

SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting held on **Thursday October 18, 2012** in the County Council Chambers.

The meeting was Called to Order at 1:30 p.m. by the Chairman Dareld Cholak in the presence of the following persons:

ATTENDANCE

Reeve Dareld Cholak	Division 1
Councillor Ron Bobocel	Division 2
Councillor Rick Cherniwchan	Division 3
Cory Ollikka	Development Officer
Aline Brousseau	Planning and Development Manager
Jeremy Smith	Planning & Development Assistant / Recording Secretary

2.0 ADOPTION OF AGENDA

MPC12.053: Cherniwchan That the Agenda for the Municipal Planning Commission for **Thursday October 18, 2012** be approved as presented.

CARRIED

3.0 MINUTES

MPC12.054: Bobocel That the minutes of the Municipal Planning Commission Meeting held on January 5, 2012 be adopted as presented.

CARRIED

MPC12.055: Cherniwchan That the minutes of the Municipal Planning Commission Meeting held on January 26, 2012 be adopted as presented.

CARRIED

MPC12.056: Bobocel That the minutes of the Municipal Planning Commission Meeting held on April 3, 2012 be adopted as presented.

CARRIED

MPC12.057: Cherniwchan That the minutes of the Municipal Planning Commission Meeting held on April 27, 2012 be adopted as presented.

CARRIED

MPC12.058: Bobocel That the minutes of the Municipal Planning Commission Meeting held on August 9, 2012 be adopted as presented.

CARRIED

MPC12.059: Cherniwchan That the minutes of the Municipal Planning Commission Meeting held on August 22, 2012 be adopted as presented.

CARRIED

MPC12.060: Bobocel That the minutes of the Municipal Planning Commission Meeting held on September 13, 2012 be adopted as presented.

CARRIED

4.0 REQUEST FOR DECISION

4.1 Development Permits(s) to be Considered:

MPC12.61: Bobocel

4.1.1 DP 010-12; Richarson International Ltd.

That the Municipal Planning Commission approve Development Permit No. 010-12: Pt. of NE 32-59-19-W4M for the development of Fertilizer Blender (Commercial Use), subject to the following conditions:

1. The proposed development shall be located as per the attached site plan dated August 17, 2012.
Setback from Highway - 134 ft. (40.84 m) from the boundary of the right-of-way or 234 ft. (71.21 m) from the centre line, whichever is greater.;
Side Yard Setback – 18.29m (60 ft);
Rear Yard Setback – 18.29m (60 ft).
2. Any damage to municipal property resulting from this permit will be assessed and costs for repairs of municipal property will be charged back to the applicant.
3. All applicants, private or general contractors shall, during construction, renovation or demolition of a building, 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.
4. Lot grade elevations must ensure that site grades shall be established to not allow one site to drain onto an adjacent site.
5. Natural Gas services are provided by Smoky Lake County. All costs associated with connecting to this service are the responsibility of the developer.
6. The developer shall obtain any and approvals from Alberta Transportation (Secondary Highway 831) prior to the commencement of construction and provide copy of same to Smoky Lake County.
7. The developer shall provide legal and physical access to the subject property. Furthermore, the approach shall be built to Smoky Lake County and Alberta Transportation standards and specifications. Any costs associated with road required to give access to the proposed development shall be the responsibility of the developer.
8. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
9. Municipal water and sewer services are not available in this location. It will be the responsibility of the developer to ensure that water well and private sewage disposal systems associated with the development conform to current provincial requirements.
10. The maximum height of the proposed development shall be 192 ft.

CARRIED

MPC12.62: Cherniwchan

4.1.2 DP 046-12; Peppers Highway Service Inc.

That the Municipal Planning Commission approve Development Permit No. 046-12: Lot B, Plan 1522KS for the development of fenced pipe yard, subject to the following conditions:

1. The proposed development shall be located as per the attached site plan dated August 13, 2012.
Setback from Highway - 134 ft. (40.84 m) from the boundary of the right-of-way or 234 ft. (71.21 m) from the centre line, whichever is greater.;

