

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 MAY 1,
2017

CALL TO ORDER

The Chairperson, J. Smith called the meeting to order at 4:06 p.m.

PRESENT

Members: J. Smith, M. Chambers, D. Smith, J. McCuaig, R. Underwood

Clerk: D. Tymchyshyn, Manager, Legislative Services/Chief Legislative Officer

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

Legal Counsel: G. Stewart Palmer

ADOPTION OF AGENDA

Moved by M. Chambers that the May 1, 2017 agenda be adopted as presented.

CARRIED

ADOPTION OF MINUTES

No unadopted minutes available

NEW BUSINESS:

4:10 p.m. Appointment

An appeal of a deemed refusal of Development Permit 17-D-097 for Extraction of Natural Resources, Sand & Gravel on the lands described as NW-18-50-5-W5M & NE-18-50-5-W5M, Municipal Address 50223 Rge Rd 60.

The Chairperson opened the Hearing at 4:15 p.m.

The Chairperson asked if anyone affected by the appeal had any objections to the Board members hearing the appeal, there were none.

Present Administration Staff

Craig Thomas, Manager, Development Planning

Feinan Long, Development Planner

Louise Versteeg, Biologist, Community Sustainability

The Chairperson introduced D. Tymchyshyn, Clerk to the Subdivision and Development Appeal Board. The Chairperson advised that it is the Board's practice to have the Clerk participate in private and in-camera discussion with the Board and asked those present if there were any objections, there were none.

The Subdivision and Development Appeal Board Clerk introduced the Appeal into the record.

The Chairperson asked the affected parties if they had any objections to the material before the Board, there were none.

The Chairperson asked those in attendance if there were any additional submissions not included in the agenda package, there were none.

Submission of the Development Authority

Ms. Long read the Development Authority's report into the record and provided the following details:

- The Appellants are appealing a deemed refusal
- The proposed development is a gravel pit located near Highway 759.

- The site is located in the Agriculture/Nature Conservation District, in which a gravel pit is considered a discretionary use.
- The permit was deemed refused when Planning and Development Services were not able to issue a Decision within the 40 days prescribed in the Municipal Government Act. This was due to the fact that the Municipal Planning Commission was unable to meet quorum to hear the matter.
- The operation consists of wet pits, extraction, processing, crushing and washing on approximately 87 acres of land.
- The pit will be accessed through an internal road, then Rge Rd 60 to Highway 779
- The anticipated lifespan of the pit is variable depending on market demand, there is enough aggregate to potentially last 94 years.
- The land will be reclaimed to agricultural lands with 1 end pit lake.
- The applicant will be required to provide noise and dust control, hours of work must comply with the Land Use Bylaw.
- The application is consistent with the Municipal Development Plan and mostly consistent with the Land Use Bylaw. The application is not subject to an Area Structure Plan.
- The application was reviewed by Parkland County's Biologist, and was designated as a moderate to high risk as it intersects with a provincial Environmentally Sensitive Area, floodplain areas and high value wetlands.
- No permanent buildings to be located below the 1:100 year flood plain. No semi-permanent buildings to be located in the 1:25 year flood plain.
- Extraction to not be permitted in Phase 8, north portion of Phase 5 and northeast section of Phase 7.
- The Applicant should develop and implement a soil erosion and sediment control plan.

Ms. Long said that Administration believes there is insufficient reason for the Board to deny the permit.

When questioned by the Board, Ms. Long stated that the map on page 8 of the agenda package identifies the quarter sections affected. The highlighted portion of the map shows the area recommended by the County Biologist.

When questioned by the Board, Ms. Long said that the reason Municipal Planning Commission could not make a decision on the application was that they could not establish a quorum.

When questioned by the Board, Ms. Versteeg answered that the south portion of the development is bordered by Crown Land, and the Environmentally Sensitive Area is about 200 metres from the development. In Ms. Versteeg's opinion, this would create a reasonable buffer.

When questioned by the Board, Ms. Versteeg replied that gravel extraction would not be permitted in Phase 8 of the development.

When questioned by the Board, Ms. Long said that the Applicant would be required to enter into a haul agreement with Parkland County if the Application was approved.

When questioned by the Board, Ms. Versteeg answered that imagery suggests all the wetlands are included.

When questioned by the Board, Ms. Versteeg said that in order to establish a Wetland Replacement Plan, the Applicant would have to hire a consultant to conduct a Wetland Assessment Impact report. She continued that the

data would need to be collected between April and September when vegetation is growing.

When questioned by the Board, Ms. Versteeg replied that the Applicant would be required to monitor discharge water, under their Water Act Approval. She said that the water will not discharge continuously.

