

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 SEPTEMBER 11, 2017

---

**CALL TO ORDER**

The Chairperson, R. Underwood, called the meeting to order at 4:11 p.m.

**PRESENT**

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

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

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

**ADOPTION OF AGENDA**

Moved by M. Chambers that the September 11, 2017, Agenda be adopted, as presented.

CARRIED

**NEW BUSINESS:**

**4:10 p.m. Appointment**

Reconvene an appeal of a decision of the Development Authority to approve Development Permit No. 17-D-233 for Natural Resource Extraction/Processing at 53120 Rge Rd 73, NE-9-53-7-W5.

The Chairperson opened the Hearing at 4:12 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**

K. Kormos, Development Planner

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 discussions 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 if any affected party present planned to provide any written materials not provided to the Clerk in advance of the hearing. There were no additional materials presented.

### Submission of the Development Authority

Ms. Kormos read the Administrative Report into the record and provided the background of the subject file regarding Development Permit No. 17-D-233. Ms. Kormos stated that:

- The site is zoned as Agricultural general (AGG) District, in which Natural Resource Extraction/Processing is a discretionary use.
- The total disturbance area of the site is approximately 140 acres.
- The gravel is estimated to last 40-50 years. The lands will be reclaimed to agricultural use. Lands not disturbed during the processing will be used for agricultural purposes.
- The site will be accessed through an approach located on the northwest corner, closest to Highway 22. Truck traffic will be exiting from the northwest corner to access Highway 22.
- The site is 350 metres away from the nearest residence.
- A berm will be constructed along the north boundary to act as a visual and noise barrier. Grass and trees will be planted on the berm to provide visual screening.
- The site will be mined in 3 acre parcels. A temporary office and crusher will be located on the northwest corner of the site. No gravel will be washed on site.
- The Applicant will use stockpiles for noise control and use industry best practices. There will be dust control on the haul route and watering of the active areas.

When questioned by the Board, Ms. Kormos identified the area southeast of the site as being environmentally significant under the County's Environmental Conservation Master Plan. Ms. Kormos told the Board that she was unsure of which watershed was included in the environmentally sensitive area.

### **RECESS**

The Chairperson called a recess at 4:29 p.m.

The Chairperson called the hearing back to order at 4:42 p.m.

The following additional materials were received by the Board, considered and accepted as evidence:

1. From the Development Authority, a one page map produced in Click software.

Ms. Kormos explained that Environmentally Sensitive Area that is close to the development is the Sturgeon River Headwaters. The subject property is not included in the Environmentally Sensitive Area.

### Submission of the Appellants, Dawn and John Cacka

Mrs. Cacka advised that she and her husband own 18 acres of land across from the proposed development. She explained her reasons for launching the Appeal as follows:

- The Cackas believe there are deficiencies with the County's processes for approving developments.
- The property has been in the family for 5 generations. Her husband and son spent the last 15 years building her sons dream home.

- The Cacka's son, Mark Cacka, and his wife Melissa, are also parties to the Appeal.
- The main concerns with the proposed development are safety, quality of life and enjoyment of their property and property value loss.
- The Applicant, Mr. McCracken made promises in a meeting with Mark and Melissa Cacka. These promises have not been solidified in writing. The Cackas fear that if the business passes hands they will be at the mercy of someone else who may not operate as ethically as the McCrackens will.
- The hours of operation, noise, and upkeep of the road are of concern to the Cackas.
- Consideration should be given for traffic, especially the west portion by Highway 42 where water tends to build up on the road.
- The County will gain financially from the development, while an appraisal of Mark Cacka's home showed that the Cacka's will face potential financial loss due to a decrease in property value.
- The Cacka's asked if their property taxes will be lowered as a result of the property value decrease due to the development.
- There is concern that the silica that is produced from the operation will aggravate Mark and Melissa's son's asthma.

Mrs. Cacka played her video submissions for the Board. She explained that the school bus in the video enters the roadway from Highway 22, she asked how the bus and gravel trucks will be able to navigate that stretch of road when there is high water? Mrs. Cacka told the Board that she and her husband plan to build a residence next to Mark and Melissa's home in the future.

#### Submission of the Appellant, Mark Cacka

Mr. Cacka told the Board that he and his wife do not support the idea of a pit directly across from their home for the following reasons:

- The permit allows free reign, the hours of work allowed exceeds what Entwistle concrete actually plans to work.
- Berms are not referenced in the plan. Building a berm from east to west does not make sense, if a berm is built it should be from west to east.
- The reason the Cacka's had an appraisal done on their property was to prove that the proposed development would have a negative financial impact on them.
- While the Cackas appreciate Mr. McCracken's promises regarding respectful mining of the pit, they are doubtful that if the business was sold to someone else they would uphold those promises.
- When a pit is approved and operational there is money to be made by both the operator and the County, while adjacent landowners receive no benefits.
- When Mark Cacka began preparations for building his home on the land he had applied to place the home further to the north of the property, this would have placed the home a larger distance from the development. His request was denied.
- The Cackas do not believe this development is in keeping with the County's Integrated Community Sustainability Plan (ICSP).

- If the pit were to be allowed to go forward the Cacka's would like to see the following matters addressed in the conditions of the permit:
  - Well testing before operations begin and ongoing throughout the life of the pit.
  - Air monitoring.
  - Trees added to the berm.
  - Widening of the road (Township Road 532).
  - Hours of operation adjusted.

