

MINUTES OF THE MEETING OF THE PARKLAND COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD HELD IN THE COUNCIL CHAMBERS IN THE COUNTY OFFICE AT PARKLAND COUNTY, ALBERTA ON MONDAY, JANUARY 14, 2008.

CALL TO ORDER

The acting Secretary of the Subdivision and Development Appeal Board, S. Armstrong, called the meeting to order at 4:10 p.m.

PRESENT

Members: K. Darby, B. Forbes, C. Goerz, T. Melnyk, J. Smith and S. Zelych
Administration: S. Armstrong, R. Sider and A. Story
S. Cammidge (Recording Secretary)

ADOPTION OF AGENDA

Moved by K. Darby that the Agenda of the meeting be adopted with an amendment to include the election of a Chairperson and Vice-Chairperson for the Subdivision and Development Appeal Board.

CARRIED UNANIMOUSLY

ELECTION OF CHAIRPERSON

The acting Secretary of the Subdivision and Development Appeal Board, S. Armstrong, called for nominations for the position of Chairperson of the Subdivision and Development Appeal Board.

J. Smith nominated B. Forbes as Chairperson for the Subdivision and Development Appeal Board. C. Goerz nominated K. Darby as Chairperson for the Subdivision and Development Appeal Board.

Moved by C. Goerz that nominations cease. Votes were cast by ballot.

B. Forbes is declared elected as Chairperson for the Subdivision and Development Appeal Board receiving four out of six votes.

CARRIED UNANIMOUSLY

ELECTION OF VICE-CHAIRPERSON

The Chairperson called for nominations for the position of Vice-Chairperson of the Subdivision and Development Appeal Board.

T. Melnyk nominated K. Darby as Vice-Chairperson for the Subdivision and Development Appeal Board.

Moved by C. Goerz that nominations cease.

K. Darby is declared elected as Vice-Chairperson for the Subdivision and Development Appeal Board.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Moved by C. Goerz that the minutes of the December 17, 2007 Subdivision and Development Appeal Board meeting be adopted as presented.

CARRIED UNANIMOUSLY

4:10 p.m. Appointment

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 07-D-264 to leave as sited five (5) existing ponds (dugouts) on Lot 5, Block 2, Plan 7622368, West Country Estates, N.W. 11-54-1-W5M, Applicant: Ehman Briault, Appellants: Ken and Susan Huffman, Norman Hambleton and Margaret Devin.

The Chairperson opened the Hearing at 4:25 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

R. Sider provided the background of the subject file.

Submission of Appellant – Susan Huffman

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

S. Huffman indicated she has several concerns regarding the applicant's five ponds. She indicated that not all the ponds are existing ponds but that the two ponds near the front of the property are new and were constructed by the applicant. S. Huffman alleged that the construction of the ponds has caused water to seep into her basement through the floor and the seepage of water has also caused issues with

the subdivision road. S. Huffman indicated that the applicant adds water to the ponds and that as the water seeps from the ponds, it flows to her property which is lower than the applicant's property. S. Huffman also indicated that she excavated a portion of her property in the summer and the tractor bottomed out due to the softness of the ground. She advised that her property has a top layer of clay with sand and gravel underneath and is normally very firm. S. Huffman also advised that the soil near the subdivision road is sandy and believes that water is traveling underground from the applicant's property.

S. Huffman indicated that there was water in the subdivision ditches in June, 2007 which has never occurred in prior years. S. Huffman also indicated that there was a higher level of water this season due to heavy snowfall in the 2006-2007 winter season. S. Huffman advised that the ground dropped in some areas of her property this summer and further advised that she may have to install another sump pump. S. Huffman believes that as the ponds are not "self-fed", the water the applicant adds to the ponds "dissipates".

S. Huffman indicated on a map where her lot and the applicant's lot are located in the subdivision. S. Huffman also indicated the location on the applicant's lot where trees were removed to construct Pond "A" and also pointed out the location of the ponds on the applicant's lot. S. Huffman indicated she believes water is traveling from the applicant's property underground near the natural gas lines. S. Huffman believes the water from the applicant's ponds is the reason her property was wet in the summer prohibiting her from cutting grass. S. Huffman advised she planted trees on her property in August, 2007 and that the ground was soft and further advised the ground is usually firm at that time of the year.

The Board asked S. Huffman whether she believes the ponds should be lined and she indicated that she does believe the ponds should be lined. S. Huffman added that she has black mold in her basement due to water seeping from the applicant's ponds.