Submission of the Applicant/Appellant, Lawrence and Lisa Strocher

Mr. Strocher began his presentation by giving the Board a brief history of his family's involvement in the area. Mr. Strocher told the Board that:

- Mr. Strocher has lived in the area since childhood.
- He and his wife have owned and farmed their land since 1977.
- The Stochers have played an active role in their community. They care about agriculture and family.
- There is a large gravel pit located half a mile south of the proposed development, a pit half a mile to the west, and another pit located just under a mile away.
- The Stochers care about everything that goes on in the area. Development and reclamation of the land is their business. The Stochers agree with the suggested Environmental conditions except three, being:
 - Condition #4: The environmental review suggested this condition that would eliminate Phase 8 and parts of Phase 5 and 7. Mr. Strocher referred to a map on page 41 of the agenda package. He said that the creek adjacent to proposed Phase 8 has a serious erosion and sediment problem due to past road construction. Mr. Strocher advised that when the road was constructed approximately 50 years ago, his father was part of the crew and told him that a longer culvert was required, or an issue would be created. The culvert was not extended, and there has been ongoing erosion since then. He indicated that the erosion is moving mud onto his field. Mr. Strocher feels that if Phase 8 was allowed to move forward the pit would act as a settling pond for the sediment, as opposed to the sediment flowing into the North Saskatchewan River. The Stochers are of the opinion that this would be a more environmentally responsible option. Mr. Strocher said that he disagrees with the land being designated as wetlands. The Stochers have cleared all of the fence lines and installed brand new fencing, when removing the old posts there were no signs of sediment build up. The Stochers have farmed the land and winter approximately 400 cows in this section, Mr. Strocher feels that if the land was actually wetland he would not have been able to farm it normally as he has.
 - Condition #5: The Stochers object to the submission of a soil erosion and sedimentation control plan by a qualified professional. Their view is that there is no problem with erosion. The site is flat for the most part, and is always farmed, so there is no erosion problem. The Stochers have tested the soil and have found it has a neutral PH and the soil is improving. The Code of Practice for Pits identifies where the soil will be, and it is located out of the wind. If there was erosion, it would go into the pit.
 - Condition #6 – The Stochers disagree with preservation of tree stands outside of the development area. They consider anything outside of the development area to be agriculture. Mr. Strocher said that they would probably leave the tree stands as shelter for cattle, but if there was a need to remove them he would like to have the option to do so. High banks and vegetation surrounding the pit will provide the necessary noise attenuation.

With regards to condition #8, noise monitoring, the Strochers asked for clarification from the Development Authority.

Ms. Long answered that noise monitoring is a standard condition for all gravel extraction operations. Typically this would include installation of a noise monitoring device on the property line near the closest adjacent landowner. The results would be submitted to Community Protective Services on a monthly basis.

The Strochers indicated that they were not aware of the proposed conditions prior to receiving the hearing agenda package. It will be many years before they move into Phases 5, 7, and 8 and they would prefer to have those phases approved now and work out any issues as they arise with the County. The Strochers asked that the board approve the permit with the exception of conditions 4, 5, and 6.

When questioned by the Board, Mr. Strocher answered that they plan to run the operation themselves. They plan to continue residing on the property during the project. Reclamation will be completed in phases, the reclamation plan usually states which sections will be open where overburden will be stored. Mr. Strocher showed on a map from page 43 of the agenda package where the various phases and stockpiles would be located. Their nearest neighbour is Mary Strocher, a mile away. Mr. Strocher referred to a map on page 93 of the agenda package. He explained that the development is at a lower elevation, and noise doesn't travel down the bank.

When questioned by the Board, Mr. Strocher indicated that the crusher and all equipment in Phase 1 would be above the 1:100 year floodplain. Stockpiles will be located in a flat area sheltered by trees.

When questioned by the Board, Mr. Strocher said that the creek adjacent to Phase 8 sometimes floods. He added that the creek runs north through the Strocher's and another land owners quarter section before it reaches the North Saskatchewan River. Mr. Strocher said that they believe the water table is about 2 metres deep and that the creek is hydraulically linked to the North Saskatchewan River.

When questioned by the Board, Ms. Versteeg advised that the majority of the site is not a wetland. She said that the area in Phase 8 may be part of an old oxbow of the river. She said that based on the imagery the area appears to be a shrubby wetland.

When questioned by the Board, Mr. Strocher said that they have done a lot of work to get the permit to this point. He feels that to do all the work again in the future would be a burden. He reiterated that he would like to be permitted to develop all the phases, and meet with Parkland County as issues come up.

