



**TECHNICAL REVIEW COMMITTEE**

**A TECHNICAL REVIEW REPORT  
PREPARED FOR THE**

**RM of RITCHOT**

**MIDWEST POULTRY LTD.**

**SE 1/4 05-08-04 EPM**

**TRC 12-102**

**May 28, 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**

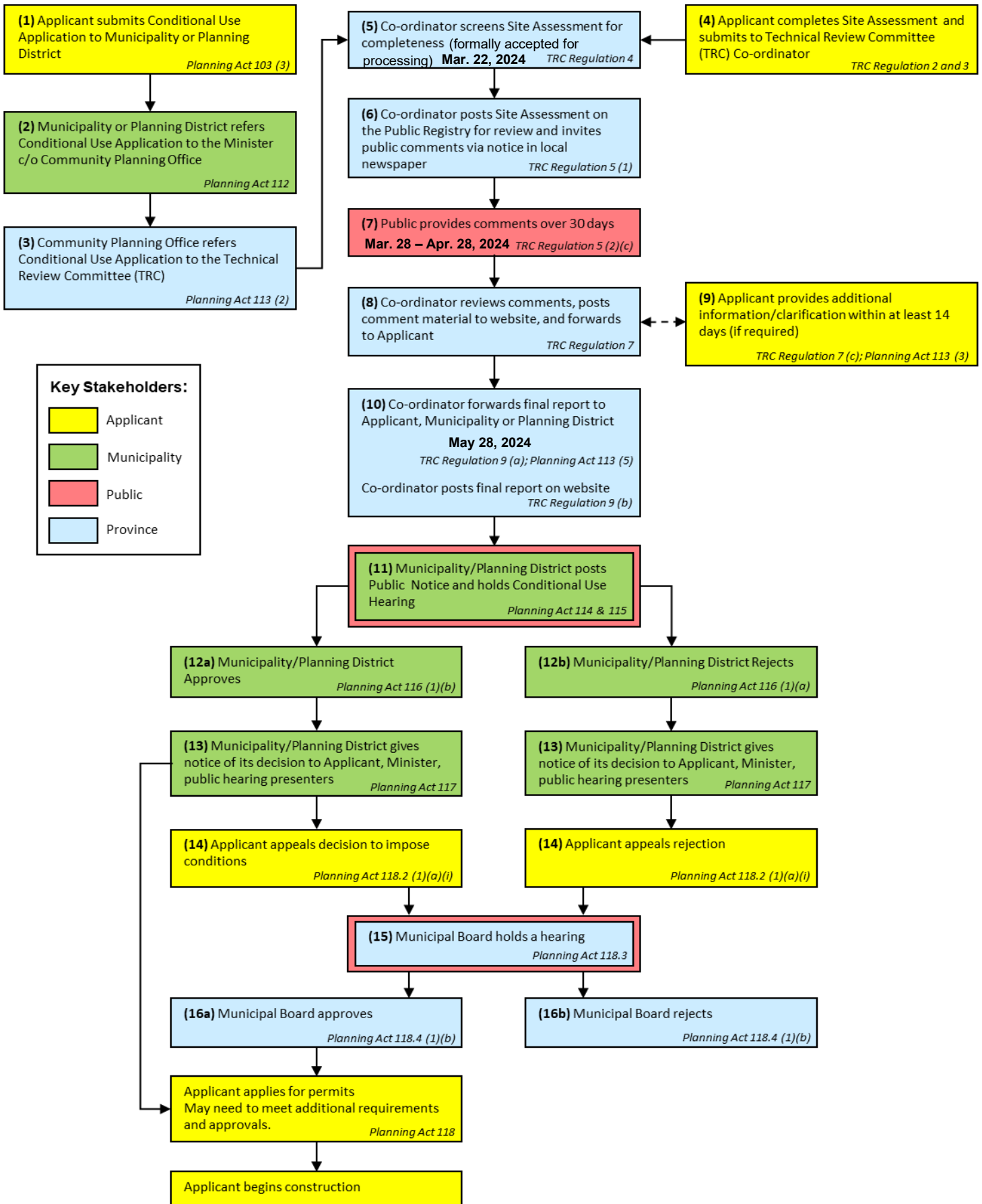
### Purpose of TRC Reports

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:** Midwest Poultry Ltd.

