



SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting held on **Thursday, October 20, 2016** in the County Council Chambers.

The meeting was called to Order at 2:08 p.m. by the Chairman Dareld Cholak in the presence of the following persons:

**ATTENDANCE**

Councillor Randy Orichowski	Division 5
Councillor Cary Smigerowsky	Division 4
Councillor Dareld Cholak	Division 1
Cory Ollikka	Development Officer
Jordan Ruegg	Planning and Development Officer
Patti Priest	Recording Secretary

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**2.0 ADOPTION OF AGENDA**

**MPC16.028: Smigerowsky** That the Agenda for the Municipal Planning Commission for October 20, 2016 be approved as amended:

1. DP 050-16: Dale Croswell Construction Co. Ltd.

**CARRIED UNANIMOUSLY**

**3.0 MINUTES**

**MPC16.029: Orichowski** That the minutes of August 25, 2016 – Municipal Planning Commission, be adopted as presented.

**CARRIED**

**4.0 REQUEST FOR DECISION**

**4.1 Development Permit(s) to be Considered:**

**4.1.1 DP 016-16: Bendfeld, Dwayne and Ginette**

**MPC16.030: Smigerowsky** That the Municipal Planning Commission **approve** Development Permit No. 016-16: Plan 1422795, Block 1, Lot 2, for the development of a seasonal (May-to-September) 54-stall RV park with complementary general store, laundry facilities and caretaker quarters, subject to the following conditions:

1. The proposed Development shall be constructed and sited as per the Site Plan dated September 15, 2016, attached to, and forming part of, this Development Permit.  
**Front Yard Setback Variance Granted (adjacent to Victoria Trail):  
From 92.0 feet to 85.0 feet.**  
Minimum Side Yard Setbacks 65.0 feet.  
Minimum Rear Yard Setback 30.0 meters from the North Saskatchewan River and 6.0 meters from the Upper Slope as identified in the Geotechnical Investigation dated August 4, 2016, prepared by LWL Engineering Ltd., attached to, and forming part of, this Development Permit.
2. The Developer shall be required to conform to any and all recommendations contained in the Geotechnical Investigation dated August 4, 2016, prepared by LWL Engineering Ltd., attached to, and forming part of, this Development Permit. This includes, but is not limited to, protection of existing vegetation on the slope and seeding the slope with grass where no trees are present, ensuring that any grading will not increase gradients beyond that of the existing slope and applying the construction and site preparation guidelines as proposed in the Investigation.

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3. The Developer shall be required to enter into a Development Agreement with Smoky Lake County prior to the commencement of any activities related to the Development. This Development Agreement will include the recommendations made in the Geotechnical Investigation dated August 4, 2016, prepared by LWL Engineering Ltd., and will be registered against the title of the subject site.
4. A maximum site coverage of 45% of the total lot, of which a maximum of 15% of the total site may be covered by accessory buildings.
5. A maximum of **fifty four (54)** recreational vehicles will be permitted on the property at a given time, one per proposed stall. In addition, the Developer shall only allow parking of recreational and passenger vehicles on the site.
6. The site shall be kept in a neat and tidy condition in accordance with Smoky Lake County Bylaw No. 1169-08: Nuisance and Unsightly Premises.
7. Municipal waste collection services are not available at this location. It shall be the responsibility of the Developer to ensure that proper waste collection and removal procedures are in place at the site to the satisfaction of the Development Authority. All costs associated with waste collection and removal services shall be borne solely by the Developer.
8. The Developer shall be required to comply with "Quiet Time Hours" between the hours of 11:00 p.m. and 7:00 a.m.
9. Any and all fire pits located on site must be constructed to the satisfaction of Smoky Lake County's Fire Chief. All burning shall be in accordance with the *Forest and Prairie Protection Act R.S.A. 2000* and amendments thereto. As well, sufficient on-site water supply (non-potable) for firefighting purposes shall be available to the satisfaction of Smoky Lake County's fire chief.
10. The Developer must complete a Historic Resources Impact Assessment and receive *Historical Resources Act* approval from Alberta Culture and Tourism prior to any development on the site. A copy of *Historical Resources Act* approval must be submitted to the Development Authority before this Development Permit will take effect.
11. Any expansion, addition or alteration of the proposed Development will require a separate Development Permit to be issued.
12. All applicants, private and general contractors shall, during construction, demolition or renovation of the site, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property. At the conclusion of construction, all building materials and debris shall be cleared from the site. As well, the applicant shall prevent excess soil or debris from being spilled on public road allowances, streets, lanes and sidewalks.
13. The Developer shall keep the area subject to the Development Permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
14. Lot grade elevations must ensure that site grades shall be established to prevent one site from draining onto an adjacent site.
15. The Developer shall obtain any and all approvals, permits and authorizations from any and all agencies, departments and authorities that may be required, including but not limited to, all appropriate Safety Codes Permits.
16. Municipal water and sewer services are not available at this location. It will be the sole responsibility of the Developer to ensure that water and private sewage disposal systems associated with this Development conform to current provincial regulations and standards. All infrastructure improvement costs associated with this Development shall be borne solely by the Developer. The Developer shall be required to provide detailed sketches or engineered drawings with respect to all infrastructure improvements to the satisfaction of the Development Authority.
17. The Developer shall be financially responsible for any damage caused by the Developer, his servants, his suppliers, his agents and his contractors, to any public or private property.
18. Any Development involving pipeline and/or powerline rights-of-way shall be sited to comply with all relevant federal and provincial legislation and regulations. Setbacks from pipeline and other utility