In response to a question from the Board S. Huffman advised that water came into the basement through the floor and through the wall. S. Huffman advised that she and her husband dug near the foundation at the front of their house and discovered a crack in the basement wall. The Board asked whether the home has a sump pump and S. Huffman advised that the home is 12 years old and does have a sump pump. The Board asked whether the applicant continually adds water to the ponds and S. Huffman advised that the three ponds near the applicant's house are filled with water. The Board asked how often the ponds are filled and S. Huffman advised that although it is difficult to see due to tree coverage, she believes the ponds are filled "every other day".

The Board asked S. Huffman whether she has obtained a professional evaluation regarding her basement and she advised she has not. S. Huffman advised that she has spent considerable money finishing her basement and that those improvements have suffered water damage. S. Huffman indicated she may install an additional sump pump as well as weeping tile at the property line of her property but that it would be costly to do so. The Board asked S. Huffman if the issue of water in the basement has continued into the winter months. S. Huffman advised that since the winter she has not had problems with water in her basement. S. Huffman indicated that she recently had her septic tank pumped and the septic contractor indicated that the septic lines have shifted and water has drained into the septic tank.

The Board asked S. Huffman whether she has a septic field or a pump out septic tank and she advised that she has a septic field. The Board further asked whether she has a well or a cistern and she advised that she has a well. S. Huffman pointed out the location of both the septic field and well on the map.

Administration advised the Board that S. Huffman has a letter for presentation to the Board and copies of the letter were provided to the Board members.

Submission of Applicant – Ehman and Kelly Briault

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

E. Briault indicated that the appellants do not have a proper sump pump in their home and have always had problems with water in the basement. E. Briault further indicated that the Huffman's basement flooded two times prior to the ponds being constructed. E. Briault indicated that he believes the appellants have a pump out septic system which they pump out to an area on their property which has been excavated. E. Briault advised that the appellants' property is significantly lower than his property.

K. Briault advised that one of the ponds is enclosed by a nine foot fence, the pond is 2 feet deep and water is added once every two weeks. K. Briault advised that she has a permit from the Federal Government to house migratory birds and further advised that she has complied with County requirements. K. Briault also advised that the pond at the front of the property is 100 feet from the road and that when trees were removed during excavation, a natural spring was found on their property which extended to the east boundary of their property. K. Briault indicated that this pond does not have to be filled as it does not lose water. K. Briault further indicated that this pond is 400 feet from the Huffman's house. K. Briault advised that the subdivision road "collapsed" at the end of their driveway prior to the ponds being filled in July, 2007. K. Briault further advised that she does not think safety is an issue as the ponds are fenced and their property is fenced with the exception of the east boundary which will be completed this year.

The Board asked for clarification of the amount of water which is brought in to fill the ponds in a two week period and K. Briault advised 1,200 gallons is required. The Board asked K. Briault whether she would consider lining the ponds. K. Briault advised that she is involved with Ducks Unlimited Canada and that she has been advised the water should not be left to go stagnant. K. Briault advised that while she would not object to lining the ponds she would expect information to justify the need for lining the ponds. The Board asked whether liners would cause the water to become stagnant and K. Briault advised she would have to drain and change the water once a week. K. Briault advised that all ponds currently have an aeration system and a filtration system.

The Board noted that although the Development Permit contains a condition regarding a minimum 3:1 slope for the side slopes of the ponds, the ponds are currently at a 1:1 slope. The Board asked whether the side slopes of the ponds could be corrected. Administration clarified that the existing slope of the pond sides are vertical whereas with a 3:1 slope, the sides of the ponds would have a gradual slope every foot on the diagonal. E. Briault advised that a 3:1 slope could be achieved and clarified that two of the ponds were existing ponds whereas the other three ponds were constructed. E. Briault pointed out the existing ponds and the newly constructed ponds on the map.

The Board asked whether all the ponds are filled with water. E. Briault advised that Ponds C and B are self contained, Pond E is filled with 500 gallons every 1 to 2 weeks, Pond D is filled with 1,000 to 1,200 gallons every 2 weeks and Pond A was filled in late July with 500 gallons every week. The Board asked why the ponds require different amounts of water and E. Briault advised that the heat of the summer and lack of rainfall in the fall may have an impact on the differing amounts.

Submission of Adjacent Landowners – Norman Hambleton and Margaret Devin

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

M. Devin indicated that she and her family have lived in the subdivision for 12 years. She advised that last year the surface of the subdivision road broke down for the first time. M. Devin questioned the applicant's purpose for having the birds, the amount of birds and how the birds were managed but indicated the applicant's comments at the Hearing have addressed those questions.

N. Hambleton indicated concern for the natural gas pipeline in front of the applicant's property. The Board asked N. Hambleton to point out the location of his lot on the map and he indicated he owns "Lot 6" north of the Huffmans. The Board asked whether N. Hambleton has had problems with water on his property and he advised that he has not. He did indicate a wet area on his property but advised that this area is normally wet. N. Hambleton questioned how the bird feces are handled and whether E-coli contamination could be an issue.