**Site Location:** SE ¼ 05-08-04 EPM Refer to map below.

**Proposal:** Existing broiler operation seeking approval for 100,000 broilers (500 AU).

This will involve the following:

- Expansion of existing barns
- Manure transported offsite.
- Estimated daily water use of 3850 imperial gallons from an existing well.
- Composting mortalities
- Truck haul routes as shown in map below

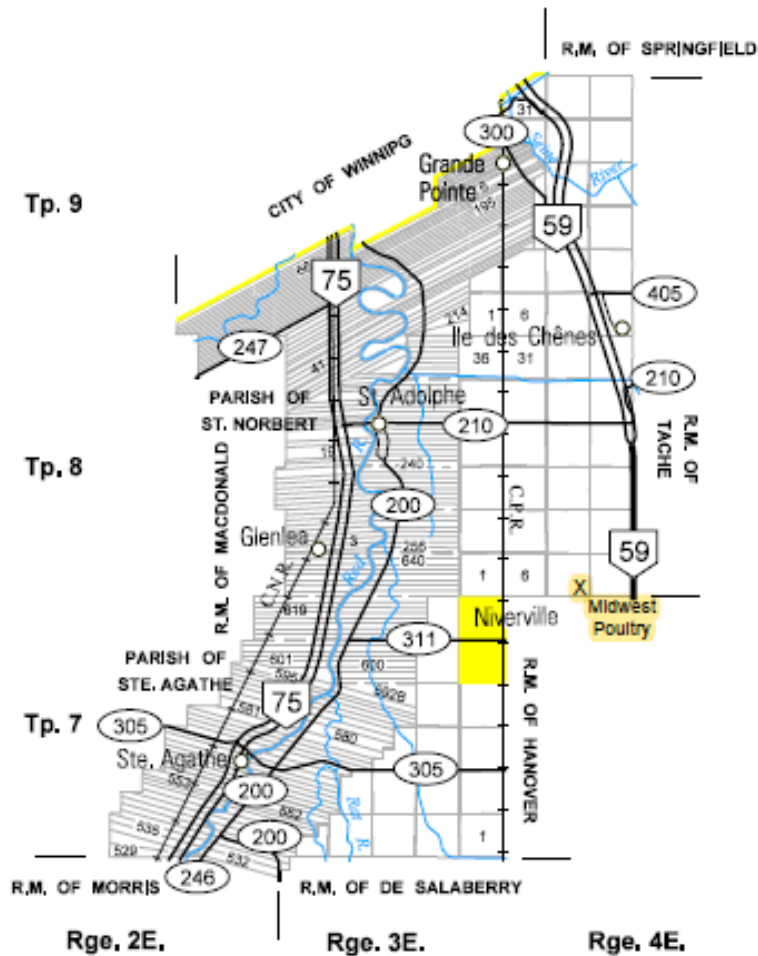


# R.M. OF RITCHOT

PROVINCE OF MANITOBA  
INFRASTRUCTURE  
HIGHWAY PLANNING AND DESIGN BRANCH  
GEOGRAPHIC & RECORDS MANAGEMENT SECTION  
WINNIPEG  
JANUARY 2015

