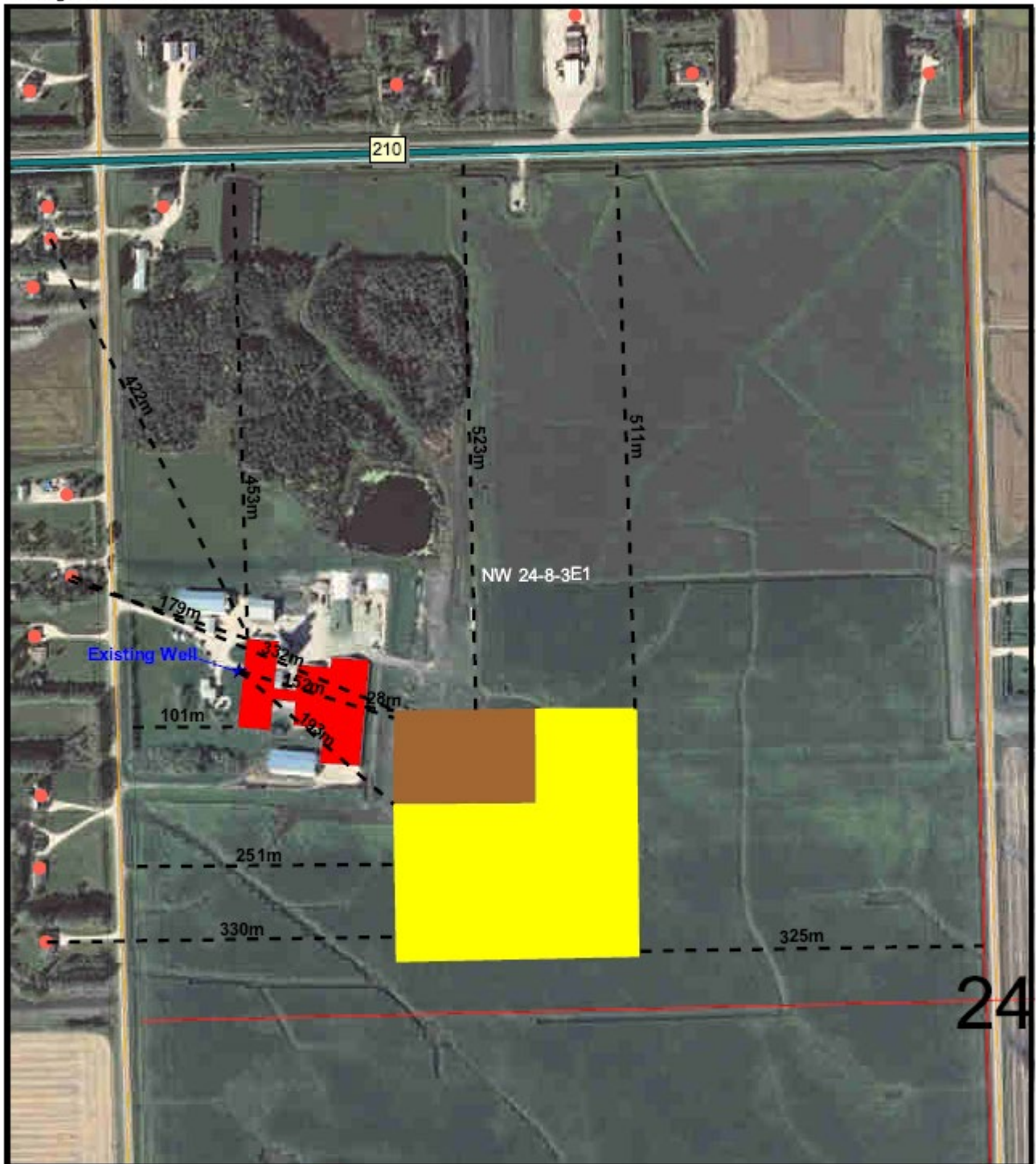
## Data Sources:

Fields and irrigation areas drawn by Tone Ag in consultation with landowner, and subject to change.  
 Orthophotos are 1:60,000 from Manitoba Land Initiative website  
 Soil Features are 1:50,000 from Manitoba Land Initiative website  
 Highways are from Manitoba Highways and Transportation 1:60,000 map 1994  
 Sections are from Manitoba Land Initiative website

Map created by Jordan Karpinchick  
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 www.toneag.com  
 2023-03-13