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corridors shall be in accordance with appropriate provincial legislation and regulations, and any regulations established by the Alberta Energy and Utilities Board.

**CARRIED UNANIMOUSLY.**

#### 4.1.2 DP 048-16: Smoky Lake County

##### MPC16.031: Orichowski

That the Municipal Planning Commission approve Development Permit No. 048-16: Pt. of SW 1-61-18-W4M, for the development of **Natural Resource Extraction/Processing Facility (Sand and Gravel)**, subject to the following conditions:

1. The proposed Development shall be constructed and sited as per the Site Plan dated September 18, 2015, attached to, and forming part of, this Development Permit.
2. This Development Permit will expire **twenty (20) years** from the date of issuance.
3. The Developer must comply with all requirements of Alberta Environment and Parks, including any registrations, permits and approvals.
4. Tree and bush removal on Said Lands shall take place only during the approved period of July 31 to April 15, as required by the *Alberta Wildlife Act* and the federal *Migratory Birds Convention Act*.
5. Any burning of vegetation on Said Lands will require a Burn Permit issued by Smoky Lake County's Fire Chief or his designate.
6. Reclamation and rehabilitation of Said Lands shall be in accordance with the *Alberta Environmental Protection and Enhancement Act (EPEA)* and the Code of Practice for Pits.
7. All equipment and activity relating to the mining and crushing operation shall be located within and take place in areas approved for gravel extraction.
8. Hours of Operation:
  - a. **Crushing Operations:**  
24 hours per day, 365 days per year.
  - b. **On-Site Development Operations (including tree removal, pit development, reclamation):**  
24 hours per day, 365 days per year.
  - c. **Hauling:**  
7:00 a.m. – 9:00 p.m., Monday to Saturday inclusive. Hauling will not be permitted on Sundays and Statutory Holidays.
9. The Developer shall ensure that dust and noise control measures are undertaken to prevent such items from becoming a nuisance to adjacent landowners. In this regard, stockpiles shall be located in a position so as to act as a sound barrier. Also, the Developer shall apply methods of minimizing the noise created from machinery wherever possible.
10. The Developer shall keep the area subject to the Development Permit in a clean and tidy manner, free from rubbish and non-aggregate debris.
11. The Developer shall install and maintain appropriate traffic and safety signage on and about Said Lands and adjacent road accesses.
12. Accesses and haul routes into extraction areas shall be located away from residential areas.
13. The Developer shall ensure that any development involving pipeline and/or powerline rights-of-way shall be sited to comply with all relevant federal and provincial regulations and legislation. Setbacks from pipelines shall be in accordance with appropriate provincial legislation and regulations established by the Energy Resources Conservation Board (ERCB). Setbacks from utility corridors shall be in accordance with provincial legislation and regulations established by the Alberta Utilities Commission (AUC).
14. No development, disturbance or alteration of a surface waterbody is permitted without first obtaining the necessary approvals under the *Water Act* and from the Department of Fisheries and Oceans. Evidence of a *Water Act* approval or license must be provided to the Development Authority for Smoky Lake County in cases where a surface waterbody is altered or disturbed.

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15. All reasonable measures shall be taken by the Developer to control erosion in the areas approved for sand and gravel extraction.
16. If a portion of the pit should become inactive for a period lasting more than **two (2) consecutive years**, the pit faces shall be sloped to a ratio of 2:1 to ensure public safety and prevent erosion.
17. The Developer shall obtain any and all approvals, permits, authorizations, certificates and licenses from any and all agencies, departments and authorities as may be required.
18. Truck drivers shall not be permitted to use engine-retarder brakes within ½ mile of a residence on municipally-owned roads.