The Board asked N. Hambleton if he has experienced issues with water at his house and he advised that he has not. The Board asked N. Hambleton if he has seen the applicant add water to the ponds and N. Hambleton advised that he has only seen water trucks attend the applicant's property.

Submission of Adjacent Landowner – Darrell Repchuk

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

D. Repchuk indicated that he just recently purchased his property and his property is to the east of the applicant's property. He advised that his driveway runs past the area where trees were cleared for the construction of the pond at the front of the applicant's property and that his driveway was wet all summer. D. Repchuk advised

that Pond A is above ground and questioned where the water is going if the applicant is filling the pond with 500 gallons of water every week. D. Repchuk pointed out the location of his RV pad and indicated that he is required to put his fifth wheel trailer on wooden boards as the ground is soft and never dries up. D. Repchuk advised that the ruts from tires in this area of his property were 4 to 6 inches deep. D. Repchuk indicated that water flows to the lowest point and further indicated that the slough in the reserve parcel was full this year but had not been full in the past. D. Repchuk questioned whether water wells could be affected by the ponds.

The Board asked D. Repchuk the elevation of his property compared to the applicant's property and he advised that the two houses are virtually at the same height. D. Repchuk advised that he found a culvert under his driveway and that once he opened the culvert up, the water flowed for a week.

Summary of Appellant – S. Huffman

The following is a summary of a submission to the Board.

S. Huffman advised that her septic system has backed up in the past and advised that the septic system was not built properly. She indicated that the second time the septic backed up, electrical power was lost. S. Huffman advised that she has three water systems in her house and that on one occasion all three systems were running, as was the shower, and the septic system could not handle the amount of water flowing into the septic system. S. Huffman further advised that while the ground near the Repchuks' home used to be dry by July, this summer it was not.

The Board asked Administration whether any feedback was received from Alberta Environment and Administration advised that the development permit application was not referred to Alberta Environment as natural water bodies were not affected. K. Briault advised that her permit from the Federal Government allows her to possess migratory birds. S. Huffman advised that Alberta Environment indicated to her that if a pond cannot sustain itself, there may be issues.

The Chairperson thanked those in attendance and closed the Hearing at 5:28 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A decision on this matter was deferred to later in the meeting.

The Chairperson called a recess at this time (5:30 p.m.) and then reconvened the meeting at 5:37 p.m. with all previous members present.

4:40 p.m. Appointment

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 07-D-322 for a proposed home based business, Level 2, office in the home for landscape business, to include the on-site parking of skidsteer and 20 ft flat deck trailer and storage of miscellaneous equipment (plate tamper, bed bug and concrete saw) on Lot 41, Block 2, Plan 0420260, Century Estates, N.E. 34-53-27-W4M, Applicant: Brad Hadden, Appellants: Michael and Tara Holst.

The Chairperson opened the Hearing at 5:40 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

A. Story provided the background of the subject file.

Submission of Appellants – Michael Holst and Tara Holst

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

M. Holst advised he questions the intentions of the applicant's business with specific regard to noise, deliveries, suitable storage of equipment and possible business expansion. M. Holst further questioned whether he and his wife would be affected by the business and whether the business would affect the value of their property.

T. Holst suggested that the conditions of the Development Permit could be modified to adequately address the storage of equipment and related items of the business. T. Holst questioned whether equipment would be loaded and off-loaded in the early hours during the summer season and advised that their bedroom faces the applicant's property. T. Holst noted that the applicant intends to store some items in the storage shed but questioned whether the storage shed would provide adequate storage. T. Holst advised that the applicant indicated in the development permit

application that there have been no complaints regarding his business at his previous residence. T. Holst noted the applicant's previous address and suggested that the applicant could not have operated such a business in city limits. T. Holst indicated she is concerned with noise from equipment.

The Board asked the appellants to clarify their concerns: storage of equipment and possible storage of trees or other items related to the business, hours of operation and noise. T. Holst is of the opinion that condition 6 of the Development Permit is inadequate.

Submission of Applicant – Brad Hadden

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

B. Hadden advised that he recognizes the appellants' concerns and reiterated the details provided in his development permit application:

"I wish to obtain a business licence to operate a landscape company out of my house. I will have an office in the house, but the business will take place off the property. I will store my smaller equipment in the shed already on site. I will store my skidsteer in the attached garage. The 1 ton truck and 20 ft flat deck trailer will be stored outside. The business is only run in the summer daylight hours and would entail equipment being removed and returned to the premises. I have done my best to keep noise to a minimum in my previous location and have never received a complaint."