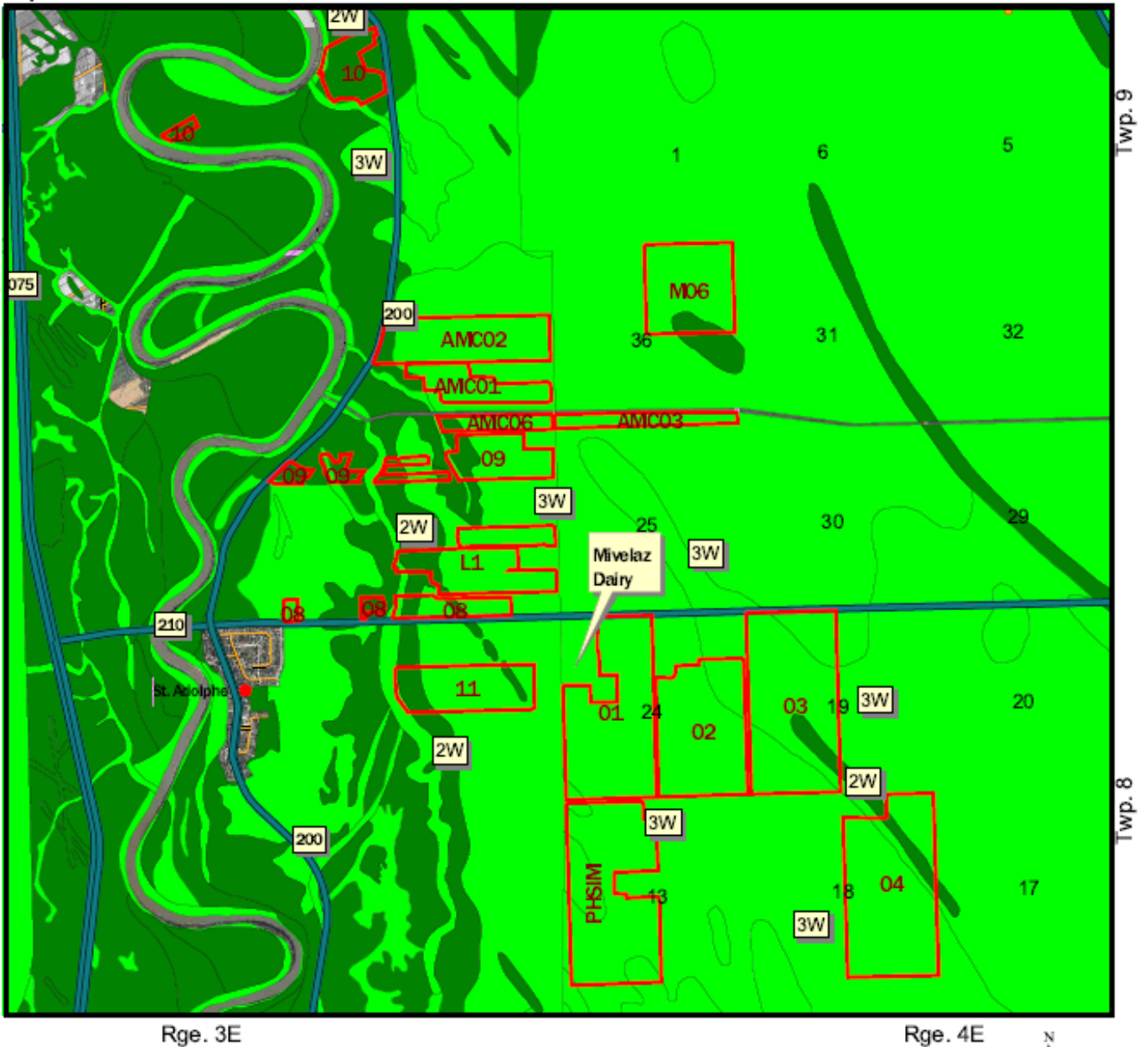
# Mivelaz Farms Inc. Project Site Plan



Data Sources:  
 Fields drawn by Tone Ag in consultation with landowner, and subject to change.  
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# Mivelaz Farms Inc. - Figure 3 Spread Fields



- Legend**
- Spread Fields
  - Ag Capability Class
    - Class 2
    - Class 3
    - Class 5
  - Municipal Roads
  - Barn
  - Lagoon
  - Section and Lot Lines
  - Township

**Data Sources:**  
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 2023-07-18



# Manitoba AgriMaps



### Legend

- Towns and Places
- Riding Mountain National Park
- Provincial Trunk Highways**
  - Provincial Trunk Highways
- Provincial Roads and Access Roads**
  - Provincial Roads
  - Access Roads
  - Municipal Roads and Trails
- Manitoba Boundary
- Municipal Boundaries
- Mile Markers
- Township Boundaries
- Quarter Section Lines and River Lots
- Section Grid
- Provincial Parks

0 0.1 0.2 0.3 0.4 Kms

1:9,028 04/07/2022

WGS 1984 Web Mercator Auxiliary Sphere

Manitoba Agriculture makes every effort to ensure that soil survey data and interpretations are accurate, verified, and up-to-date. However, as data is continuously updated, sorted and verified, future updates may contain additional information.





## C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.				
Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
1	Submitted complete site assessment	X	Technical Review Committee Regulation 119/2011 requires an applicant to submit a completed site assessment.	MNR
2	Clearly identified the current and proposed type and number of animals and animal units	X	Mivelaz Farms Inc is currently seeking Conditional Use approval for 900 mature cows (1800 Animal Units).	AGR
3	Project clearly defined as:  <u>animal confinement facility for expansion from 800 AU to 1800 AU</u>	X	The applicant has indicated that this proposal does not include construction, modification or expansion of a confined livestock area, as defined under the Livestock Manure and Mortalities Management Regulation.	ECC
		X	The site assessment indicates that the operation will continue to use the existing dairy barn (89,820 square feet) and no buildings will be replaced, demolished, or added.	MNR
4	Identified all existing and proposed buildings and structures and related separation distances	X	<p>The proposed development does not meet the minimum separation distances according to RM of Ritchot Zoning By-Law 9-2019, therefore, variances will be required. According to the by-law, the following variations are required for an operation that is between 1,601 to 3,200 AUs:</p> <ul style="list-style-type: none"> <li>• A variation order to vary the separation distance between the Earthen Manure Storage Facility (EMS) and the nearest residence from 2,297 feet to approximately 1,152 feet.</li> <li>• A variation order to vary the separation distance between the EMS facility and the Rural Centre Policy Area designation (St. Adolphe) from 9,186 feet to approximately 5,945 feet.</li> <li>• A variation order to vary the separation distance between the Animal Confinement Facility (ACF) and the nearest residence from 1,148 feet to approximately 645 feet.</li> <li>• A variation order to vary the separation distance between the ACF and the Rural Centre Policy Area designation (St. Adolphe) from 6,135 feet to approximately 5,504 feet.</li> </ul>	MNR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	Project site is not within Nutrient Management Zone N4 or any Nutrient Buffer Zone	ECC

## Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
6	Identified suitable water source: <b>Existing Well</b> and a water consumption rate of <b>48,699</b> imperial gallons per day	X	The applicant currently holds a valid Water Rights Licence with the Water Use Licensing Section; however, they will need to submit an application to amend the existing licence in order to include the additional animals.	<b>ECC</b>
7	Proposed project site meets development plan, zoning by-law	X	<p><i>The Planning Act</i> requires that development plans must include a livestock operation policy that guides zoning by-laws dealing with livestock operations.</p> <p><i>The Planning Act</i> requires municipalities to issue development permits for any development on a site. All development must comply with the Zoning By-law and Development Plan. Any proposed development that does not meet the separation distances or setbacks requires Council approval and a public process to vary those requirements.</p> <p><b>Designation</b> The proposed livestock operation, located in the NW ¼ 24-8-3 EPM in the RM of Ritchot, is designated Agricultural Policy Area (Macdonald-Ritchot Planning District Development Plan By-law No. 2/22) and the proposal complies with Development Plan Policies 4.1.5.</p> <p><b>Zoning</b> The proposed site is zoned “AG” Agricultural General Zone (RM of Ritchot Zoning By-law 9-2019) and has a minimum site area requirement of 80 acres with a minimum site width requirement of 600 feet.</p> <p>The proposed expansion complies with the minimum lot requirements of the RM of Ritchot Zoning By-law but will require multiple variances in order to ensure compliance with the separation distances listed under item no. 4 of this report and section 10.4.1 of the zoning by-law.</p>	<b>MNR</b>

## Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.

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8	Identified any unsealed abandoned wells on the project site or spread fields	X	<p>The proposal identifies that the water use for the proposed livestock operation is from the existing well at NW ¼ 24-8-3E. The provincial water well database contains information for a well associated with the proposed livestock operation. The proposal indicates no abandoned well present on the site or spread fields, however if during the operation the proponent identifies abandon or unused well(s), it should be properly sealed and a sealed well report must be filed with the Groundwater Management Section of MB Environment and Climate Change.</p> <p>Information on well sealing and well sealing reports are available from MB Environment and Climate Change (204-945-6959) or: <a href="https://www.gov.mb.ca/water/groundwater/wells_groundwater/index.html">https://www.gov.mb.ca/water/groundwater/wells_groundwater/index.html</a>. A well drilling professional should seal all but the most basic wells. A list of currently licensed well drilling professionals can also be accessed from the above web page.</p> <p>During manure spreading, the set back distances to all groundwater features as prescribed under the Environment Act Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.</p>	ECC
9	Identified suitable manure storage methods	X	<p>The applicant will modify or expand an existing manure storage. Under the Livestock Manure and Mortalities Management Regulation, the applicant must obtain a permit from Environment and Climate Change to modify or expand the storage. Once in operation the applicant must:</p> <ul style="list-style-type: none"> <li>• Ensure there is sufficient capacity to store all manure through the winter.</li> <li>• Maintain the structural integrity of the storage.</li> <li>• Operate the storage so that it does not pollute surface water, ground water or soil.</li> </ul>	ECC
10	Identified acceptable manure application methods	X	<p>Under the Livestock Manure and Mortalities Management Regulation, the applicant must:</p> <ul style="list-style-type: none"> <li>• Operate with an annual manure management plan which includes: <ul style="list-style-type: none"> <li>• Manure type, volume, and nutrient values</li> <li>• Spread field location and soil class</li> <li>• Soil tests showing nitrogen and phosphorus levels</li> <li>• Crops to be grown</li> <li>• Manure application rate</li> </ul> </li> <li>• Ensure manure does not pollute groundwater, soil or escape the operation's boundaries.</li> <li>• Follow requirements for the land application of manure, including nitrogen limits and phosphorus thresholds.</li> </ul>	ECC

## Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
11	Mortalities disposal methods identified: <b><u>composting</u></b>	X	The applicant will compost mortalities. Under the Livestock Manure and Mortalities Management Regulation, the applicant must: <ul style="list-style-type: none"> <li>• Ensure the composting does not pollute surface water, groundwater, or soil.</li> <li>• Locate the composting site at least 100 m from any surface watercourse, well, or the operation's boundaries.</li> <li>• Ensure the composting facilities and process are acceptable to the director.</li> </ul>	ECC
12	Proposed suitable setback distances from water and property lines for manure, livestock and mortalities	X	The applicant has indicated that all setback distances meet minimum requirements set out in the Livestock Manure and Mortalities Management Regulation.	ECC
13	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	This property <b>is</b> in the Red River Valley Designated Flood Area and is considered at risk of flooding. There is also provincial water infrastructure directly adjacent to many of the spread fields (Seine River Diversion, St. Adolphe Coulee, and St. Adolphe Ancillary Drain). It's important that appropriate buffers, generally 30 metres be maintained from provincial water infrastructure to avoid any material entering the waterway.	MTI
14	Proposed acceptable odour control measures	X	Mivelaz Farms Inc. has not indicated any odour control technologies. Dairy manure tends to crust on the surface of stored liquid manure which reduces odours from the liquid manure storage facility. Should odour become a problem for neighbouring residents, there is a complaints process under <i>The Farm Practices Protection Act</i> . A person who is disturbed by any odour, noise, dust, smoke or other disturbance resulting from an agricultural operation may make a complaint, in writing, to the Manitoba Farm Industry Board. The Act is intended to provide for a quicker, less expensive and more effective way than lawsuits to resolve nuisance complaints about farm practices. It may create an understanding of the nature and circumstances of an agricultural operation, as well as bring about changes to the mutual benefit of all concerned, without the confrontation and the expense of the courts.	AGR
		X	No odour control measures are indicated in the site assessment form. Section 116(2)(c) of <i>The Planning Act</i> allows a municipal council to require a manure storage cover and or the establishment of shelter belts as a condition of approval to reduce odour from the livestock operation. Section 10.4.3) of the zoning by-law requires new or expanding livestock operations to make application for a development permit and for the proponent to indicate the means of odour control.	MNR
15	Proposed sufficient and suitable land for manure spreading with minimum	X	The required land base for Mivelaz Farms Inc. is 1,834 acres. Mivelaz Farms Inc has satisfied the land requirement by demonstrating that they have access to 2,332 suitable acres. Additional details can be found in Appendix A.	AGR



## Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.