**CARRIED**

#### 4.1.3 DP 049-16: Smoky Lake County

#### MPC16.032: Smigerowsky

That the Municipal Planning Commission approve Development Permit No. 049-16: Pt. of NW 2-61-18-W4M, Pt. of SW 2-61-18-W4M, Pt. of SW 11-61-18-W4M, Pt. of SE 10-61-18-W4M & Pt. of NE 3-61-18-W4M, for the development of **Natural Resource Extraction/Processing Facility (Sand and Gravel)**, subject to the following conditions:

1. The proposed Development shall be constructed and sited as per the Progressive Reclamation Plan dated March 23, 2016, attached to, and forming part of, this Development Permit.
2. This Development Permit will expire **twenty (20) years** from the date of issuance.
3. The Developer must comply with all requirements of Alberta Environment and Parks, including any registrations, permits and approvals.
4. Tree and bush removal on Said Lands shall take place only during the approved period of July 31 to April 15, as required by the *Alberta Wildlife Act* and the federal *Migratory Birds Convention Act*.
5. Any burning of vegetation on Said Lands will require a Burn Permit issued by Smoky Lake County's Fire Chief or his designate.
6. Reclamation and rehabilitation of Said Lands shall be in accordance with the *Alberta Environmental Protection and Enhancement Act (EPEA)* and the Code of Practice for Pits.
7. All equipment and activity relating to the mining and crushing operation shall be located within and take place in areas approved for gravel extraction.
8. Hours of Operation:
  - a. **Crushing Operations:**  
24 hours per day, 365 days per year.
  - b. **On-Site Development Operations (including tree removal, pit development, reclamation):**  
24 hours per day, 365 days per year.
  - c. **Hauling:**  
7:00 a.m. – 9:00 p.m., Monday to Saturday inclusive. Hauling will not be permitted on Sundays and Statutory Holidays.
9. The Developer shall ensure that dust and noise control measures are undertaken to prevent such items from becoming a nuisance to adjacent landowners. In this regard, stockpiles shall be located in a position so as to act as a sound barrier. Also, the Developer shall apply methods of minimizing the noise created from machinery wherever possible.
10. The Developer shall keep the area subject to the Development Permit in a clean and tidy manner, free from rubbish and non-aggregate debris.
11. The Developer shall install and maintain appropriate traffic and safety signage on and about Said Lands and adjacent road accesses.
12. Accesses and haul routes into extraction areas shall be located away from residential areas.
13. The Developer shall ensure that any development involving pipeline and/or powerline rights-of-way shall be sited to comply with all relevant federal and provincial regulations and legislation. Setbacks from pipelines shall be in accordance with appropriate provincial legislation and regulations established by the Energy Resources Conservation Board (ERCB). Setbacks from utility corridors shall be in accordance

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- with provincial legislation and regulations established by the Alberta Utilities Commission (AUC).
14. No development, disturbance or alteration of a surface waterbody is permitted without first obtaining the necessary approvals under the *Water Act* and from the Department of Fisheries and Oceans. Evidence of a *Water Act* approval or license must be provided to the Development Authority for Smoky Lake County in cases where a surface waterbody is altered or disturbed.
  15. All reasonable measures shall be taken by the Developer to control erosion in the areas approved for sand and gravel extraction.
  16. If a portion of the pit should become inactive for a period lasting more than **two (2) consecutive years**, the pit faces shall be sloped to a ratio of 2:1 to ensure public safety and prevent erosion.
  17. The Developer shall obtain any and all approvals, permits, authorizations, certificates and licenses from any and all agencies, departments and authorities as may be required.
  18. Truck drivers shall not be permitted to use engine-retarder brakes within ½ mile of a residence on municipally-owned roads.

**CARRIED**

#### 4.1.4 DP 050-16: Dale Croswell Construction Co Ltd.

#### **MPC16.033: Orichowski**

That the Municipal Planning Commission approve Development Permit No. 050-16: Pt. of SE 30-58-16-W4M, for the development of **Natural Resource Extraction/Processing Facility (Sand and Gravel)**, subject to the following conditions:

