

MINUTES OF THE PARKLAND COUNTY SUBDIVISION & DEVELOPMENT APPEAL BOARD  
(THE "BOARD") HELD IN COUNCIL CHAMBERS AT THE COUNTY OFFICE ON DECEMBER 4,  
2017

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**CALL TO ORDER**

The Chairperson, J. Smith, called the meeting to order at 4:09 pm.

**PRESENT**

Members: J. Smith, J. McCuaig, M. Chambers and D. Mattson

Clerk: B. Williams, Legislative Officer

Counsel for the Board: A. Simmonds

Counsel for the Development Authority: A. Gulamhusein

Recording Secretary: S. Cammidge

**ADOPTION OF AGENDA**

Moved by M. Chambers that the December 4, 2017 Agenda be adopted, as presented.

Carried

**NEW BUSINESS**

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

An appeal of a Stop Order on lands described as SW 13-53-5-W5M, Appellants: Samco Developments Ltd. and Cindy and Russell Dolanz

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

C. Thomas, Manager, Development Planning

The Chairperson introduced B. Williams, Clerk to the 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; there were none.

**Submission of the Development Authority**

A. Gulamhusein, counsel for the Development Authority referred to the Stop Order issued pursuant to section 645 of the Municipal Government Act indicating the only issue at stake is why the Stop Order was issued. A complaint was made to Parkland County which led to an inspection in May and September, 2017 with the Stop Order issued on October 19, 2017. The activities occurring on the lands exceed the scope or are not within the scope of development permits issued in 2012 and 2016.

K. Kormos presented the Report of the Development Authority. K. Kormos advised that Development Permit 12-D-106 (the "2012 Permit") authorized tree and stump removal, burning, re-contouring, regrading and fencing of the lands for agricultural purposes. Development Permit 16-D-652 (the "2016 Permit") authorized construction of a single family dwelling and crushing of an existing gravel stockpile onsite for an access road; the permit did not allow aggregate material to be excavated, brought onto or hauled from the subject lands. Following receipt of a complaint, an inspection was conducted in May, 2017 with large gravel stockpiles and heavy equipment and trucks moving aggregate observed. A second inspection was conducted in September, 2017 with gravel stockpiles, heavy equipment, a site trailer, an internal roadway and unauthorized tree clearing observed. On October 19, 2017 the Stop Order was issued pursuant to section 645 of the Municipal Government Act for unauthorized Natural Resource Extraction/Processing occurring on the lands without development permit approval. K. Kormos confirmed the Stop Order was issued to the legal owner of the lands, correctly described the property, identified the land use infraction,

provided a date within which to comply and was issued by a Designated Officer of the County.

A. Gulamhusein, Counsel for the Development Authority indicated that the work authorized by the 2012 Permit has not been completed and what has occurred on the lands exceeds the scope of the 2012 Permit. A. Gulamhusein further indicated that while the 2016 Permit authorized construction of a single family dwelling and crushing of aggregate for the access road, construction of the dwelling has not commenced and the access road is not complete.

### Submission of the Appellant

J. Agrios, Counsel for the Appellants, argued that the activities observed by the Development Authority were approved under the 2012 Permit and the 2016 Permit. J. Agrios advised the appellant purchased the lands in 2011 and began clearing trees in 2012 without development permit approval. A Stop Order was issued by the County resulting in the appellant applying for and receiving the 2012 Permit. Tree removal and grading continued and following a rain event in July, 2012, Alberta Environment issued an Enforcement Order (the "Enforcement Order") for unauthorized work causing significant potential for soil erosion and sedimentation of Wabamun Lake. Since 2012 the appellant has been addressing the remedial requirements of the Enforcement Order and Amendments 1 through 3 of that Enforcement Order. J. Agrios advised that the 2016 Permit was applied for while waiting for approval from Alberta Environment of the remedial work completed by the appellant. J. Agrios argued that the activities which have occurred on the lands to date is remedial work required under the Enforcement Order.