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	setbacks from water sources	X	Under the Livestock Manure and Mortalities Management Regulation, manure spreading must meet setback distances to all surface watercourse and groundwater features.	ECC
16	Indicated if spread fields are located in the Red River Valley Special Management Area or any other regularly inundated area	X	The applicant has indicated that there are spread fields located within a regularly inundated area. Under the Livestock Manure and Mortalities Management Regulation, manure applied there between September 10 and November 10 must be injected or incorporated within 48 hours. This does not apply where perennial forages are established, or the soil is not disturbed except for seed planting or commercial fertilizer application and has adequate crop residue to control erosion.	ECC
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	<p><b>Development Plan</b> With the exception of a small portion of one spread field that is within the Rural Centre Policy Area designation, the remaining spread fields are designated Agricultural Policy Area pursuant to the Macdonald-Ritchot Planning District Development Plan. Lands designated Agricultural Area are intended for agricultural activities. The portion of spread field 08 that is designated Rural Centre is presently being farmed but, if re-zoned, may be utilized for uses that comply with the Rural Centre designation. The spread fields, with the exception noted above, meet the intent of the Development Plan.</p> <p><b>Zoning By-law</b> The spread fields are zoned “AL” Agricultural Limited Zone and “AG” Agricultural General Zone pursuant to the RM of Ritchot Zoning by-law. The application of manure on farmland is considered agriculture related activity. However, along PR 210, the proximity of the proposed spread fields to urban and rural residential developments may create conflicts with the existing developments.</p> <p>Measures to reduce potential negative impacts of manure application on spread fields, such as odour, on existing urban and rural residential developments should be considered by the operator and municipality.</p>	MNR
18	Proposed acceptable manure transportation methods:	X	No comment from the department.	ECC

## Provincial Technical Overview of TRC 12-099 – Mivelaz Farms Inc.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
	<b>tanker, dragline, and solid spreader</b>	X	<p>Please be advised that any structures placed within the controlled area of PR 200, PR 210 or any Provincial Road (125 feet from the edge of the right-of-way) requires a permit from our office. For permit information, please contact Erica Paulo at 431-338-9897 or by email at <a href="mailto:Erica.Paulo@gov.mb.ca">Erica.Paulo@gov.mb.ca</a>. Permit information can also be found at <a href="https://forms.gov.mb.ca/highway-permits-application/index.html">https://forms.gov.mb.ca/highway-permits-application/index.html</a>;</p> <p>The placements of temporary drag lines or any other temporary machinery/equipment for manure application within the right-of-way of PR 200 and PR 210 requires permission from our regional office in Steinbach. Please contact the Regional Planning Technologist (Robert Fender) at (204) 371-6858 or <a href="mailto:Robert.Fender@gov.mb.ca">Robert.Fender@gov.mb.ca</a>. In addition, please notify the Acting Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PR 200 and PR 210 (125 feet from the edge of the right-of-way).</p>	<b>MTI</b>
<b>19</b>	Identified suitable trucking routes and access points	X	The subject property has frontage along a municipal road and the proposed truck haul route utilizes existing Government Road Allowances which connect onto PR 210. We do not anticipate a significant increase in traffic. We have no concerns.	<b>MTI</b>
<b>20</b>	Identified proposed trucking routes – local roads	X	<p>The proposed site is accessed by Sood Road (municipal road) which connects approximately 1,388 feet to PR 210 to the north.</p> <p>As per Section 116(2) of <i>The Planning Act</i>, municipalities as a condition of approval may require proponent to enter into a development agreement regarding the condition and upkeep of local roads used as truck haul routes.</p>	<b>MNR</b>
<b>21</b>	Known rare species will not be impacted on new sites/lands	X	<p>The information provided in the assessment suggest that there will not be any conflicts with species protected under the <i>Endangered Species and Ecosystems Act</i> and/or <i>Species at Risk Act</i>, or designated as rare or uncommon by the Manitoba Conservation Data Centre (MBCDC). This review is based on existing data known to the MBCDC of the Wildlife Branch at the time of the review. These data are dependent on the research and observations of our scientists and reflects our current state of knowledge. An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed, however, and the absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. The information should, therefore, not be regarded as a final statement on the occurrence of any species of concern. All future observations of rare or endangered species made by the proponent should be reported to the MBCDC for further review.</p>	<b>EDIT NR</b>

**Provincial Departments:** Agriculture (AGR); Environment and Climate Change (ECC); Transportation and Infrastructure (MTI); Municipal and Northern Relations (MNR); Economic Development, Investment, Trade and Natural Resources (EDITNR)