B. Hadden addressed the concerns outlined in the appellants' appeal letter. Firstly, with respect to the possibility of decreasing the overall appearance and value of his property and the neighbouring properties, B. Hadden advised he has no intention of devaluing property and advised that there are other properties in the subdivision with equipment on site as well as canvas-type sheds. Secondly, B. Hadden indicated how his equipment is to be stored and advised that in time he may build a garage according to County regulations. Thirdly, B. Hadden advised noise will not be an issue and advised that he will abide by the County's Noise Bylaw regarding the restriction of noise prior to 7:00 a.m. and after 10:00 p.m. B. Hadden further advised that any noise generated by his equipment would be less frequent and less annoying than the noise generated by quads in the subdivision. Fourthly, B. Hadden advised he has no control over the layout and design of neighbouring properties. Fifthly, B. Hadden again reiterated that he will abide by the County's Noise Bylaw. B. Hadden advised that he wants to be a good neighbour and provided the Board with a copy of a letter signed by adjacent neighbours at his previous residence indicating B. Hadden has abided by noise bylaws, has not generated increased traffic, has not displayed signage and has not had clients attend his residence.

The Board asked B. Hadden whether he intends to store trees or stone work or other such materials on his property. B. Hadden advised that he has not and does not intend to store trees or other materials on his property. B. Hadden indicated that any trees or materials required for a job are delivered to and left at the job site.

The Board asked B. Hadden at what time would he be loading his truck and he indicated that the truck would be loaded with equipment before 10:00 p.m. The Board pointed out that if the truck is loaded at night the skidsteer would not be stored in the garage. B. Hadden recognized this and indicated that if the skidsteer is not required for a job it would be stored in the garage. The Board indicated that the County is concerned for residents' quality of life and part of that is based upon being a good neighbour.

Submission of Applicant – Les Hadden

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

L. Hadden indicated that he is B. Hadden's father and advised that his son has been operating his business from L. Hadden's home for 2 years. L. Hadden indicated that B. Hadden usually finishes landscaping at 5:00 to 6:00 p.m. and thereafter does site estimates until approximately 10:00 to 11:00 p.m.

Summary of Appellants – Michael Holst and Tara Holst

The following is a summary of a submission to the Board.

T. Holst indicated that she hopes that their quality of life is not disrupted and indicated that their home is their most valuable asset. M. Holst advised that a relationship needs to be based on trust.

The Chairperson thanked those in attendance and closed the Hearing at 6:03 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A decision on this matter was deferred to later in the meeting.

The Chairperson called a recess at this time (6:05 p.m.) and then reconvened the meeting at 6:10 p.m. with all previous members present.

5:10 p.m. Appointment

An appeal of a decision of the Development Authority to renew Development Permit No. 07-D-066 for a gravel processing facility to include crushing, washing, scaling, loading, excavating and trucking on S.W. 21-50-4-W5M, Applicant: Keephills Aggregate Company Ltd., Appellants: Arne and Phyllis Hansen.

The Chairperson opened the Hearing at 6:12 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

A. Story provided the background of the subject file.

Submission of Appellants – Arne and Phyllis Hansen

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

A. Hansen advised that he is concerned with the condition of Range Road 43 and further advised that there are approximately 40 gravel trucks "bumper to bumper" waiting to be loaded by 9:00 a.m. A. Hansen indicated that when the hauling finished in the fall, Range Road 43 had a number of potholes and he believes the road should be properly maintained. A. Hansen advised that even though the trucks haul on Saturdays, the road is not graded until Monday. A. Hansen further advised that the gravel operation came after the residents and he is concerned for the safety of the residents. A. Hansen suggested that the number of trucks be limited however, the Board advised that the number of trucks is not a condition of the Development Permit under appeal. A. Hansen indicated that calcium is applied to the road in the summer making the road very muddy.

P. Hansen indicated that she should not have to continually contact the County to have the road graded. P. Hansen advised that the number of trucks should be limited or the road properly maintained. The Board asked for clarification of the concerns: safety, lack of road maintenance and lack of road maintenance on Saturdays.

The Board asked how often the trucks go by after 9:00 a.m. and A. Hansen advised that once the trucks are loaded the passage of trucks is spaced out but that by 9:00 a.m. there are 30 to 40 trucks "bumper to bumper" waiting to be loaded. After the morning rush, A. Hansen advised the trucks are spaced out every minute to two minutes.