- Side Yard Setback – 18.29m (60 ft);
Rear Yard Setback – 18.29m (60 ft).
2. This permit will expire after two (2) years from the date of issuance of this permit.
 3. Any damage to municipal property resulting from this permit will be assessed and costs for repairs of municipal property will be charged back to the applicant.
 4. All applicants, private or general contractors shall, during construction, renovation or demolition of a building, 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.
 5. Lot grade elevations must ensure that site grades shall be established to not allow one site to drain onto an adjacent site.
 6. Natural Gas services are provided by Smoky Lake County. All costs associated with connecting to this service are the responsibility of the developer.
 7. The developer shall obtain any and approvals from Alberta Transportation (Hwy 28) prior to the commencement of construction and provide copy of same to Smoky Lake County. Any costs associated with road required to give access to the proposed development shall be the responsibility of the developer.
 8. The developer shall provide legal and physical access to the subject property. Furthermore, the approach shall be built to Smoky Lake County and Alberta Transportation standards and specifications.
 9. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
 10. Municipal water and sewer services are not available in this location. It will be the responsibility of the developer to ensure that water well and private sewage disposal systems associated with the development conform to current provincial requirements.
 11. The developer shall obtain any and approvals from Alberta Environment prior to the commencement of construction and provide copy of same to Smoky Lake County.

CARRIED

MPC12.63: Bobocel

4.1.3 DP 047-12; JLG Ball Enterprises Resource Extraction Permit
That the Municipal Planning Commission approve Development Permit No. 047-12: NE 11-61-18-W4M for the development of a Natural Resource Extraction (Sand and Gravel), subject to the following conditions:

1. The proposed development shall be located as per the Conservation and Reclamation Business Plan dated March 2012 (submitted April 12, 2012).
2. This permit will expire after ten (10) years from the date of issuance of this permit.
3. The developer must comply with all requirements of Alberta Environment, including any registrations, permits and approvals. A letter of approval from Alberta Environment for the pit must be

submitted to Smoky Lake County prior to commencement of any excavating and crushing operations.

4. The developer shall provide a copy of the approved Surface Materials Lease (SML) 110025 to Smoky Lake County from Alberta Sustainable Resource Development prior to the commencement of excavating and crushing operations.
5. The developer shall comply with the community aggregate payment as stated in accordance with Smoky Lake County Bylaw #1142-06.
6. The developer shall stake the mining area at all times.
7. All equipment and activity relating to the mining and crushing shall take place in the areas approved for gravel extraction.
8. The developer shall be required to enter into a Development Agreement with Smoky Lake County. The Development Agreement shall include but not be limited to a Haul Road Agreement and a Roadway License Agreement prior to any excavating and crushing operations on said lands. Any damages made on any Haul Road shall be at the cost of the developer.
9. Reclamation and rehabilitation shall be in accordance with Alberta Environmental Protection and Enhancement Act (EPEA) and the Conservation and Reclamation Plan as approved by Environment and Sustainable Resource Development (ESRD). Proof of compliance with reclamation requirements shall be submitted to the Development Officer upon completion of the operations.
10. Any structures or equipment on the land are to be removed upon expiry or cancellation of this Permit.
11. No topsoil or subsoil is permitted to be hauled off of the said property. Furthermore, where, in the process of development, areas require leveling, filling or grading, the topsoil shall be removed before work commences, stockpiled and replaced following the completion of the work.
12. Hours of operation:
Production at this site: 7am to 9pm every day of the year.
Hauling from the site: May 1st to September 30th: 7am to 7pm Monday through Friday inclusive.
October 1st to April 30th: 7am to 7pm Monday through Saturday inclusive.
Hauling will not be permitted on Sundays or on Statutory Holidays including New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Heritage Day, Labour Day, Remembrance Day, and Christmas Day.
13. The developer shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring land owners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Development Approving Authority, acting reasonably. In this regard stock piles shall be located in a position to act as a sound barrier. Also, the applicant shall apply methods of minimizing the noise created from machinery and equipment.
14. The developer shall conduct dust control procedures at the request of and to the satisfaction of the Development Officer.
15. The developer shall keep the area subject to the development permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
16. The developer shall install appropriate traffic and safety signage on and about the subject site and adjacent to road accesses.