## D. PUBLIC COMMENTS AND DISPOSITIONS

<b>Public Comment Summary</b>	
Bernard Bautista St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Commenter is considering moving as a result of the odour</li> </ul>
Colleen Belisle	Commenter supports the expansion as it contributes to the community
Craig Wootton St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Odour mitigation</li> <li>• Community well-being</li> </ul>
David Blackmon St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Odour getting worse with expansion</li> <li>• Property values decreasing</li> <li>• Proximity to residential community</li> </ul>
Julie Bodnaruk St. Adolphe	Commenter is generally opposed to the operation
Kelly Ramsay and Michael Pauls ¼ mile from the operation	Concerns: <ul style="list-style-type: none"> <li>• Increase in traffic and poor conditions of Sood Rd.</li> <li>• Road unsafe for pedestrians, children, animals</li> <li>• Noise from trucks</li> <li>• Property values decreasing</li> <li>• Contamination of water and soil</li> <li>• Flies and odour</li> <li>• Questions regarding mortality disposal</li> </ul>
Robert C. Winter St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• The smell will increase with expansion</li> </ul>
Ron and Susan Mamchuk	Commenter is generally opposed to the operation
Sam and Kristen Webber St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Expansion effect on local water system and supply</li> <li>• Plan for waste and additional lagoons</li> <li>• Planned spreading sites</li> </ul>
Chad Friesen Sood Rd.	Concerns: <ul style="list-style-type: none"> <li>• Operation does not have it's own road access</li> <li>• Heavy tractor and trailer creates noise, dust and traffic and road sinking</li> <li>• Vehicle speed makes the road unsafe for pedestrians, children</li> <li>• Flies and odour</li> <li>• Water table and water supply</li> <li>• Property value and quality of life in the neighbourhood</li> </ul> <p>The commenter also suggests that many problems with the operation can be solved if they build their own access road.</p>
Rey Smith	Concerns: <ul style="list-style-type: none"> <li>• Increase in odour</li> <li>• Increased traffic on Highway 210 and Sood rd. and safety of pedestrians, children</li> <li>• Contamination of ground water</li> </ul>
Kerry Schwark and Danielle Millete	Support the expansion because it provides employment opportunities

St. Adolphe	
Shirley Aubin	Concerns: <ul style="list-style-type: none"> <li>• Close proximity to St. Adolphe</li> <li>• Spring flooding and accidental contamination to the environment</li> </ul>
Raymond Aubin St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Expansion of the operation prior to approvals or consultation</li> <li>• Water contamination and water supply</li> <li>• Composting of mortalities which can attract rodents and predators</li> <li>• Safety</li> <li>• Odour and air quality</li> </ul>
Betty Hosein St. Adolphe	Concerns: <ul style="list-style-type: none"> <li>• Health and safety of the community</li> <li>• Air quality</li> <li>• Safe processing of by-products</li> </ul>
Dave Penner St. Adolphe	Reasons for support: <ul style="list-style-type: none"> <li>• Creates jobs</li> <li>• Local operation with support for local businesses</li> <li>• Provides educational opportunities</li> <li>• Clean and successful operation</li> <li>• States the operation has attempted to divert from Sood Rd. but has been denied access to Highway 210</li> <li>• Investment in three-phase power</li> </ul>
Marc Perron PR 210	Reasons for support: <ul style="list-style-type: none"> <li>• Provides school credits to kids</li> <li>• One of the community's biggest employers</li> <li>• Benefits the community and employment across sectors</li> </ul>
Greg & Loris Enns Leblanc Rd.	Concerns: <ul style="list-style-type: none"> <li>• Increased traffic and road safety</li> <li>• Mud and road cleanliness</li> <li>• Noise</li> <li>• Degradation of roads due to heavy traffic</li> <li>• Odour</li> </ul>
Cory & Kim Enns Leblanc Rd.	Concerns: <ul style="list-style-type: none"> <li>• Increased traffic</li> <li>• Unsafe "mud roads" and road cleanliness</li> <li>• Safety of children, animals due to traffic</li> <li>• Noise</li> <li>• Degradation of roads due to heavy traffic</li> <li>• Odour</li> </ul>
Marvin Namaka	Highschool Apprenticeship Program Teacher in support of the operation: <ul style="list-style-type: none"> <li>• Grateful for the educational and employment opportunities created for students by Mivelaz Farms.</li> </ul>
Jonathan Toews Steinbach	Reasons for support: <ul style="list-style-type: none"> <li>• Mivelaz Farms supports local businesses</li> <li>• Employees are kind and facilities are well attended</li> </ul>
Dan Meinen Strathmore, AB	Reasons for support: <ul style="list-style-type: none"> <li>• Operation buys efficient equipment</li> <li>• Clean operation with quality product</li> <li>• Employment opportunities across sectors in the dairy industry</li> </ul>



