

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 MARCH 16, 2017

CALL TO ORDER

The Chairperson, R. Underwood, called the meeting to order at 4:05 p.m.

PRESENT

Members: R. Underwood, D. Mattson, J. McCuaig, D. Smith, S. Whitehouse
Clerk: D. Tymchyshyn, Manager/Chief Legislative Officer, Legislative Services

Recording Secretary: L. Tyerman, Administrative Assistant, Legislative Services

Legal Counsel: G. Stewart-Palmer

NEW BUSINESS:

4:10 p.m. Appointment

Reconvene the appeals of a decision of the Development Authority to approve Development Permit No. 14-D-446 for Natural Resource Extraction/Processing – (gravel extraction and processing) (renewal) at NW-SW & SE-36-51-3-W5M, NW & NE-26-51-3-W5M, Plan 0022781 Block 1 Lot 1 (NW-25-51-3-W5M), Plan 9620357 Lot 5 (SW-31-51-3-W5M) and a portion of Plan 0022781 Block 2 Lot 1 (NW-25-51-3-W5M).

The Chairperson opened the Hearing at 4:13 p.m.

Present Administration Staff

K. Kormos, Development Planner

F. Long, Development Planner

Closing Remarks of the Applicant, Burnco Rock Products Ltd., Ulrich Scheidegger

Mr. Scheidegger said that Burnco is confident that with the Boards approval and approvals from Alberta Environment they can operate the pit in a socially and environmentally sustainable manner.

Closing Remarks of the Appellant, Kristi Anderson for Mewassin Community Council

Ms. Scheideman made the Board aware that Ms. Anderson was unable to attend.

Closing Remarks of the Appellant, Shirley Charlton, Cealea McRae

Ms. McRae said that the Charlton family understands that industry is important. The Charlton's are concerned that a comparison between the proposed pit and a Burnco project in Calgary should not have been made. Cancer causing silicate dust and a land assessment will lower the Charlton's property value. The Charlton's have lived on their property for 15 years, and feel that the nationally recognized Environmentally Sensitive Area should be considered. Ms. Charlton's neurological injury is of a concern, and the Charlton's would like the Board to consider that their decision will dramatically affect children who have lived in the River Valley their entire lives. The Charlton's asked that the appeals be upheld and the permit denied.

Closing Remarks of the Appellant, Lynne Scheideman

Ms. Scheideman indicated that her daughter Sara had accompanied her to the meeting, she said that Sara is one the fourth generations to live on the family farm. Ms. Scheideman said that she would be submitting a new photo, which depicts her view of the proposed development from her home.

- Ms. Scheideman said that she feels administration leaves out reports, land use planning documents and studies when presenting.
- Ms. Scheideman said that since 2002, when the permit was denied at an SDAB Hearing there were less land use plans in place.
- She feels that Burnco is a for profit company, who will pillage the land.
- Burnco has a large pit on Highway 16, therefore there is gravel available.
- Burnco did not provide a revised operation plan, the approval is contingent on the Applicant obtaining code of practice for pits within 2 years.
- Ms. Scheideman believes the conditions of the approval have not been met and the permit must be denied, and that Burnco should have to submit a new application.
- A map depicting reclamation still shows 9 end pit lakes, this is contrary to Burnco's submission that there will be 8 end pit lakes. End pit lakes will become hazard land swamps which will spread E. coli and anthrax into the drinking water.
- Ms. Scheideman noted that studies completed in 2015 are not accurate as it was a flood year.
- The bridge that Burnco will be using to move heavy equipment has flooded in the past.
- Three phase electricity at Highway 16 took 7 years, so Burnco will use diesel power while they wait for electricity.
- Ms. Scheideman questioned the financial reporting on the Community Aggregate Payment levy.
- Parkland County Engineers approved the Mixcor pit that flooded.
- Burnco said they will move their Genesee employees to the new pit, therefore no new jobs will be created.
- The Environmentally Significant Area seems to apply to farmers but not Burnco.
- Ms. Scheideman disputed Burnco's statement that she will not see the development from her home. She referred to a photo taken from her home overlooking the site and said that her family will see, hear and smell the development.
- Ms. Scheideman questioned what her daughter will be able to do with the land when Burnco's operation pulls out in 25 years. The farm has been in the family for 95 years.
- Ms. Scheideman said that comparisons made by Burnco were not valid as they compared this pit to a dry pit operation.
- Ms. Scheideman said she feels that the landowners speaking in favour of the permit are doing so for financial gain.
- Ms. Scheideman said that she feels Parkland County is allowing Burnco to sterilize her family's land. She asked for 2.5 million dollars for damages caused by the development.
- Ms. Scheideman disputed Burnco's claim about adhering to Parkland County noise standards.