17. Accesses and haul routes into extraction areas shall be located away from residential areas.
18. A disturbed area shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (e.g. agricultural land) or a post-disturbance condition and land use (e.g. conversion to wetland) which are satisfactory to the Development Approving Authority.
19. Contravention of any conditions of this Permit may result in Smoky Lake County cancelling this development permit or jeopardize the renewal of the same.
20. The sand and gravel operation is required to comply with all municipal bylaws and setback requirements.
21. No development, disturbance or alteration of a surface water body is permitted without obtaining the necessary provincial 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 Officer.
22. All reasonable measures must be taken to control erosion in the area of the sand and gravel operation.
23. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
24. Should the developer encounter conditions that required de-watering from below the surface water tables, they must advise Smoky Lake County of same and as well, comply with any all federal and provincial regulations concerning same.
25. Truck drivers will not be permitted to use engine retarder brakes within ½ mile of a residence on municipally owned roads.
26. Any expansion of pit boundaries shall require a new development permit.
27. The developer shall obtain any and all authorizations required from Alberta Transportation.
28. The developer shall comply with the Alberta Historical Resource Act. An application for Clearance shall be filed with the Historical Resources Management Branch through the *Online Permitting and Clearance* (OPaC) system. Written confirmation from Alberta Culture confirming this condition has been satisfied shall be submitted to Smoky Lake County prior to any excavating and crushing operations.

CARRIED

MPC12.64: Cherniwchan

That Municipal Planning Commission deny the written request from JLG Ball Enterprises Ltd. on October 18, 2012 for the inclusion of an asphalt batch plant on Development Permit 047-12 for Pt. of NE 11-61-18-W4M. A separate application for development will be required for the Development Authority's review and consideration should JLG Ball Enterprises Ltd. desires to develop an asphalt batch plant.

CARRIED

MPC12.65: Bobocel

4.1.4 DP 051-12; Ministry of Justice

That the Municipal Planning Commission approve Development Permit No. 051-12: Pt. of SW 27-60-18-W4M for the development of Radio Communication System on an existing tower including an accessory building (10'x10'x11') and fence (25'x50'x6'), subject to the following conditions:

1. The proposed development shall be located as per the attached site plan dated September 14, 2012.
Front Yard Setback From Public Roads - 125 ft. (38.1 m) from the centre line of the road allowance;
Side Yard Setback – 18.29m (60 ft);
Rear Yard Setback – 18.29m (60 ft).
2. Any damage to municipal property resulting from this permit will be assessed and costs for repairs of municipal property will be charged back to the applicant.
3. All applicants, private or general contractors shall, during construction, renovation or demolition of a building, 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.
4. Lot grade elevations must ensure that site grades shall be established to not allow one site to drain onto an adjacent site.
5. Natural Gas services are provided by Smoky Lake County. All costs associated with connecting to this service are the responsibility of the applicant/property owner.
6. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
7. Municipal water and sewer services are not available in this location. It will be the responsibility of the developer to ensure that water well and private sewage disposal systems associated with the development conform to current provincial requirements.

CARRIED

MPC12.66: Bobocel

4.1.5 DP 052-12; Brooks, George

That the Municipal Planning Commission approve Development Permit No. 052-12: Lot 12, Block 1, Plan 7821750, for the development of an accessory building (garage), subject to the following conditions:

1. The proposed development shall be located as per the attached site plan dated August 17, 2012.

Front Yard – 25 ft (7.62m)
Rear Yard – 25 ft (7.62m)
Side Yards - 10% of lot width, but not less than 5 ft from property lines.
2. An accessory building shall not be used as a dwelling.
3. An accessory building shall not be located in the front yard.
4. The height of an accessory building shall not exceed 15 ft. (4.57 m). **Variance being granted to 20 ft.**

CARRIED

5.0 ISSUES FOR INFORMATION

- 5.1 **Current Listing of 2012 Development Permits, Current Listing of 2012 Subdivisions – Municipal Planning Services 2009 Ltd., Current Listing of 2012 Business Licence(s)**

MPC12.67: Cherniwchan

That the Municipal Planning Commission accept and file for information the Current Listing of 2012 Developments Permits, Current Listing of 2012 Subdivisions, and the Current Listing of 2012 Business Licences, all dated October 18, 2012.

CARRIED

6.0 CORRESPONDANCE

Nil.

7.0 DELEGATON(S)

Nil.

8.0 ADJOURNMENT

MPC12.68: Cholak

To adjourn the Municipal Planning Commission Meeting of October 18, 2012 at 2:17 p.m.

CARRIED

Dareld Cholak, Chairperson

S E A L

Cory Ollikka, Development Officer