

SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting held on **Monday, February 9, 2015** in the County Council Chambers.

The meeting was Called to Order at 11:50 a.m. by the Chairman Dareld Cholak, in the presence of the following persons:

ATTENDANCE

Councillor Ron Bobocel	Division 2
Councillor Cary Smigerowsky	Division 4
Councillor Dareld Cholak	Division 1
Cory Ollikka	Development Officer
Aline Brousseau	Planning and Development Manager
Jordan Ruegg	Planning and Development Officer
Angela Bilski	Recording Secretary

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2.0 ADOPTION OF AGENDA

MPC15.001: Smigerowsky That the Municipal Planning Commission Meeting commence at 11:50 a.m. instead of 1:00 p.m. as originally scheduled.

CARRIED

MPC15.002: Bobocel That the Agenda for the Municipal Planning Commission for February 9, 2015 be approved as amended, to add a delegation from JLG Ball Enterprises at 12:45 p.m.

CARRIED

3.0 MINUTES

MPC15.003: Smigerowsky 3.1 Adopt Minutes of May 7, 2014 – Municipal Planning Commission

CARRIED

MPC15.004: Bobocel 3.2 Adopt Minutes of May 19, 2014 – Municipal Planning Commission

CARRIED

MPC15.005: Smigerowsky 3.3 Adopt Minutes of May 22, 2014 – Municipal Planning Commission

CARRIED

MPC15.006: Bobocel 3.4 Adopt Minutes of July 30, 2014 – Municipal Planning Commission

CARRIED

MPC15.007: Smigerowsky 3.5 Adopt Minutes of August 28, 2014 – Municipal Planning Commission

CARRIED

MPC15.008: Bobocel 3.6 Adopt Minutes of October 30, 2014 – Municipal Planning Commission

CARRIED

4.0 REQUEST FOR DECISION

4.1 Development Permit(s) to be Considered:

MPC15.009: Bobocel

4.1.1 DP 001-14: Dale Crowell Construction Co. Ltd.

That the Municipal Planning Commission approve Development Permit No. 001-14: South ½ of 15-61-18-W4M for the development of Natural Resource Extraction (Sand and Gravel), subject to the following conditions:

1. The proposed development shall be constructed as per the Conservation and Reclamation Business Plan dated December, 2013.
2. This permit will expire on (ten) 10 years from the date of issuance.
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) 120035 to Smoky Lake County from Alberta Sustainable Resource Development prior to the commencement of excavating and crushing operations.
5. 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.
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 prior to any excavating and crushing operations on said lands.
9. The developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands.
10. The developer shall be required to enter into a Roadway License Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands if applicable.
11. 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. Reclamation must meet or exceed provisions of the Conservation and Reclamation Business (CRB) Plan.
12. Any structures or equipment on the land are to be removed upon expiry or cancellation of this Permit.
13. Hours of operation:
Production and Hauling: 7:00 a.m. – 9:00 p.m., Monday to Saturday inclusive. Hauling will not be permitted on Sundays and Statutory Holidays.
14. 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.
15. The developer shall conduct dust control procedures at the request of and to the satisfaction of the Development Officer.

16. The developer shall keep the area subject to the development permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
17. The developer shall install appropriate traffic and safety signage on and about the subject site and adjacent to road accesses.
18. Accesses and haul routes into extraction areas shall be located away from residential areas.
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 must comply with all requirements under the Historical Resources Act. An approval under the Historical Resources Act in the form of a "clearance" must be obtained from Alberta Culture and submitted to Smoky Lake County prior to the commencement of any land disturbance activities. Applications for Historical Resource Act clearance are available on Alberta Culture's website.

CARRIED

MPC15.010: Bobocel

4.1.2 DP 005-14: Dale Croswell Construction Co. Ltd.

That the Municipal Planning Commission approve Development Permit No. 005-14: Pt. of NW 11-61-18-W4M for the development of Natural Resource Extraction (Sand and Gravel), subject to the following conditions:

1. The proposed development shall be constructed as per the Conservation and Reclamation Business (CRB) Plan dated January, 2014. The CRB plan is to be amended in order to be consistent with the application in terms of working area and reclamation area. A copy of the amended plan is to be submitted to the Development Officer.
2. This permit will expire on (ten) 10 years from the date of issuance.
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) 120035 to Smoky Lake County from

- Alberta Sustainable Resource Development prior to the commencement of excavating and crushing operations.
5. 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.
 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 prior to any excavating and crushing operations on said lands.
 9. The developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands.
 10. The developer shall be required to enter into a Roadway License Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands if applicable.
 11. 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. Reclamation must meet or exceed provisions of the Conservation and Reclamation Business (CRB) Plan.
 12. Any structures or equipment on the land are to be removed upon expiry or cancellation of this Permit.
 13. Hours of operation:
Production and Hauling: 7:00 a.m. – 9:00 p.m., Monday to Saturday inclusive. Hauling will not be permitted on Sundays and Statutory Holidays.
 14. 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.
 15. The developer shall conduct dust control procedures at the request of and to the satisfaction of the Development Officer.
 16. The developer shall keep the area subject to the development permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
 17. The developer shall install appropriate traffic and safety signage on and about the subject site and adjacent to road accesses.
 18. Accesses and haul routes into extraction areas shall be located away from residential areas.
 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 must comply with all requirements under the Historical Resources Act. An approval under the Historical Resources Act in the form of a "clearance" must be obtained from Alberta Culture and submitted to Smoky Lake County prior to the commencement of any land disturbance activities. Applications for Historical Resource Act clearance are available on Alberta Culture's website.