When questioned by the Board, Mr. Strocher answered that they may have one to two trucks hauling material, right now they are considering hiring 2 local men who have good reputations in the area. The amount of workers and trucks will depend on the demand. The Strochers feel their operation will be small in comparison with gravel operations in the area over the last 10 years. When the Strochers are farming they will sometimes haul 50 loads of farming equipment in a day. The Strochers will always be courteous when using the roads for hauling. Mr. Strocher mentioned Lafarge and the rules they have in place surrounding hauling, he would be applying those rules to his operation. When Mr. Strocher spoke to Mary Strocher's granddaughter who lives in the area she did not express any concerns.

When questioned by the Board, Mr. Strocher said that land outside of the site will be used for farming or as a shelterbelt. He has no plans to remove the shelterbelt trees, unless a need arises.

When questioned by the Board, Ms. Long answered that Alberta Environment regulates the total size of any gravel pit over 12.5 acres. They are not looking at how big the pit is at one time, but over the lifetime of the pit.

When questioned by the Board, Ms. Long stated that the permit approves what is proposed, a site plan showing the exclusion area will be attached to the permit.

When questioned by the Board, Mr. Strocher advised that their consultant did a site visit and agreed with the areas selected for stockpiles. The topsoil will be stockpiled in small amounts (5-10 acres at a time) in an area against the bank that is sheltered by trees.

When questioned by the Board, Ms. Long advised that this permit is subject to a renewal in 2 years. The permit will not automatically extend. The Applicants would be required to fill out a renewal form, do a site visit and assess any issues before renewing or refusing the permit.

When questioned by the Board, Mr. Strocher said that they would hire contractors to perform the crushing activities. Contractors would bring the mobile crushing equipment on site. Mr. Strocher plans to do the stripping, and reclamation. Dewatering will also be done by contractors.

RECESS

The Chairperson called a Recess at 5:43 p.m.

The Chairperson called the meeting back to order at 6:02 p.m.

The Chairperson asked that Administration clarify the wording in section 12.12.1.B) of the Land Use Bylaw. Ms. Long answered that the definition was meant to mirror the provisions required by Alberta Environment. The Development Authority interprets the disturbance area as the entire area that will be disturbed over the life of the pit.

When questioned by the Board, Mr. Strocher advised that they would have more than 5.1 ha of land disturbed at each phase, since they would not be totally finished in one phase before they started in a second phase.

Submission of Mary Strocher, adjacent neighbour

Ms. Strocher indicated that she is in opposition of the Appeal. She said that:

- Her land is on both sides of Rge Rd 60, and her residence is on the corner of Rge Rd 504 and Rge Rd 60.
- She hears truck brakes, and changing of gears from her home.
- Dust has been an issue as trucks travel on the road.
- She currently has a renter in her rental home across the road. He has stated that if the development is approved he will be moving out.
- She would like to see Mr. Strocher build a road from the pit to the highway.
- She is concerned about additional trucks on the road as her great-granddaughter rides the bus.

When questioned by the Board, Ms. Long said that Alberta Transportation would need to approve any roads being built.

When questioned by the Board, Ms. Long stated that the County would have no haul agreement with the Applicant if Mr. Strocher built a road directly to Highway 779.

Closing remarks of the Applicant/Appellant, Lawrence and Lisa Strocher

Mr. Strocher showed the Board on a map where Mary Strocher suggested he build a road. He said he feels this would be impractical as there is a ravine in the path of where the road would go, and lease roads are not stable enough to use for heavy equipment. Mr. Strocher added that he has not heard complaints about dust or noise from Mary Strocher related to silage hauling.

Closing remarks of Mary Strocher, Adjacent Neighbour

Ms. Strocher said that in the past she has not complained about silage hauling or dust and noise. She did not want to complain as she wanted to be a good neighbour. Ms. Strocher added that if the Applicants cannot build a new road they should be required to pave Rge Rd 504.

RECESS

The Chairperson called a recess at 6:22 p.m.

The Chairperson called the meeting back to order at 6:28 p.m.

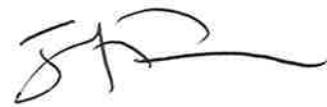
Final Concluding remarks of the Applicant/Appellant, Lawrence and Lisa Strocher

The Stochers asked the Board to approve the development permit excluding recommendations 4, 5 and 6.

The Chairperson asked those in attendance if they felt they received a fair hearing. There were no concerns from anyone in attendance.

ADJOURNMENT

The Chairperson closed the hearing at 6:31 p.m.



CHAIRPERSON