J. Agrios suggested the conclusion of the Development Authority that Natural Resource Extraction/Processing was occurring is incorrect; there was an existing stockpile of gravel which was crushed and that work is consistent with the 2012 and 2016 Permits. The crusher was on site from February to July, 2017 but has been removed; no gravel will be removed from the site but will be used for the internal access road. J. Agrios further suggested the Development Authority has not demonstrated a breach exists or that work was done outside the scope of the development permits.

With respect to the 2012 Permit and the work authorized for "agricultural purposes", the Board requested clarification on work done from 2012 to 2015 and whether that work has resulted in agricultural activities occurring on the lands. J. Agrios advised that the recontouring work included gravel extraction. The Board referenced the site plan for the 2016 Permit which includes an "existing stockpile" and a "future stockpile" and questioned whether the existing stockpile of aggregate was crushed and how that stockpile tripled in size. The Development Authority indicated that the existing stockpile of aggregate remains and was not crushed. J. Agrios advised that the stockpile which increased in size is newly crushed gravel; not all the gravel was crushed in May, 2017 but was complete by September, 2017 resulting in a bigger stockpile. In response to a question from the Board, the Development Authority advised that the 2016 Permit allowed the existing stockpile to be crushed. J. Agrios advised the existing stockpile is pit run and as part of the remediation work, better quality aggregate was excavated and crushed by the appellant. A. Gulamhusein pointed out that despite the Enforcement Order for remedial work, development permit approval is required for any development and that the appellants should have applied for a development permit to complete the remedial work. The 2012 Permit and 2016 Permit did not address the Enforcement Order and the activities on the lands far exceed the remedial requirements of Alberta Environment. The 2016 Permit authorized the crushing of the existing stockpile and the existing stockpile remains uncrushed in the same location; no excavation of aggregate was approved under the 2016 Permit.

R. Dolanz indicated all gravel found on site was as a result of grading work on the north east boundary of the lands. The intention was to move the existing stockpile to the future stockpile but when the "better quality gravel" was found it was excavated and crushed. The Board questioned whether the 2012 Permit included permission to excavate aggregate and R. Dolanz advised that aggregate deposits were found as part of the grading and contouring work.

In response to comments by A. Gulamhusein, J. Agrios advised she does not agree that development permit approval was required for the remedial work required under the Enforcement Order. J. Agrios further advised the Enforcement Order "trumps" the County's development permits and suggested the gravel extracted was part of the grading work. The 2016 site plan shows an existing stockpile and a future stockpile and any gravel activities were therefore approved and in compliance with the 2016 Permit.

In response to J. Agrios' comments A. Gulamhusein questioned why the appellants applied for development approval for agricultural use (ie. horse grazing) in light of the remedial work required by Alberta Environment. A. Gulamhusein reiterated that development permit approval should have been obtained from the County for the remedial work; the provision of section 619 of the Municipal Government Act do not apply in this instance. Administration reiterated that exemptions pursuant to section 619 and 618 of the Municipal Government Act do not apply however, it is not usual practice to approve a development permit due to an enforcement order. J. Agrios pointed out that the 2012 Permit was obtained due to the Stop Order being issued in 2012.

In response to a question from the Board, Administration advised that if the Board finds the Stop Order was issued correctly and a breach exists, the next step is for the appellant to apply for a development permit. At the request of the Board, Administration read the Land Use Bylaw definition of "extraction" into the record. Administration clarified that while there is a definition for "stripping" in the Land Use Bylaw, "(re)contouring" and "(re)grading" are not defined but the regulations state such activities are discretionary uses in the Land Use Bylaw.

The Chairperson called a recess at 5:48 pm and then called the meeting to order at 5:56 pm with all Board members and previous persons present.

**Submissions in Support of the Appeal**

No one came forward.

**Submissions in Opposition to the Appeal**

No one came forward.

**Closing Remarks of the Appellant**

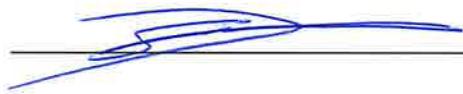
J. Agrios did not present closing remarks.

The Chairperson asked those in attendance if they felt they had received a fair hearing. J. Agrios advised she did not have concerns with process however, did have concerns with some of the questioning and conduct of the Board.

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 5:59 pm.

  
Chairperson