CARRIED

MPC15.011: Smigerowsky

4.1.3 DP 057-14: Whissell Rock Products Ltd.

That the Municipal Planning Commission approve Development Permit No. 057-14: NE 30-58-16-W4M for the development of Natural Resource Extraction (Sand and Gravel), subject to the following conditions:

1. The proposed development shall be constructed as per the Reclamation Plan dated September, 2014.
2. This permit will expire (five) 5 years from the date of issuance.
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 be required to comply with the community aggregate payment as stated in accordance with Smoky Lake County Bylaw #1142-06 and amendments thereto.
5. The developer shall stake the mining area at all times.
6. All equipment and activity relating to the mining and crushing shall take place in the areas approved for gravel extraction.
7. The developer shall be required to enter into a Development Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands.
8. The developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands.
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. A reclamation fee of \$24,000.00 is due upon issuance of this permit.
10. Any structures or equipment on the land are to be removed upon expiry or cancellation of this Permit.
11. Hours of operation:
 - a. **Crushing Operations:**
24 hours per day, 365 days a year.
 - b. **On Site Development Operations (including tree harvesting, pit development, reclamation):**
24 hours per day, 365 days a 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.

12. 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.
13. The developer shall conduct dust control procedures at the request of and to the satisfaction of the Development Officer.
14. The developer shall keep the area subject to the development permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
15. The developer shall install appropriate traffic and safety signage on and about the subject site and adjacent to road accesses.
16. Accesses and haul routes into extraction areas shall be located away from residential areas.
17. Contravention of any conditions of this Permit may result in Smoky Lake County cancelling this development permit or jeopardize the renewal of the same.
18. The sand and gravel operation is required to comply with all municipal bylaws and setback requirements.
19. 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.
20. All reasonable measures must be taken to control erosion in the area of the sand and gravel operation.
21. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
22. 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.
23. Truck drivers will not be permitted to use engine retarder brakes within ½ mile of a residence on municipally owned roads.
24. Any expansion of pit boundaries shall require a new development permit.
25. The developer shall obtain any and all authorizations required from Alberta Transportation.
26. The developer must comply with all requirements under the Historical Resources Act. An approval under the Historical Resources Act in the form of a "clearance" must be obtained from Alberta Culture and submitted to Smoky Lake County prior to the commencement of any land disturbance activities. Applications for Historical Resource Act clearance are available on Alberta Culture's website.

CARRIED

MPC15.012: Bobocel

4.1.4 DP 064-14: Dawe, Rose

That the Municipal Planning Commission defer Development Permit No. 064-14: Lot 1, Block 1, Plan 0321675 on Pt. of SW 9-61-17-W4M for the development of Recreational Vehicle Park/Campground for the reason the appropriate use type must be established by the developer before this application can be considered.

CARRIED



Lisa Ball and Gilles Melanson of JLG Ball Enterprises entered the Council Chambers, time 12:45 p.m. A presentation was given by JLG Ball Enterprises regarding Development Permit Application 071-14 for the proposed development of Natural Resource Extraction on W ½ of 14-61-18-W4M.

MPC15.013: Smigerowsky

4.1.5 DP 071-14: 541466 Alberta Ltd. (JLG Ball Enterprises)

That the Municipal Planning Commission approve Development Permit No. 071-14: W ½ of 14-61-18-W4M for the development of Natural Resource Extraction (Sand and Gravel), subject to the following conditions as amended:

1. The proposed development shall be constructed as per the Conservation and Reclamation Business Plan dated December, 2013.
2. This permit will expire (ten) 10 years from the date of issuance.
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) 120005 and 120006 to Smoky Lake County from Alberta Sustainable Resource Development prior to the commencement of excavating and crushing operations.
5. 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.
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 prior to any excavating and crushing operations on said lands.
9. The developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to any excavating and crushing operations on said lands.
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11. 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. Reclamation must meet or exceed provisions of the Conservation and Reclamation Business (CRB) Plan.
12. Any structures or equipment on the land are to be removed upon expiry or cancellation of this Permit.
13. Hours of operation:
 - a. **Crushing Operations:**
24 hours per day, 365 days a year.
 - b. **On Site Development Operations (including tree harvesting, pit development, reclamation):**
24 hours per day, 365 days a 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.

14. 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.
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16. The developer shall keep the area subject to the development permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
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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.
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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.
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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 must comply with all requirements under the Historical Resources Act. An approval under the Historical Resources Act in the form of a "clearance" must be obtained from Alberta Culture.

CARRIED

Lisa Ball and Gilles Melanson of JLG Ball Enterprises left the Council Chambers, time 1:00 p.m.

MPC15.014: Bobocel

4.1.6 DP 001-15: Baptist, Richard

That the Municipal Planning Commission approve Development Permit No. 001-15: Lot 2A, Block 3, Plan 0922102 on Pt. of NW 16-60-16-W4M for the existing buildings (leave as sited – portable shed, greenhouse and deck, house and deck), subject to the following conditions:

1. The existing development shall be located as per the attached Real Property Report prepared by Rachynski Land Surveys (1998) Ltd. dated June 28, 2013.

Portable Shed "H"- 0.6m, variance granted to 0.28m.



House and Deck "A", - 1.52m, side yard variance granted to 1.33m.

Greenhouse and Deck "F" - 7.62m, front yard variance granted to 1.03m.

2. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
3. Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy and Utilities Board.

CARRIED

4.2 Heritage Resource Intervention Permit(s) to be Considered:

Nil.

5.0 ISSUES FOR INFORMATION

5.1 Nil.

6.0 CORRESPONDENCE

6.1 Nil.

7.0 DELEGATION(S)

7.1 Nil.

8.0 ADJOURNMENT

MPC15.015: Cholak

To adjourn the Municipal Planning Commission Meeting of February 9, 2015 at 1:18 p.m.


Darel Cholak, Chairperson

SEAL


Aline Brousseau, Development Officer