## LEGEND

PROVINCIAL TRUNK HIGHWAYS		ACCESS ROADS	
PROVINCIAL ROADS		RAILWAYS	





## Midwest Poultry Site Plan

# Midwest Poultry Truck Haul Routes



## C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.				
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	Midwest Poultry is currently seeking Conditional Use approval to expand their broiler chicken operation from 340 to 500 AU.	AGR
3	Project clearly defined as: <u>animal confinement facility</u>	X	The proposed animal confinement facility is not regulated under the Livestock Manure and Mortalities Management Regulation.	ECC
		X	The site assessment indicates that the operation will expand the two (2) existing barns by an additional 100 feet (barns will expand from 2,400 square feet to 3,200 square feet). Building permits will be required for the expansion.	MNR
4	Identified all existing and proposed buildings and structures and related separation distances	X	The proposed development meets the minimum separation distances according to the RM of Ritchot Zoning By-law 9-2019 and there are no variances required.	MNR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	The project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone.	ECC
6	Identified suitable water source:  Existing well: Between the barns towards the south end  and a water consumption rate of <b>3,850</b> imperial gallons per day	X	The proponent indicated the water consumption for this project is below the licensing threshold of 25,00L/day (5,500 Imp/gal/day). The proponent is not required to apply for a Water Rights Licence under The Water Rights Act.	ECC



**Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.**

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
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 in the municipal bylaw requires Council approval and a public process to vary those requirements.</p> <p><b>Designation</b> The proposed livestock operation, located in the SE ¼ 5-8-4 EPM in the RM of Ritchot, is designated Agricultural Policy Area (Macdonald-Ritchot Development Plan By-law No. 2/22) and the proposal complies with Development Policies 4.1.5 (Livestock Policies).</p> <p><b>Note:</b> Development Plan By-law No. 2/22 was approved on August 1, 2023, which allows existing operations to expand beyond 300 AU within the Agricultural Policy Area as a Conditional Use.</p> <p><b>Zoning</b> The proposed site is zoned “AG” Agricultural General (RM of Ritchot Zoning By-law No. 9-2019) and has a minimum site area requirement of 80 acres with a minimum site width requirement of 600 feet.</p> <p><b>Note:</b> Zoning By-law No. 9-2019 was approved on December 18, 2019, which allows existing operations with more than 300 AU to expand as a Conditional Use in the “AG” Zone.</p>	MNR
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 located at SE 5-8-4E. The provincial water well database contains information for a well associated with the proposed livestock operation. The proposal indicates no abandoned wells present on the site. However, in an event the applicant will spread manure and abandoned wells are later located, these shall be properly sealed and a sealed well report filed with the Groundwater Management Section of Manitoba Environment and Climate Change. 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>	ECC

## Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
<b>9</b>	Identified suitable manure storage methods	X	The proposed solid manure storage facility inside barn is not regulated under the Livestock Manure and Mortalities Management Regulation.	<b>ECC</b>
<b>10</b>	Identified acceptable manure application methods	X	The applicant will not spread manure. Instead, the applicant will transfer manure to a third party. Under the Livestock Manure and Mortalities Management Regulation, the applicant must handle or dispose of livestock manure in accordance with a registered Manure Management Plan.	<b>ECC</b>
<b>11</b>	Mortalities disposal methods identified: <u>composting</u>	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 director.</li> </ul>	<b>ECC</b>
<b>12</b>	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.	<b>ECC</b>
<b>13</b>	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	This site is <b><u>not</u></b> within a designated flood area.	<b>MTI</b>

## Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
<b>14</b>	Proposed acceptable odour control measures	X	<p>Midwest Poultry has indicated that there are existing shelterbelts.</p> <p>The manure will remain in the barns after each production cycle until it is picked up by Loveday Mushrooms.</p> <p>Should odour become a problem for neighbouring residents, there is a complaints process under The Farm Practices Protection Act. 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.</p> <p>The Act is intended to provide for a quicker, less expensive and more effective way than lawsuits to resolve nuisance complaints about farm practices. The Board 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.</p>	<b>AGR</b>
		X	<p>Section 116(2)(C) of The Planning Act allows a municipal council to require a manure storage cover and or the establishment of shelterbelts as a condition of approval to reduce odour from the livestock operation.</p> <p>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.</p> <p>The broiler manure is stored within the barns and then transferred at the end of each cycle to the Loveday mushroom plant. This limits the odours produced.</p> <p>The applicant has indicated that the livestock operation contains an existing shelterbelt around the barns.</p>	<b>MNR</b>
<b>15</b>	Proposed sufficient and suitable land for manure spreading with minimum setbacks from water sources	X	<p>Manure from Midwest Poultry will go to Loveday Mushrooms. It will not be land applied.</p> <p>Should Midwest Poultry discontinue their contract with Loveday Mushrooms in the future, an operation of this size would require 400-800 acres for the manure nitrogen and phosphorus respectively, using a typical crop rotation and long-term yield averages for this area. Actual application rates would be established in the annual manure management plan.</p>	<b>AGR</b>

**Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.**

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
		X	The applicant will not spread manure. Instead, the applicant will transfer manure to a third party. In an event where the applicant needs to spread manure, manure spreading must meet the setbacks to all surface watercourse and groundwater features as described in the Livestock Manure and Mortalities Management Regulation.	ECC
16	Indicated if spread fields are located in the Red River Valley Special Management Area or any other regularly inundated area	X	The operation is located in the Red River Valley Special Management Area. In an event where the applicant needs to spread manure on fields located in the Red River Valley Special Management Area or any other regularly inundated area, manure application 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>The broiler manure is stored within the barns and transferred to the mushroom plant. The permanent solid manure storage facility is held for 30 days capacity or greater and at the end of each cycle is transferred to the Loveday mushroom composting facility.</p> <p>As the manure is not spread on the land, there is no need to field apply any of the manure.</p>	MNR
	Proposed acceptable manure transportation method:	X	No comment from the department.	ECC
18	<u>Manure is transported to off-site facility</u>	X	<p>Please be advised that any structures placed within the controlled area of PTH 59 or any PR (125 feet from the edge of the right-of-way) requires a permit from our office. For permit information, please contact Juanita Mowbray at 204-583-2433 or by email at <a href="mailto:Juanita.Mowbray@gov.mb.ca">Juanita.Mowbray@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 PTH 59 or any PR requires permission from our regional office in Steinbach. Please contact the Regional Planning Technologist, Robert Fender at (204) 346-6266 or <a href="mailto:Robert.Fender@gov.mb.ca">Robert.Fender@gov.mb.ca</a>. In addition, please notify the Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PTH 59 or any PR (125 feet from the edge of the right-of-way).</p>	MTI

**Provincial Technical Overview of TRC 12-102 – MIDWEST POULTRY LTD.**

<b>Item No.</b>	<b>Provincial Requirements</b>	<b>Confirmed</b>	<b>Related Provincial Safeguards</b>	<b>Dept.</b>
<b>19</b>	Identified suitable trucking routes and access points	X	The identified truck haul route utilizes an existing municipal road connecting onto PTH 59. We do not anticipate any significant increases in use.	<b>MTI</b>
<b>20</b>	Identified proposed trucking routes – local roads	X	The proposed site is accessed by municipal roads 42 N, 43 N, 20 E, and 21E; and Provincial Trunk Highway (PTH) 59. 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.	<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).</p> <p>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>	
Accalia Robertson RM of Ritchot	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Disease – Avian Influenza (HPAI) – Canadian Food Inspection Agency is currently responding to cases in birds across Canada</li> <li>• Odour</li> <li>• Ecological degradation (e.g., water table strain, nitrogen and phosphorous pollution) and climate change associated with animal agriculture</li> <li>• Investment should be directed to plant-based agriculture</li> <li>• Animal welfare</li> </ul>
Adam Thiessen Niverville	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Odour</li> </ul>
Brad Shaw Niverville	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Odour – multiple existing operations very near Niverville often make being outside unbearable</li> </ul>
David Mendez RM of Ritchot	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Strain on water table in context of ongoing drought</li> <li>• Odour</li> <li>• Contributes to climate change and environmental degradation</li> <li>• Plant-based, sustainable agriculture should be encouraged</li> </ul>
Jarrett Niverville	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Odour – ammonia odour when spreading prevents enjoyment of outdoors in Niverville and may limit the town's growth</li> </ul>
M. Singh	<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Too close to residential areas</li> </ul>
Town of Niverville	<p>Comments:</p> <ul style="list-style-type: none"> <li>• Advises that the Town of Niverville settlement area is 2,628 ft away and suggests that a variance would be required.</li> <li>• Raises concerns regarding the number of animal units approved in previous Conditional Use Orders.</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 A 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 Steinbach 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, total animal units, and expiration date (as per Planning Act section 110(1)) 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 Steinbach Community Planning Office), and
  - c) every person who made representation at the hearing.
4. 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.
5. 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.
6. 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 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.
- 2. 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