Ms. Scheideman wrapped up her statements by saying that she feels the Board should have toured the area prior to the hearing. She stated that she felt she did not receive a fair hearing as three of the Board members sitting for the hearing were present at the last appeal of this permit in 2015. Ms. Scheideman said that when the March 13, 2017 hearing was adjourned, her requests about which day to reconvene were ignored.

Closing Remarks of the Appellant, Zabrina Gibbons

Ms. Gibbons said that she feels there has been insufficient data collected on the groundwater table. She stated that the samples collected in 2003 and 2015 did not include high flow times. She said that there could be potential effects to the Wabamun Creek. She is concerned about the sturgeon fish

population and the setbacks from the wildlife corridor. Ms. Gibbons said that she does not trust Burnco. She feels that Parkland County must take into consideration the public input into the development, the safety, health and welfare of the residents and the waterbody. Ms. Gibbons said that overall the potential effects of the development are unknown, so the development should be denied, however, if approved she asked that the following conditions be imposed:

- Request sufficient baseline data for groundwater and surface water to help determine potential effect on groundwater wells, the local groundwater flow regime, creeks, and the NSR.
- Subject Burnco to a probationary period. Restrict the gravel pit to the northernmost portion of the development area and grant the permit for 5 years with an option to extend for another 5 years (if the operation has been running up to standards with no environmental effect). This would allow the Board to review the data after 5 years of operation to determine if there have been any environmental effects.
- Require that stockpiles are located outside of the 1:50 year floodplain.
- Require that operations be conducted outside of the lake sturgeon spawning season (May to July).
- Restrict operations to outside of the flooding season (if mining on the 1:100 floodplain).
- Restrict the hours of operation.
- Extend the buffer surrounding Wabamun Creek to 150 metres.
- Request that more than one noise monitoring system is required and grant permission to landowners to use a particular app to also measure noise.
- Require use of such things as ring sprayers to reduce dust.
- Require that no line-ups of trucks entering or leaving the mine are allowed.
- Require a traffic light on Highway 627 and Range Road 31 (at Burnco's expense).
- Require that the current bridge crossing Wabamun Creek is up-to standards to allow heavy equipment crossing.
- Require that Burnco partially reclaim the aquifer with leftover sand from the operation (this will still be a lower permeability than the current gravel deposit, but will likely be more sustainable than eight open end-pit lakes).
- Require that a portion of the Community Aggregate Payment levy go into researching cumulative effects of the gravel pits along the NSR, independent study on the effects of lake sturgeon, and research into alternative gravel resources not located in floodplains or connected to aquifers used for drinking water.

Ms. Gibbons said that she had brought a copy of the recommended conditions for the Boards record.

The Chairperson asked the affected parties if they had concerns with the process of the hearing that were not previously raised. There were no concerns from the affected parties.

RECESS

The Chairperson called a recess at 4:48 p.m.

The Chairperson called the hearing to order at 4:53 p.m.

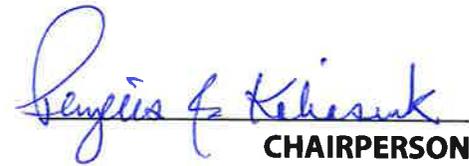
The Chairperson stated that Ms. Scheideman's photo would be accepted as evidence for the hearing. The Chairperson provided Burnco with an opportunity to look at the photograph and comment.

Mr. Scheidegger viewed the photograph and clarified that Mr. Burns had said Ms. Scheideman would not be able to see the crusher from her home.

The Chairperson stated that Ms. Gibbons document outlining her recommended conditions would be accepted as evidence for the hearing.

ADJOURNMENT

The Chairperson closed the hearing at 4:55 p.m.


CHAIRPERSON