Eric Braun Blumenort, MB	Reasons for support: <ul style="list-style-type: none"> <li>• Mivelaz Farms are good customers and business partners</li> <li>• The operator supports local projects and provides donations</li> <li>• Provides food production education to youth</li> <li>• Prioritizes animal health, animal, and manure management</li> <li>• Operation invests in technology, equipment, and education</li> <li>• Operation benefits local economy and community</li> </ul>
Hubert Brodeur	Concerns: <ul style="list-style-type: none"> <li>• The operation is intending to expand lagoon due to increased flooding</li> <li>• Traffic on Sood Rd. due to refusal to connect to Highway 210</li> </ul> <p>The commenter also believes the operator is a supporter of local businesses and provides jobs to the community.</p>
Kenneth Skoleski Sood Rd. across the road from operation	Concerns: <ul style="list-style-type: none"> <li>• Expansion of the operation prior to approval</li> <li>• Decrease in property value</li> <li>• Noise and traffic are deterrents to buyers</li> <li>• Large traffic volume and unsafe driving</li> </ul>
Paul Van Acker 2 miles from operation	Reasons for support: <ul style="list-style-type: none"> <li>• There is technology to operate an efficient and environmentally conscious way</li> <li>• Operation injects manure</li> <li>• No issues with odour or other concerns</li> </ul>
Simon Doerksen ~1 mile from operation	Reasons for support: <ul style="list-style-type: none"> <li>• Sees no potential impact of expansion</li> <li>• Provides jobs to the community</li> <li>• Supports Canadian agriculture</li> </ul>
Sandra Radford St. Adolphe, MB	Reasons for support: <ul style="list-style-type: none"> <li>• Operation has no negative impact on St. Adolphe</li> <li>• Provides jobs to the community</li> <li>• Supports essential dairy industry</li> </ul>
Robert Doiron St. Adolphe, MB	Concerns: <ul style="list-style-type: none"> <li>• Contribution of methane to the atmosphere near St. Adolphe</li> <li>• Contribution of carbon dioxide and impact on climate change</li> <li>• Air quality and the negative effects on human health, environment, and ozone layer</li> <li>• Water pollution from nitrogen, phosphorus, fertilizers, and pesticides</li> <li>• Increase in size is</li> </ul>
Gerald Schulz	Concerns: <ul style="list-style-type: none"> <li>• Operation's expansion prior to approval</li> <li>• Negative impact on enjoyment of the outdoors</li> <li>• Road condition and lack of resources to repair roads adequately</li> <li>• Negative impact to private property and buildings due to volume of large machinery</li> <li>• Water supply and water sourcing</li> <li>• Decrease in property value</li> </ul>

A full copy of the public comments as well as the proponent's response may be viewed on the public registry at: [https://www.gov.mb.ca/mr/livestock/public\\_registries.html](https://www.gov.mb.ca/mr/livestock/public_registries.html)

See Appendix B for the proponent's response to the public comments.

## E. CONCLUSIONS AND RECOMMENDATIONS

### Conclusion

The information contained in the Site Assessment submitted by the proponent generally meets provincial requirements. In addition, based on available information it has been determined that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards.

### Recommended Actions to Council

1. As per Section 114(2) of *The Planning Act*, at least 14 days before the date of the hearing, Council must:
  - a) send notice of the hearing to
    - i. the applicant,
    - ii. the Minister (c/o the Portage Community Planning Office),
    - iii. all adjacent planning districts and municipalities, and
    - iv. every owner of property located within three kilometres of the site of the proposed livestock operation, even if the property is located outside the boundaries of the planning district or municipality; and
  - b) publish the notice of hearing in one issue of a newspaper with a general circulation in the planning district or municipality or, when there is no newspaper with a general circulation in the area, post the notice in the office of the planning district or municipality and at least two other public places in the district or municipality; and
  - c) post a copy of the notice of hearing on the affected property in accordance with Section 170 of *The Planning Act*.
2. Council should specify the type(s) of operation, legal land location, number of animals in each livestock category and total animal units in its Conditional Use Order.
3. As per Section 117 of *The Planning Act*, Council must send a copy of its Conditional Use Order to
  - a) the applicant,
  - b) the Minister (c/o the Portage Community Planning Office), and
  - c) every person who made representation at the hearing.
4. According to the RM of Ritchot Zoning By-law 9-2019, the minimum separation distance required between an Earthen Manure Storage Facility and the nearest residence for a 1601 – 3200 AU operation is 2,297 ft. The minimum separation distance from an Earthen Manure Storage Facility and the Rural Residential Policy Area is 9,186ft. The minimum separation distance between an Animal Confinement Facility and the nearest residence is 1,148 ft. The minimum separation distance between an Animal Confinement Facility to the Rural Residential Policy Area is 6,135 ft. As a result, Council will require the proponent to apply for four variances.
5. As per Section 169(4)(b) of *The Planning Act*, a copy of the notice of hearing to vary the separation distance involving a livestock operation must be sent to every owner of property located within the separation distance that is proposed to be varied.
6. As per Section 174(1) of *The Planning Act*, Council can hold all required hearings together in a single combined hearing. It is recommended that during the course of this public hearing, Council first deal with the Conditional Use Order followed by the Variance Order.

7. As per Section 174(2) of *The Planning Act* the notice of hearing for each matter to be considered at a combined hearing may be combined into a single notice of hearing.
8. Councils are requested to include in their resolution and/or Conditional Use Order, notification that the applicant may appeal council's decision to reject the application or appeal a condition imposed by council related to its approval as per Section 118.2 of *The Planning Act*.
  - As per Section 118.2(2)(b), an applicant may appeal the following decisions of a board or council to the Municipal Board for an application for approval of a conditional use made in respect of a large-scale livestock operation,
    - (i) a decision to reject the application,
    - (ii) a decision to impose conditions.
9. As per Section 118, no development or expansion of a livestock operation that is the subject of an application under this Division may take place until
  - (a) the application is approved and the applicant complies, or agrees to comply, with any condition imposed on the approval under this Division; and
  - (b) the applicant obtains every approval, including any permit or licence, required under an Act, regulation or by-law in respect of the proposed operation or expansion, and complies with, or agrees to comply with, any condition attached to the approval.
10. Council is welcome to contact Manitoba Environment and Climate Change, Environmental Approvals Branch or Regional Environmental Compliance and Enforcement staff with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98) including compliance and enforcement issues.

### **Recommended Actions to Proponent**

1. That a variance be applied for prior to the Conditional Use Hearing to vary the separation distance between the designated area of the:
  - Earthen Manure Storage Facility and the nearest residence
  - Earthen Manure Storage Facility and the Rural Centre Policy Area designation (St. Adolphe)
  - Animal Confinement Facility and the nearest residence
  - Animal Confinement Facility and the Rural Centre Policy Area designation (St. Adolphe)

This will provide council with the option of holding a combined Conditional Use and Variance Hearing.
2. That the proponent request the municipality hold a combined hearing.
3. That any additional measures identified through subsequent provincial licencing or permitting in order to minimize any identified risks to health, safety and the environment be undertaken.
4. That as per Section 118.2(2)(b), an applicant may appeal the following decisions of a board or council to the Municipal Board:
  - (i) a decision to reject the application,
  - (ii) a decision to impose any condition on the approval.

