

MINUTES OF THE PARKLAND COUNTY SUBDIVISION & DEVELOPMENT APPEAL BOARD
HELD IN THE COUNCIL CHAMBERS IN THE COUNTY OFFICE AT PARKLAND COUNTY,
ALBERTA ON NOVEMBER 27, 2017

CALL TO ORDER

The Chairperson, P. Kobasiuk, called the meeting to order at 4:11 pm.

PRESENT

Members: P. Kobasiuk, J. Philpott, S. Whitehouse, D. Smith and D. Mattson

Clerk: D. Tymchyshyn, Manager/Chief Legislative Officer

Counsel for the Board: G. Stewart-Palmer

Recording Secretary: S. Cammidge

ADOPTION OF AGENDA

Moved by D. Mattson that the November 27, 2017 Agenda be adopted, as presented.

Carried

ADOPTION OF MINUTES

Moved by D. Smith that the Minutes of the July 17, 2017 and August 21, 2017 meetings be adopted, as presented.

Carried

NEW BUSINESS

4:10 p.m. Appointment

An appeal of a refusal of Development Permit 17-D-525 for Natural Resource Extraction/Processing (gravel extraction and processing) at Plan 0022781, Block 2, Lot 1 within SW-25-51-3-W5 and SE-26-51-3-W5, Applicant/Appellant: Burnco Rock Products Ltd.

The Chairperson opened the Hearing at 4:16 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

F. Long, Development Planner

C. Thomas, Manager, Development Planning

L. Versteeg, Biologist

The Chairperson introduced D. Tymchyshyn, Clerk to the Subdivision & 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 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. M. Krause came forward with a one page letter in support of the appeal which was considered by the Board and accepted.

Submission of the Development Authority

F. Long presented the Report of the Development Authority outlining the reasons for refusal of Development Permit 17-D-525. The Development Authority determined that the proposed development is inconsistent with Land Use Bylaw 2017-18 and Municipal Development Plan 2017-14. The Development Authority further determined the proposed development is neither consistent with the intended purpose of the ANC District nor compatible with nature and uses of surrounding areas based on the unique merits of the application. Following review of the environmental studies submitted with the application, the Development Authority determined the proposed development poses a high environmental risk.

Administration noted that should the Board choose to uphold the appeal and approve the proposed development, the following conditions, in addition to standard permit conditions, be imposed:

- submission of a revised site plan excluding Mining Cuts 9B and 20B and showing setbacks of 80 metres from the North Saskatchewan River and 30 metres from Wabamun Creek and the Unnamed Creek
- submission of a floodplain analysis and emergency flood plan including flood mitigation measures
- documentation and site plans for settling ponds to be constructed for water storage diverted from dewatering and any mitigation measures for retention of on-site sediment
- submission of spill mitigation protocols, and soil erosion and sedimentation control plan to mitigate potential soil issues

The Board asked for clarification regarding the Land Use Bylaw in effect then the application was received (Land Use Bylaw 20-2009) and Land Use Bylaw 2017-14 which is in effect today. C. Thomas advised that while Land Use Bylaw 2017-14 was not in effect when the application was received, the Development Authority reviewed the application for compliance with Land Use Bylaw 2017-14. C. Thomas confirmed the proposed development would have been refused by the Development Authority if reviewed for compliance with Land Use Bylaw 20-2009. G. Stewart-Palmer, counsel for the Board, confirmed for the Board, Administration and audience members that current Land Use Bylaw 2017-14 governs the Board's decision.

When questioned by the Board, C. Thomas clarified that the application was reviewed on its merits and the Development Authority considered whether the discretionary use within the ANC-Agriculture/Nature Conservation was appropriate and compatible. C. Thomas further indicated the Development Authority also considered whether the proposed development was appropriate within the ANC zoning as set out in the policies of Municipal Development Plan 2017-18. Following those considerations, the Development Authority determined the proposed development is inconsistent with both the Land Use Bylaw and Municipal Development Plan.

The Board questioned whether there are risks associated with the current agricultural use within the floodplain and L. Versteeg advised that overland flooding could occur in the lands' present state.

Submission of the Appellant

U. Scheidegger advised the proposed 69 ha site is to operate in conjunction with the area approved to the north under Development Permit 14-D-446. U. Scheidegger further advised that the proposed site had been included in the previous application but the Board removed this area from the 2014 approval pending completion of a Lake Sturgeon study. Since the 2014 approval, the Biophysical Report has been updated and a Lake Sturgeon study was completed in August, 2015. U. Scheidegger summarized the reports and studies submitted in support of the proposed development and indicated that reclamation will include one end pit lake constructed for wildlife habitat.

T. Coates indicated the proposed development area is 69 ha in size and has no other development potential as it is within a floodplain; once mined and reclaimed, the environmental value will be improved. T. Coates summarized the Development Authority's reasons for refusal and indicated that numerous environmental controls/mitigations are proposed to mitigate any concerns of the Development Authority.