Midwest Poultry Ltd.  
#120-1777 Clearbrook Rd.  
Abbotsford, BC V2T 5X5

To: Manitoba Livestock Technical Review Committee  
Department of Municipal and Northern Relations  
604-800 Portage Av | Winnipeg, MB R3G 0N4

Re: Public Response– Midwest Poultry Farm Ltd. expansion TRC 12-102 RM of Ritchot

May 9, 2024

We have received copies of the public comments regarding our proposed Midwest Poultry Ltd. (TRC 12-102) expansion in the municipality of Ritchot. We want to assure area residents that we acknowledge and respect their opinions. We would also like to respond to their concerns and comments. As many of the concerns raised were general in nature and not specific to Midwest Poultry Ltd, our response will deal with those concerns relating to Midwest Poultry. It should be noted that none of the neighbours living in close proximity to the farm expressed a concern about the proposed expansion.

### **Midwest Poultry Ltd Background**

What is known today as Midwest Poultry Ltd. has existed on this farm site since the early 1970's and our family has run this operation since 1999. The farm has never been formally expanded and while this is an expansion application process it remains important to recognize the anticipated expansion is simply the result of gradual growth in the chicken business spread over many decades. During the last two and a half decades of our ownership, we have had no complaints regarding the operation of the farm and anticipate that the impact on the surrounding area will not substantially change with the proposed increase in broiler capacity at our farm. We believe we are good stewards of the land and bring good husbandry practices to raising our birds.

### **Provincial Government requirements for new and expanding farms**

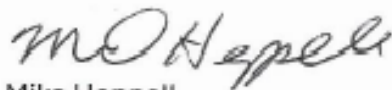
Environmental issues that were raised are addressed in detail through a very rigorous approval process in Manitoba. Manitoba livestock producers are required to go through a provincial government approval process for developing or expanding operations. The process includes the preparation of a detailed site assessment, public review and a municipal conditional use hearing prior to receiving a permit to construct the facility. All aspects of the site assessment proposal including municipal siting requirements, manure management and potential environmental impacts are reviewed by the Provincial Government Technical Review Committee.

### **Manure Storage and Handling**

Broiler chickens are raised on straw for bedding, at the end of a production cycle (every 7 weeks) the resulting bedding/manure is immediately transferred under contract to a mushroom production facility where it is composted and used as feed stock in the mushroom production process. The farm is required to complete a manure management plan each year showing where the manure is going. **No** manure is applied to the land surrounding the poultry facility, nor is any manure stored on site. Odours emanating from the farm is extremely limited.

Concerns were expressed about odours. Nearby residents should not experience any increase in odours with the expansion. By today's standards ours will not be a large farm and we will continue to use good farming practices as we have in the past 25 years of operation at this site. The expansion should have no impact on current or future residential property values. As in the past, Midwest Poultry Ltd. is committed to sustainable farming practices.

Sincerely

A handwritten signature in black ink that reads "M Heppell". The signature is written in a cursive, slightly slanted style.

Mike Heppell

President,  
Midwest Poultry Ltd.