## F. TECHNICAL REVIEW COMMITTEE MEMBERS

<b>Name</b>	<b>Department</b>	<b>Title Branch</b>	<b>Contact</b>
Inonge Aliaga	Municipal and Northern Relations	Senior Planner <i>Community Planning Branch</i>	431-276-9741
Petra Loro	Agriculture	Livestock Environment Specialist <i>Land Use and Ecosystem Resilience Branch</i>	204-918-0325
Colin Murray	Economic Development, Investment, Trade and Natural Resources	Information Manager- Manitoba Conservation Data Centre <i>Fish and Wildlife Branch, Natural Resources and Northern Development</i>	204-945-7760
Richard Balog	Environment and Climate Change	Manure Management Plan Coordinator <i>Environmental Approvals Branch</i>	204-945-3078
Jeff DiNella	Transportation and Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664



# Appendix A

## Manitoba Agriculture

In areas of lower livestock intensity such as the RM of Ritchot, it is currently the Province of Manitoba's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by the livestock. This policy assumes that more land is available in the region to balance manure phosphorus with crop phosphorus removal, should it be necessary in the future.

Typical, modern feeding practices for dairy cows were used to estimate nutrient excretion for Mivelaz Farms Inc. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RM of Ritchot were used to estimate crop nitrogen uptake and phosphorus removal rates for the crop rotation specified in the proposal.

Land suitability is determined using soil testing for phosphorus and soil survey to establish the agriculture capability. Soils must be below 60 ppm Olsen P to be considered suitable. Detailed soil survey are available in the area to determine the agriculture capability of the land. The Agricultural Capability of the land is primarily Classes 2 and 3 which are considered prime agricultural lands. The most significant limitation in the area is wetness (W).

The required land base for Mivelaz Farms Inc. is 1834 acres. Mivelaz Farms Inc. has satisfied the land requirement by demonstrating that they have access to 2332 suitable acres.

## Water Science and Watershed Management Branch – Environment and Climate Change (ECC)

Proper nutrient management applications that avoid excess loss of nutrients to surface waters are needed on lands receiving manure in southern Manitoba because long-term trend analysis of total phosphorus and total nitrogen has shown significant increases in these nutrients in the Assiniboine and Red rivers (Jones and Armstrong 2001).

The proponent is planning to apply manure in spring and fall by either partial injection or broadcast and incorporated within 48 hours where possible. Spring application generally will have a reduced risk of nutrient loss to surface waters when compared to fall applications. Broadcast with incorporation will reduce the risk to surface water when compared to broadcast only application methods.

For most crops, manure contains an excess of phosphorus (P) compared to nitrogen (N) and as a result, application at N-based rates causes a buildup of soil P. Practices which reduce N losses from the manure improve the N:P ratio in the manure and help slow P buildup when manure is applied at N-based rates. Incorporation is a practice which reduces N loss when compared to broadcast only application method.

The proponent has acknowledged the setback areas for all water features have been observed and excluded from land base calculations. Setbacks should be clearly communicated to and observed by those involved in manure application to minimize the risk of nutrients entering surface and groundwater.

Manitoba has included phosphorus as a nutrient by which fertilizer application through manure, synthetic fertilizer, and municipal waste sludge to agricultural lands may be limited. Many agricultural soils in Manitoba, especially areas with low livestock intensity, are considered phosphorus deficient and therefore, manure is an ideal fertilizer to support crop production. However, manure application can increase soil phosphorus over time and other spread fields may need to be added to prevent

excessive soil phosphorus build up. As excess phosphorus levels build up in soils, greater losses occur to surface and ground water. It should be noted that Olsen soil-test phosphorus levels of 60 ppm are well above phosphorus needs for most crops (over 20 ppm is usually considered agronomically very high). In areas of lower livestock intensity, such as the RM of Ritchot, it is currently the Province of Manitoba's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by the livestock. This policy assumes that more land is available in the region to balance manure phosphorus with crop phosphorus removal, should it be necessary in the future for long-term sustainability. To remain environmentally sustainable over a long-term planning horizon of 25 years or more the proponent acknowledges that 2615 acres may be required for the operation. The proponent has identified 2332 acres with suitable soil test for manure application at this time. Application to meet crop N requirements is estimated to use 1834 acres. Application at 2 times the crop removal of P is estimated to use 1307 acres (2615 acres is estimated to achieve P balance [phosphorus removal equal to phosphorus application] with current crop choices and yield potential).

As phosphorus levels build up in soils, the concentration of phosphorus in runoff to surface waters increases. It is important to rotate manure application across all spread fields and whenever possible focus manure applications on fields with low Olsen-P soil test levels so as to prevent excessive P buildup when applying manure at rates above P balance (P removal by harvested crops).

During manure spreading, setback distances to all groundwater features as prescribed under the Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.

## Appendix B – Proponent Response to Public Comments

### Mivelaz Farms Inc.

#### Response to Comments posted during Public Review Period

Mivelaz Farms Inc. would like to take the time to address the concerns raised by area residents addressing the proposed dairy farm expansion. We appreciate the time our neighbours have taken to voice their concerns and we respect all opinions. The comments submitted share common themes and the following is a response to the major concerns expressed during the public review period. Since 2004, we have had a Manitoba Environmental Farm Plan certification in place to be a producer of safe, high-quality food in a sustainable manner. It should be noted that no new barns or confined livestock areas will be built. Our farm has permits from the RM for all barns built, with the last built in 2016. This site assessment and proposal is to expand the existing lagoon and ensure the farm is in compliance with the existing rules and regulations from the RM of Ritchot and the Province of Manitoba.