Submission of Applicant – John Whissell

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

J. Whissell advised that he is the owner and manager of Keephills Aggregate Company Ltd. J. Whissell indicated that he spoke with the appellants just prior to the Hearing and understands their complaint regarding to Range Road 43 but does not agree with their characterization of the road. He advised that Range Road 43 was watered daily in the summer and while dust was not a concern, the road was muddy at times. J. Whissell advised that calcium was also used on Range Road 43 and suggested that if the appellants do not like the use of calcium, perhaps oil could be used. J. Whissell further advised that on July 26, 2007 calcium was applied to the road from the gate of the pit to the pavement portion of Range Road 43. J. Whissell advised that he has not received complaints of dust on Range Road 43 and waters past the appellants' yard. He admitted that Range Road 43 does have some soft spots and indicated that he has applied gravel to the soft spots a number of times. J. Whissell suggested that the County is waiting for a resource grant however, he further suggested that if the grant does not come through, he will excavate the two most serious soft spots to repair them under the direction of the County's Engineering Department.

J. Whissell advised that his word has weight and indicated that he has worked to build a relationship with the community. Resident complaints come to him and he deals with them rather than having the complaints go to the County. He indicated that four resident meetings were held in January, April, July and October, 2007 and all meetings were advertised in the Stony Plain Reporter.

J. Whissell indicated that from June to mid-October, 2007, on average 51 loads were hauled each day. In mid to late October, 2007 Keephills Aggregate Company Ltd. was awarded a contract in Edmonton and the gravel was required before Christmas. During this time, patrol was increased and from October 18, 2007 to the end of the year, 140 loads per day were hauled. J. Whissell indicated his staff was tripled and he moved to the job site during this time. Employees patrolled Range Road 43 with beacons affixed to trucks and a radar gun was used to monitor truck speeds. An attendant with a stop sign manned the intersection at Township Road 510 and Range Road 43 to ensure trucks stopped at the intersection. In addition, signs were placed indicating "zero tolerance for unsafe driving". J. Whissell advised these steps were taken for safety reasons and to maintain the road due to increased hauling; the road was graded during this time. J. Whissell further advised that hauling was finished in late December and although the road "froze in" the soft spots kept coming up. He advised the holes are not deep but may require excavation and the hiring of a contractor to repair the soft spots due to a gas line located in the road right-of way. J. Whissell indicated that he will hold four resident meetings in 2008 and further indicated that he also met with residents "on the road" in 2007. J. Whissell advised that Keephills Aggregate Company Ltd. had six months to "turn around" their operation and he advised that he now has a year under the renewed Development Permit.

The Board asked how many suspensions were given to drivers and what infractions gave rise to the suspensions. J. Whissell responded that on August 15, 2007 there was a suspension for hauling outside the haul route without permission; on August 24, 2007 there was a suspension for an overweight permit on a Class 2 plate and also a suspension for a Traffic Safety Act infraction; on November 8, 2007 there was a suspension for a tail light and also a suspension for a suspended driver's licence; and on November 16, 2007 there were two infractions for Traffic Safety Infractions.

The Board asked J. Whissell to point out the haul route on the map and to indicate those areas of the haul route which are paved and which are gravel and he did so.

The Board asked J. Whissell if he is aware of other gravel operators who use a radar gun to monitor truck speed and J. Whissell advised he is aware of one other operator who uses a radar gun.

Submission of Victor Lauder

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

V. Lauder advised that he is supportive of Keephills Aggregate Company Ltd. although was not supportive Keephills Aggregate Company Ltd. when it was started its operation. V. Lauder indicated that the volume of traffic and condition of Range Road 43 is not solely the result of Keephills Aggregate Company Ltd.'s operation but from other gravel operators and oilfield companies. V. Lauder advised that J. Whissell has met with the residents and always returns phone calls to residents. V. Lauder further advised that J. Whissell assured him that if his water well was comprised as a result of the gravel operation that J. Whissell would supply him with water until the well was repaired or the source of the problem regarding the well found. V. Lauder advised that J. Whissell has provided an outdoor skating rink at the Keephills school for two years. He also advised that J. Whissell has dismissed drivers for speeding.

The Board asked V. Lauder if he believes Range Road 43 should be a shared responsibility and asked what percentage of responsibility could be borne by Keephills Aggregate Company Ltd. V. Lauder responded that he believes the responsibility for Range Road 43 should be shared and that 35% to 40% of the responsibility could be borne by Keephills Aggregate Company Ltd. V. Lauder indicated that Border Paving hauls many loads and that the oilfield companies haul heavy loads on Range Road 43 as well.

Submission of Patricia Vanderwell

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

P. Vanderwell advised that she has instigated appeals against Keephills Aggregate Company Ltd. in the past but advised that J. Whissell has lived up to his promises. P. Vanderwell is of the opinion that the County should maintain Range Road 43 due to

three gravel pits being in the area as well as oilfield companies using the road. P. Vanderwell believes the County should be responsible for the maintenance of the road and should bill users such as gravel operators and oilfield companies for their share of the cost of such maintenance.