U. Scheidegger reiterated that numerous environmental controls/mitigations are proposed and pointed out that the lands have been used for extraction in the past. U. Scheidegger indicated while there is a minor overlap of the proposed development into the Wabamun Creek ESA and North Saskatchewan River Valley Sturgeon Hole Reach ESA, the overlap is negligible. Flood risk mitigation recommendations will be followed with no extraction taking place in June and July during flooding season; provincial flood forecasts will be monitored; back erosion monitored; mobile equipment used to facilitate quick removal in the event of a flood risk; no fuel storage; and no stockpiling of gravel.

M. Shome of Matrix-Solutions advised that the flood which occurred in 1986 provided good evidence and was used in the assessment of present flood risk. He indicated that flooding for the present agricultural use and post mining use would be similar and further indicated an

end pit lake with a 10:1 slope is proposed as part of the reclamation plan. M. Shome advised that a 80 metre buffer zone adjacent to the river is proposed and backfilling will be done following extraction adjacent to the river. Further, a 50 metre buffer is proposed along the north sub channel.

C. Stoesz of Matrix-Solutions provided an overview of the Lake Sturgeon study and indicated that while the North Saskatchewan River is a Class A habitat for Lake Sturgeon, the proposed development presents low risk to the habitat.

T. Coates provided an overview of the permitting process, consultation process, typical development permit conditions, Code of Practice for Pits requirements, Water Act requirements and reclamation requirements.

T. Wright spoke to the "mission vision values" of Burnco Rock Products Ltd.

In response to a question from the Board, U. Scheidegger indicated that flood plain analysis submitted with the application addresses risks and recommends mitigation measures to address environmental concerns associated with flooding.

The Board asked for clarification whether the proposed development is contingent on existing Development Permit 14-D-446. U. Scheidegger advised that to move ahead with a partial project will necessitate amendment of the plans and submissions as the application submitted to Alberta Environment includes the development area proposed in Development Permit 14-D-446 and the present proposed development. When asked about the additional floodplain analysis and emergency flood plan suggested by the Development Authority should the appeal be upheld, U. Scheidegger indicated a floodplain analysis was previously submitted. In response to a question from the Board, L. Versteeg indicated that the proposed development is within the 1: 50 floodplain of the North Saskatchewan River and in the event of a 1:50 year flood event there would be overtopping of banks and overland flooding.

In response to questions from the Board, C. Stoesz advised that with respect to sediment transport groundwater is a filter and does not transport sediment. C. Stoesz confirmed that the proposed 80 metre and 30 metre setbacks are as shown on the site plan.

When questioned by the Board, U. Scheidegger confirmed no crushing is proposed in June and July and operations may cease in the winter months depending on demand for gravel.

In response to a question from the Board, U. Scheidegger advised the approved pit to the north is stagnant pending approval of the proposed development as both areas are included in the Code of Practice application. U. Scheidegger confirmed that no activity is to take place within the 80 metre buffer adjacent to the river with the exception of reclamation of an existing pit. The need for approval of the proposed development increases the overall area of the extraction site, addresses some access issues and matches up the application in for review by Alberta Environment.

When questioned by the Board, U. Scheidegger advised that gravel would be moved by conveyor line from the extraction area but that a bridge crossing requires approval from Alberta Environment. Further, the conveyor line is dependent on sufficient gravel deposits south of Wabamun Creek. As well, a temporary road closure of Range Road 31 south of Wabamun Creek would be required to allow extraction from the road allowance.

Submissions in Support of the Appeal

M. Erickson supports the appeal indicating that approximately 250 acres of land will be donated for conservation following extraction and reclamation under Development Permit 14-D-446 and the proposed development.

A. Wagner supports the appeal and believes the proposed development will provide employment opportunities.

M. Kause supports the appeal and also believes the proposed development will provide employment opportunities.

Submissions in Opposition to the Appeal

S. Charlton lives adjacent to the proposed development and does not support the appeal. S. Charlton questioned the hours of operation and the road closure proposed by Burnco Rock Products Ltd. if the appeal is upheld. Administration advised that hours of operation would be as set to in Land Use Bylaw 2017-18 but did not speak to the proposed road closure.

L. Scheideman is an immediate adjacent landowner to the proposed development and also rents land nearby for cattle grazing. L. Scheideman indicated the proposed development is not compatible with her land and expressed concerns regarding impact on fish population, flooding and proposed reclamation plan. L. Scheideman expressed concern that Development Permit 14-D-446 and the proposed development are planned together and suggested that the developments should be viewed independently.

The Chairperson called a recess at 6:19 pm and called the meeting to order at 6:27 pm with all Board members present.

Closing Remarks of the Appellant

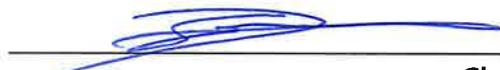
U. Scheidegger clarified that the as a road allowance runs through the site, any closure of the road would require a formal application to Parkland County and a public hearing. T. Wright reiterated Burnco Rock Products Ltd.'s commitment to the community.

The Chairperson asked those in attend if they felt they had received a fair hearing; there were no concerns.

The Chairperson asked if the Board was satisfied with the amount of information received at the hearing; the Board members agreed they were satisfied with the amount of information received.

ADJOURNMENT

The Chairperson closed the hearing at 6:32 pm.



Chairperson