#### 1. MANURE APPLICATION, STORAGE AND ODOR CONTROL MEASURES

Mivelaz Farms Inc. would like to take this opportunity to correct a mistake in the Site Assessment that was submitted under odor control measures for the lagoon expansion. A new shelterbelt will be planted around the expanded EMS, working with the local watershed district to determine the trees that will be most suitable to the soil.

Mivelaz Farms Inc. currently utilizes an earthen manure storage (EMS) to store the liquid manure produced on the farm until used as fertilizer on agricultural land. We are working with DGH Engineering on a plan to add an additional cell to the current EMS. This is being done to reduce the amount of times manure needs to be applied throughout the calendar year (ie. odor and traffic mitigation). Also, this will allow more flexibility and avoiding having to spread when there is overland flooding from the Red River. EMS systems are regulated and routinely audited by the Province of Manitoba to ensure that manure stays within the lagoon and does not contaminate ground and surface water.

Mivelaz Farms Inc. uses a licensed custom manure applicator to inject our liquid manure in the spring and fall. This process normally takes around 8 days to complete. The additional cell and expansion of the EMS included in this proposal should allow the farm to be more efficient and eliminate the need for spring spreading. This benefits the farm as well as the surrounding community by reducing odour from agitating the lagoons and the amount of farm traffic on the roads in the spring. For solid manure, the manure that is produced on the farm is hauled out and stored on the field designated for spreading that year. All fields utilized for manure spreading have been filed in a Manure Management Plan and approved by Manitoba Environment and Climate Change prior to manure application. Mivelaz Farms Inc. conducts annual manure analysis and soil

testing to determine crop nutrient requirements and monitor soil residual nitrates and phosphates to ensure soil test levels stay below the regulatory limits.

Manure is a valuable natural fertilizer for crops grown on affected lands. It should be noted it replaces commercial chemical fertilizer that is used on fields not utilizing manure. Manure is a valuable resource and helps our farm be sustainable by cycling nutrients and not having to import conventional phosphorus fertilizer. We do not want to see any of these nutrients applied for crop production leave our fields and cause any harm to the surrounding environment.

Lastly, and most importantly, we encourage our neighbours to contact MB Environment and Climate Change or contact the farm directly to address any concerns they may have.

## **2. WATER USAGE AND QUALITY**

Surface and groundwater protection are provided through environmental regulations and monitoring done by the Province of Manitoba through, for example, monitoring wells adjacent to the proposed multi-cell earthen manure storage structure. Provincial regulation also strictly prohibits the application of manure near wells, drains and inundated areas to prevent manure from escaping the fields designated for spreading. In terms of water usage, Mivelaz Farms Inc. currently has a Water Rights License that is regulated by MB Environment and Climate Change. Working with the province, we want to ensure that water supplies will not be impacted by the proposal. Clean, abundant, and safe drinking water is not only important for our community but essential to the health of our herd. We pride ourselves on having outstanding herd health and milk production and are committed to continue to provide Manitobans with high quality dairy products.

## **3. ROADS AND TRUCK TRAFFIC**

There are two components to issues relating to roads: safety and damage. With respect to the safety aspect, truck drivers for Mivelaz Farms Inc. are licensed and must follow all the rules of the road pertaining to farm equipment and vehicles. All drivers must stop at all stop signs and exercise caution at uncontrolled intersections. Additionally, and most importantly, there have been no farm related accidents that we're aware of and we encourage Mivelaz Farms Inc. to be contacted directly and promptly should issues arise so that specific situations can be addressed as soon as possible. Traffic on roads comprise basically three components: commercial trucks and service vehicles supplying the daily needs of the operation, including feed; truck hauling



operations by the dairy for daily requirements, including solid manure and silage transport, etc.; and vehicles used by employees. Silage operations occur in September and October and generally last 4-5 days depending on the weather. There were a few comments relating to road traffic on Sood Rd. and there is an opportunity for the farm to work with the RM of Ritchot on ways to alleviate long-term negative effects on the road. There will be no increase in traffic or road noise from this proposal.

Mivelaz Farms Inc. had requested that MB Infrastructure put in a crossing directly from the farm to PR 210 but was denied as there are already two road accesses on the south side of PR 210 on our section of land. In the case of the commercial, service truck and employee traffic, drivers are encouraged to use the most direct route to the operation from the main paved road, being PR 210 ¼ mile north wherever possible.

#### **4. RESIDENTIAL DEVELOPMENT AND TAXES**

Residential development and Agricultural land in the Rural Municipality is addressed through the RM of Ritchot's Development Plan, which designates the various land uses throughout the municipality. There has been a cattle/dairy operation on this land since the 1950's. Our operation, as well as all the identified manure spread fields included in the site assessment, is found within the Rural Agriculture Area, which is appropriate for the operation as proposed. The farm cannot comment on its potential effects on individual residential property values and taxes but can say that we employ residents from the RM of Ritchot and purchase supplies locally from within the RM and surrounding communities.

We genuinely appreciate the time and effort taken by each member of the community to share their thoughts, both positive and negative, and concerns regarding our proposal. Your feedback was invaluable to us. Our door is always open for further discussions as we strive to find solutions that benefit our community while ensuring sustainable farming practices. Thank you once again for your engagement and understanding.

Sincerely,

Pierre Mivelaz  
Mivelaz Farms Inc.