1. The proposed Development shall be constructed and sited as per the Development Permit Application – Supplemental Information, dated October, 2016, attached to, and forming part of, this Development Permit.
2. This Development Permit will expire **fifteen (15) years** from the date of its issuance.
3. The Developer must comply with all the requirements established by Alberta Environment and Parks, including any registrations, permits, licenses and approvals.
4. The Developer must provide Smoky Lake County with an updated *Environmental Protection and Enhancement Act* Registration for the extended pit operations before this Development Permit will take effect.
5. The Developer must provide Smoky Lake County with a copy of a *Water Act* License or Approval before any washing activities take place on Said Lands.
6. The Developer must comply with any and all provisions of the *Historical Resources Act*. An approval under the *Historical Resources Act* in the form of a "clearance" must be obtained from Alberta Culture and Tourism and submitted to Smoky Lake County prior to any excavation or crushing activities on Said Lands.
7. Brush clearing on Said Lands shall take place only during the approved period of July 31 to April 15, as required by the *Alberta Wildlife Act* and the federal *Migratory Birds Convention Act*.
8. Any burning of vegetation on Said Lands will require the Developer to obtain a Burn Permit from Smoky Lake County prior to the commencement of the burn.
9. The Developer shall be required to comply with the Community Aggregate Payment as stated in accordance with Smoky Lake County Bylaw #1142-06 and amendments thereto.
10. The Developer shall be required to enter into a Development Agreement with Smoky Lake County prior to the commencement of extraction or crushing activities on Said Lands.
11. The Developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to the commencement of extraction or crushing activities on Said Lands.
12. Reclamation and rehabilitation shall be in accordance with the *Alberta Environmental Protection and Enhancement Act* (EPEA), the Code of Practice for Pits and the Conservation and Reclamation Plan as approved by Alberta Environment and Parks.
13. The Developer shall stake the mining area at all times.

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14. All equipment and activity relating to the mining and crushing operation shall take place and be located in the areas approved for gravel extraction.
15. Any structures or equipment related to the excavation or crushing activities shall be removed from Said Lands upon expiration or cancellation of this Development Permit.
16. Hours of Operation:
  - a. **Crushing Operations:**  
24 hours per day, 365 days per year.
  - b. **On-Site Development Operations (including tree harvesting, pit development, reclamation):**  
24 hours per day, 365 days per year.
  - c. **Hauling:**  
7:00 a.m. – 9:00 p.m., Monday to Saturday inclusive. Hauling will not be permitted on Sundays and Statutory Holidays.
17. The Developer shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring landowners. The Developer shall conduct dust and noise control measures at the request of, and to the satisfaction of, Smoky Lake County. In this regard, stockpiles shall be located in a position to act as a sound barrier. Also, the Developer shall apply methods of minimizing the noise and dust created from machinery and equipment.
18. The Developer shall keep the area subject to the Development Permit in a clean and tidy manner, free from rubbish and non-aggregate debris.
19. The Developer shall install and maintain appropriate traffic and safety signage on and about Said Lands and adjacent road accesses.
20. Accesses and haul routes into extraction areas shall be located away from residential areas.
21. The sand and gravel operation is required to comply with all municipal bylaws and setback requirements.
22. The Developer shall ensure that any development involving pipeline and/or powerline rights-of-way shall be sited to comply with all relevant federal and provincial legislation and regulations. Setbacks from pipelines shall be in accordance with appropriate provincial legislation and regulations established by the Energy Resources Conservation Board (ERCB). Setbacks from utility corridors shall be in accordance with provincial legislation and regulations established by the Alberta Utilities Commission (AUC).
23. No development, disturbance or alteration of a surface waterbody is permitted without first obtaining the necessary approvals under the *Water Act* and from the Department of Fisheries and Oceans, where applicable. Evidence of *Water Act* approval or license must be provided to the Development Authority for Smoky Lake County in cases where a surface waterbody is altered or disturbed.
24. Should the Developer encounter conditions that require dewatering from below the surface water tables, the Developer must advise Smoky Lake County of same, and as well, comply with any federal and provincial regulations concerning same.
25. All reasonable measures shall be taken by the Developer to control erosion in the areas approved for sand and gravel extraction.
26. If a portion of the Pit shall become inactive for a period lasting of more than **two (2) years**, the pit faces shall be sloped to a ratio of 2:1 to ensure public safety and prevent erosion.
27. The Developer shall obtain any and all approvals, permits, authorizations, certificates and licenses from any and all agencies, departments and authorities as may be required.
28. Truck drivers shall be prohibited from using engine-retarder brakes within ½ mile of a residence on municipally-owned roads.
29. Any expansion of the Pit boundaries or gravel extraction and crushing activities will require a separate Development Permit to be issued.
30. Contravention of any condition of this Development Permit may result in Smoky Lake County rescinding this Development Permit or jeopardize renewal of same.

**CARRIED**

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5.0 ISSUES FOR INFORMATION

5.1 Nil.

6.0 CORRESPONDENCE

6.1 Nil.

7.0 DELEGATION

7.1 Dwayne Bendfeld, DP 016-16

8.0 ADJOURNMENT

MPC16.034:Cholak

To adjourn the Municipal Planning Commission Meeting of October 20, 2016 at 2:36 p.m.

**CARRIED**

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Dareld Cholak, Chairperson

**NOT APPROVED**

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Cory Ollikka, Development Officer