The Board asked P. Vanderwell whether she supports the renewal of the Development Permit and she indicated that she does support the renewal although she believes the hours of operation should be from 7:00 a.m. to 5:00 p.m. in the summer months.

Submission of Richard Nelson

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

R. Nelson advised that he appeared at the previous appeal regarding Keephills Aggregate Company Ltd. but that he now supports the renewal of the Development Permit as J. Whissell has stood by his word and has been a good community business person in the last year. R. Nelson did advise that the volume of trucks on Range Road 43 at 9:00 a.m. is great and that the condition of the road needs to be addressed.

The Board asked Administration whether the condition and maintenance of the Range Road 43 was addressed at the meeting of the Development Authority and Administration advised it was not as maintenance of the road is provided for in the Haul Agreement.

Submission of Randy Shermack

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

R. Shermack advised that he is a Community Peace Officer employed by Parkland County with specific responsibility to gravel operations. He advised that in the past year he has received one speeding complaint and three other complaints from area residents regarding this gravel operation. R. Shermack advised that the department deals with complaints as they are received from residents but that the department does not actively patrol. R. Shermack indicated that the Haul Agreement specifies that the Range Road 43 must be kept in a "passable condition" but indicated that the road is an issue.

Summary of Appellant – Arne Hansen and Phyllis Hansen

The following is a summary of a submission to the Board.

A. Hansen summarized by saying that the County should work with the users of Range Road 43 to fix the road and that the condition of the road is not solely the fault of Keephills Aggregate Company Ltd.

P. Hansen summarized by saying that Range Road 43 should be addressed prior to the issuance of any further Development Permits for gravel operations. She indicated that she believes that the oilfield companies hire a grader to maintain the road. P. Hansen indicated that if a person does not live along that portion of Range Road 43 that is graveled, it is difficult to understand the issues concerning the road. She further indicated that there are less residents in that area along the graveled portion of Range Road 43.

The Board asked P. Hansen whether the use of signage to prevent their driveway from being blocked would be helpful and she indicated that the trucks should be spaced out.

The Chairperson thanked those in attendance and closed the Hearing at 7:12 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A. Story and R. Sider left the meeting at 7:15 p.m.

A decision on this matter was deferred to later in the meeting.

The Chairperson called a recess at this time (7:16 p.m.) and then reconvened the meeting at 7:40 p.m. with all previous members present.

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 07-D-264 to leave as sited five (5) existing ponds (dugouts) on Lot 5, Block 2, Plan 7622368, West Country Estates, N.W. 11-54-1-W5M, Applicant: Ehman Briault, Appellants: Ken and Susan Huffman, Norman Hambleton and Margaret Devin.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On November 19, 2007 the Development Authority **conditionally approved** Development Permit No. 07-D-264 to leave as sited five (5) existing ponds (dugouts) on Lot 5, Block 2, Plan 7622368, West Country Estates, N.W. 11-54-1-W5M.
2. On December 5, 2007 an appeal of that decision was received from adjacent landowners, Ken and Susan Hoffman, Norman Hambleton and Margaret Devin.
3. On December 17, 2007 a letter was received from Susan Hoffman on behalf of the appellants consenting to the Hearing being heard on January 14, 2008.
4. On December 31, 2007 notification of the Hearing was sent to the applicant, appellants and adjacent landowners.
5. On January 4, 2008 notification of the Hearing was advertised in the local newspaper.
6. S. Huffman, one of the appellants, was present at the Hearing and made a submission to the Board. The Board heard that S. Huffman has experienced issues with water in her basement and that she is of the opinion that water from the applicant's ponds is flowing to her property and causing flooding in her basement. The Board also heard that S. Huffman does not believe her septic system was installed properly. The Board also heard that S. Huffman believes the applicant's ponds are impacting the subdivision road.
7. E. Briault, the applicant, and K. Briault were present at the Hearing and made submission to the Board. The Board heard that the applicant does not believe that the ponds are responsible for the appellant's issue with water in her basement as the appellant has had similar issues prior to the ponds being constructed. The Board also heard that the applicant does not believe the ponds have impacted the subdivision road as the pond closest to the subdivision road was not filled until July, 2007 as any issue with the road occurred prior to July, 2007.
8. N. Hambleton and M. Devin, two of the appellants, were present at the Hearing and made a submission to the Board. The Board heard that while N. Hambleton and M. Devin have not experienced issues with water on their property, they had concerns regarding the subdivision road, the gas line and possible contamination of groundwater due to bird feces.
9. D. Repchuk, an adjacent landowner, was present at the Hearing and made a submission to the Board. The Board heard that D. Repchuk has not experienced issues with water in his house but that his driveway was wet all summer and that one area on his property was also wet all summer.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 48.