When questioned by the Board, Ms. Kormos said that hauling hours are defined in the Land Use Bylaw to provide consistency and make sure all operations are bound to the same hours. These hauling hours are applied consistently to all permits.

When questioned by the Board, Mark Cacka answered that he had met with Mr. McCracken and agreed on the following points:

- Installation of trees on the Cacka's property and along the berm to provide visual abatement.
- Shorter hours of operation than indicated in the approved permit.
- Entwistle concrete trucks only coming and going from the development, no third party trucking operations.

Mr. Cacka indicated that he appreciated Mr. McCracken's attempts to ease the effect on his property, but he is disappointed that these points were not considered and included in the development permit conditions.

#### Submission of Wally Heinrichs, Neighbour

Mr. Heinrichs told the Board that he owns 120 acres adjacent to the south boundary of the proposed pit. He has resided there for 36 years. Since living there the area has been inundated with gravel facilities. Most of them located to the west of his property. The other pits were located along Highway 22, this proposed pit is unique in that it is located in a residential area. Mr. Heinrichs has noticed that pit reclamation in the area is often not completed. Mr. Heinrichs believes that the cumulative impact of multiple pit operations will have a negative impact on the area landowners.

When questioned by the Board, Mr. Heinrichs stated that he uses Township Road 532 to access Highway 22 when leaving his property.

When questioned by the Board, Mr. Heinrichs said that he has not investigated why some of the pits in the area have not been reclaimed. In his opinion liability is not of great concern along Highway 22.

#### Submission of Linda Henrickson, Opus Stewart Weir on Behalf of the Applicants, Entwistle Concrete

Ms. Henrickson is a consultant for Opus Stewart Weir, who prepared the Development Permit Application on behalf of the Applicants. Ms. Henrickson told the Board that:

for

- The conditions imposed on the permit are in writing on the approved Development Permit.
- Gravel is a necessary resource, people want basements, roads, schools and hospitals but do not want gravel pits located near their homes.
- The development is in accordance with Parkland County's Land Use Bylaw.
- Disturbances will be minimal, as they have been in past extraction operations run by Entwistle Concrete.
- Regarding Mr. Heinrich's comment about reclamation not being completed on some pits along Highway 22, the government did not have the tools to enforce reclamation in the past as they do now.
- The McCrackens reclaim the land as they go.

#### Submission of Dan and Cindy McCracken, Applicants, Entwistle Concrete

The McCrackens own Entwistle Concrete. The McCrackens stated that:

- They have been lifelong residents of Parkland County and have owned Entwistle Concrete since 1980.
- Entwistle Concrete is the largest small business in the area, employing 26 people.
- They have never had any issues with their past operations causing disturbances.
- Denial of the permit would result in a devastating financial loss for the business.
- Mr. McCracken visited Mark Cacka's home and discussed the development. They agreed on tree planting and other means of reducing disturbance. The McCracken's were at that time, and still are, willing to work with the Cacka's to reduce the impact of the development.
- Despite Mr. Bubel's letter claiming there is no support for the development in the area, there was only one appeal filed.
- Most pits in the area are close to completion.
- The truck traffic will not pass by Mr. Heinrich's home.

When questioned by the Board, Mrs. McCracken answered that reclamation will occur as the gravel deposits are depleted.

When questioned by the Board, Mr. McCracken said that the crusher will be permanently set up in one location.

When questioned by the Board, Mr. McCracken stated that the berm area would not be mined as it is intended to act as a buffer.

When questioned by the Board, Mr. McCracken said that there are no approaches or residences between the approach to be used for the business and Highway 22.

When questioned by the Board, Mr. McCracken answered that equipment will have flashers installed to reduce the need for back up beepers. Stockpiles and the berm will block noise coming from the development, and noise monitoring will be conducted.

BW

When questioned by the Board, Mr. McCracken stated that typical work hours would be 5 days a week, from 8:00 a.m. to 5:30 p.m.

When questioned by the Board, Mr. McCracken stated that although some test holes showed a small amount of water the process for reclamation would be the same as a dry pit.

When questioned by the Board, Mr. McCracken said that both trucks and a conveyor belt would be utilized on site to transport gravel.

The Chairperson called a recess at 5:59 p.m.

The Chairperson called the meeting to order at 6:06 p.m. with all Board Members present.

When questioned by the Board, Mr. McCracken said that the entire disturbance area would exceed 12 acres over the life of the pit, but the area will be mined in smaller portions.

When questioned by the Board, Ms. Kormos explained that Parkland County only allows Class 1 pits, which have to be 12 acres or greater. Most operations go in small sections, pits are not required to have 12 acres open at one time.

**Closing Remarks of Mr. Heinrichs, Neighbour**

Mr. Heinrichs said that he has no issue with Entwistle Concrete. He understands the need for gravel, but still feels this is not a good spot for a pit.

**Closing Remarks of Linda Henrickson, Opus Stewart Weir**

Ms. Henrickson stated that the Land Use Bylaw has very restrictive requirements, and the application has met those requirements. The McCrackens take pride in their operations and have every intention of adhering to the permit.

**Closing Remarks of Dawn Cacka, Appellant**

Mrs. Cacka said that the reason for the appeal was to try and get the mitigation measures discussed between her son and Mr. McCracken in writing. The Cacka's would like the stipulations to appear on the permit.

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

**ADJOURNMENT**

The Chairperson closed the hearing at 6:27 p.m.

  
REGINA F. KEHASINK  
CHAIRPERSON

fw