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board denies the appeal for the following reasons:

1. The Board is of the opinion that insufficient evidence was presented by S. Huffman to substantiate her allegation that water from the applicant's ponds is flowing to her property and causing flooding in her basement. Further, the Board is of the opinion that insufficient evidence was presented by S. Huffman which would justify the installation of liners in the ponds.
2. The Board heard that while S. Huffman has had issues with flooding in her basement in the past and prior to construction of the dugouts, she has not had her basement professionally evaluated to determine the cause of the flooding.

3. The Board heard that while S. Huffman believes her septic system was not installed properly, she has not taken the necessary steps to have the septic system repaired or corrected.
4. The Board heard that S. Huffman, N. Hambleton and M. Devin believe that the subdivision road is being impacted by the applicant's ponds. The Board noted, however, that Parkland County's Engineering Department attended the site and did not find evidence to substantiate the allegation that the ponds are impacting the subdivision road.

Motion:

Moved by T. Melnyk that the Subdivision and Development Appeal Board deny the appeal and vary the conditions of the Development Authority regarding Development Permit No. 07-D-264. Therefore, Development Permit No. 07-D-264 is approved as follows:

1. A minimum 3:1 slope shall be used for the side slopes of the ponds (dugouts).
2. The applicant shall obtain any and all provincial permits and/or licenses, which shall include but shall not be limited to Alberta Environment, Water Resources.
3. The applicant shall ensure that the ponds (dugouts) do not impede or alter the natural drainage, including any springs, of the subject lands or the adjacent properties.
4. This site shall be kept in a neat and orderly condition.
5. There shall be no further development without development permit approval on the subject lands.
6. The Development Permit shall expire on August 31, 2008, at which time the Development Permit may be renewed at the discretion of the Development Authority.

Please note: It shall be the sole responsibility of the applicant to ensure that such signs and fences and boarding are put in place as the applicant shall consider necessary to protect the public generally, and the residents of the area in particular, from any danger arising as a result of the construction or installation of the ponds (dugouts) on the applicant's property.

CARRIED UNANIMOUSLY

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 07-D-322 for a proposed home based business, Level 2, office in the home for landscape business, to include the on-site parking of skidsteer and 20 ft flat deck trailer and storage of miscellaneous equipment (plate tamper, bed bug and concrete saw) on Lot 41, Block 2, Plan 0420260, Century Estates, N.E. 34-53-27-W4M, Applicant: Brad Hadden, Appellants: Michael and Tara Holst.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On December 5, 2007 the Development Authority **conditionally approved** Development Permit No. 07-D-322 for a proposed home based business, Level 2, office in the home for landscape business, to include the on-site parking of skidsteer and 20 ft flat deck trailer and storage of miscellaneous equipment (plate tamper, bed bug and concrete saw) on Lot 41, Block 2, Plan 0420260, Century Estates, N.E. 34-53-27-W4M.
2. On December 31, 2007 an appeal of that decision was received from adjacent landowners, Michael and Tara Holst.
3. On December 31, 2007 notification of the Hearing was sent to the applicant, appellants and adjacent landowners.
4. On January 4, 2008 notification of the Hearing was advertised in the local newspaper.
5. The appellants, Michael Holst and Tara Holst, were present at the Hearing and made a submission to the Board.

6. The applicant, Brad Hadden, was present at the Hearing and made a submission to the Board.
7. The Board noted that while the appellants had concerns regarding some of the conditions of the Development Permit, they were not opposed to the issuance of the Development Permit and wished to bring their concerns forward in an effort to ensure their enjoyment of their home and quality of life are not affected.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 33; and
2. Parkland County Noise Bylaw No. 40-95.

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board denies the appeal for the following reasons:

1. The Board heard that the applicant is aware of Parkland's County's Noise Bylaw and intends to abide by the provisions of such bylaw.
2. The Board is of the opinion that the Development Permit for a proposed home based business, Level 2, office in the home for landscape business, to include the on-site parking of skidsteer and 20 foot flat deck trailer and storage of miscellaneous equipment (plate tamper, bed bug and concrete saw) on Lot 41, Block 2, Plan 0420260, Century Estates, N.E. 34-53-27-W4M meets the criteria set out in Section 33 of Parkland County's Land Use Bylaw.

Motion:

Moved by K. Darby that the Subdivision and Development Appeal Board deny the appeal and uphold the decision of the Development Authority regarding the approval of Development Permit No. 07-D-322.

CARRIED UNANIMOUSLY

An appeal of a decision of the Development Authority to renew Development Permit No. 07-D-066 for a gravel processing facility to include crushing, washing, scaling, loading, excavating and trucking on S.W. 21-50-4-W5M, Applicant: Keephills Aggregate Company Ltd., Appellants: Arne and Phyllis Hansen.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On December 17, 2007 the Development Authority renewed Development Permit No. 07-D-066 for a gravel processing facility to include crushing, washing, scaling, loading, excavating and trucking on S.W. 21-50-4-W5M.
2. On December 31, 2007 an appeal of that decision was received from adjacent landowners, Arne and Phyllis Hansen.
3. On January 2, 2008 notification of the Hearing was sent to the applicant, appellants and adjacent landowners.
4. On January 4, 2008 notification of the Hearing was advertised in the local newspaper.
5. The appellants, Arne Hansen and Phyllis Hansen, were present at the Hearing and made a submission to the Board. The appellants were primarily concerned with the condition and maintenance of Range Road 43.
6. The applicant, John Whissell, manager and owner of Keephills Aggregate Company Ltd., was present at the Hearing and made a submission to the Board. The applicant spoke to improving relations with the residents in the area, spoke to issued infractions and to efforts to maintain Range Road 43.
7. Victor Lauder, Patricia Vanderwell and Richard Nelson were present at the Hearing and made a submission to the Board. These three individuals spoke in

support of the renewal of the Development Permit and indicated that Keephills Aggregate Company Ltd. has improved its relationship with the community.

8. Randy Shermack, Peace Officer with Parkland County, was present at the Hearing and made a submission to the Board.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 70(3).

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board denies the appeal for the following reasons:

1. The Board is of the opinion that the applicant has taken considerable steps to consult with the residents in the area to address resident concerns and has improved its relationship with the community.
2. The Board is of the opinion that the applicant has complied with the previous permit conditions which were aimed at achieving compatibility between the operations of the gravel processing facility and the users of Range Road 43.
3. The Board is of the opinion that it is reasonable to allow renewal of Development Permit No. 07-D-066 in keeping with the standards of the Parkland County Gravel Resolution Committee.

Motion:

Moved by K. Darby that the Subdivision and Development Appeal Board deny the appeal and vary one condition of the Development Authority regarding Development Permit No. 07-D-066 as follows:

1. The approval of this development permit shall be contingent on the gravel pit being greater than 5 hectares in area.
2. The applicant shall obtain any and all provincial permits and/or licenses, which shall include but shall not be limited to Alberta Environment.
3. The applicant shall enter into an Industrial Haul Agreement with Parkland County, prior to commencing hauling operations from the pit, and provide such security as required by Parkland County.
4. Maximum winter hours of operation for hauling shall be:
9 a.m. to 7 p.m. Monday to Friday
8 a.m. to 4 p.m. Saturday
No hauling on Sunday

Maximum summer hours (July 1st to Labour Day) of operation for hauling shall be:
7 a.m. to 7 p.m. Monday to Friday
8 a.m. to 4 p.m. Saturday
No hauling Sunday
5. Maximum hours of operation for all aspects of the pit (except hauling) shall be 24 hours/day for 6 days/week (7th day is defined as 6:00 p.m. Saturday until 7:00 a.m. Monday).
6. Maximum noise levels from the operation of the gravel pit shall not exceed 55db Leq from 7 a.m. to 7 p.m. and 45 db Leq from 7 p.m. to 7 a.m., measured from the property line.
7. The applicant shall be responsible for ongoing monitoring of noise levels at the site. If required by Parkland County, the applicant shall provide the results of this data to ensure compliance with the above condition.
8. The applicant shall maintain sufficient dust control as per the Industrial Haul Agreement.
9. The applicant shall maintain sufficient dust control on-site in accordance with the Clean Air Act.

10. The applicant shall post adequate signage to alert to the possible danger from open pits etc. This sign shall also include company name and emergency contact phone numbers.
11. It shall be the sole responsibility of the Applicant to ensure that such signs and fences and boarding are put in place as the applicant shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the development.
12. The permit is valid for two (2) years at which time it may be renewed at the discretion of the Development Authority.
13. The applicant shall obtain a Parkland County Business License.
14. Trucks while hauling shall be numbered and properly identifiable to the satisfaction of the Parkland County.
15. The applicant shall ensure that all trucks/haulers associated with this development are registered with the Alberta Sand and Gravel Association Central Truck Registry Programme.
16. Access to the development shall be to a standard and in a location acceptable to Parkland County, Director of Transportation and Utilities.
17. Expansion by permit only.
18. This permit does not allow for the production of asphalt.

CARRIED UNANIMOUSLY

ADJOURNMENT

Moved by J. Smith that the meeting be adjourned at 8:40 p.m.

CARRIED UNANIMOUSLY

CHAIRPERSON