

SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting held on **Monday, August 27, 2018** in the County Council Chambers.

The meeting was called to Order at 2:35 p.m. by the Chairperson, Lorne Halisky in the presence of the following persons:

ATTENDANCE

Councillor Dan Gawalko	Division 1
Councillor Lorne Halisky	Division 4
Councillor Randy Orichowski	Division 5
Jordan Ruegg	Planning and Development Officer
Cory Ollikka	Development Officer
Patti Priest	Recording Secretary

ABSENT

No Member of the General Public was present.

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2.0 ADOPTION OF AGENDA

MPC18.012: Orichowski

That the Agenda for the Municipal Planning Commission for August 27, 2018 be approved as presented.

CARRIED UNANIMOUSLY.

3.0 MINUTES

MPC18.013: Gawalko

That the minutes of June 19, 2018 – Municipal Planning Commission, be adopted as presented.

CARRIED.

4.0 REQUEST FOR DECISION

4.1 Development Permits to be Considered:

4.1.1 DP 025-18: CLH Group INC.

MPC18.014: Orichowski

That the Municipal Planning Commission **approve** Development Permit No. 025-18: PLAN 5011CE, BLOCKS 15 & 16, 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 (Figure 2), dated June 7, 2018, attached to, and forming part of, this Development Permit.
2. This Development Permit will expire **ten (10 years)** from the date of its issuance. All extraction, processing and reclamation activities must be completed by this date. Continuation of extraction, processing or reclamation activities on Said Lands after the expiration of this Development Permit will not be permitted without a new Development Permit being issued by Smoky Lake County. This Development Permit is non-renewable.
3. Brush clearing on Said Lands shall take place only outside of the Restricted Activity Period (RAP) as outlined by the *Alberta Wildlife Act* and the *Migratory Birds Convention Act*.
4. Any burning of trees, vegetation or brush on Said Lands will require the Developer to obtain a Burn Permit from Smoky Lake County prior to commencement of the burning. The Developer shall not remove hedgerows that delineate the boundary of Said Lands.

5. Processing and extraction activities shall not be located within the area identified as "Viewscape E – The Ridge" under Smoky Lake County Bylaw No. 1305-17: *Victoria District Area Structure Plan*. Processing and extraction activities and the location of stockpiles shall not be permitted in areas that are visible from Victoria Trail or any provincially or municipally designated heritage site.
6. The Developer shall obtain *Historical Resources Act* Approval from Alberta Culture and Tourism and provide a copy of said Approval to Smoky Lake County prior to this Development Permit taking affect.
7. The Developer shall be required to comply with Smoky Lake County Bylaw No. 1306-17: *Licensing of Aggregate Extraction Businesses Operating Within Smoky Lake County* and amendments thereto.
8. The Developer shall be required to obtain an Aggregate Business License pursuant to Smoky Lake County Bylaw No.1306-17: *Licensing of Aggregate Extraction Businesses Operating Within Smoky Lake County* prior to this Development Permit taking affect.
9. The Developer shall be required to enter into a Development Agreement with Smoky Lake County prior to this Development Permit taking affect.
10. The Developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to this Development Permit taking affect.
11. The Developer shall be required to pay to Smoky Lake County, Development Permit Fees in the amount of **\$61,000.00** (\$500.00/acre x 122 acres), as per Smoky Lake County Policy No. 61-11-04: *Planning and Development Fees*, prior to this Development Permit taking affect.
12. The Developer shall delineate the boundaries of the mining area with stakes at all times.
13. All equipment and activity relating to the extraction and crushing operations shall take place and be located within the areas provided for gravel extraction and crushing on the Site Plan, dated June 7, 2018, attached to, and forming part of, this Development Permit.
14. Any structures or equipment related to the extraction and crushing operations shall be removed from Said Lands upon expiration or cancellation of this Development Permit.
15. Hours of Operation:
Extraction & Crushing Operations: 7:00 a.m. to 7:00 p.m., Monday to Saturdays inclusive. **Hauling:** 7:00 a.m. to 7:00 p.m., Monday to Saturday inclusive. **On-Site Development Operations (including tree harvesting, pit development and reclamation):** 7:00 a.m. to 7:00 p.m., Monday to Saturday inclusive. **Extraction, Crushing and Hauling Operations shall not be permitted on Sundays and Statutory Holidays.**
16. The Developer shall ensure that dust and noise control measures are undertaken to prevent dust and noise from becoming a nuisance to neighbouring landowners. The Developer shall conduct dust and noise control measures at the request, and to the satisfaction of, Smoky Lake County. 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 and dust created from machinery and equipment.
17. The Developer shall keep the area subject to the Development Permit in a clean and tidy manner, free from rubbish and non-aggregate debris.
18. The Developer shall install and maintain appropriate traffic and safety signage, on and about Said Lands and adjacent access roads, to the satisfaction of Smoky Lake County.
19. Accesses and haul routes into extraction areas shall be located away from residences.

20. The extraction and crushing operations shall comply with all municipal bylaws and setback requirements.
21. The Developer shall ensure that any development involving pipelines and/or powerline rights-of-way are sited to comply with all relevant federal and provincial legislation and regulations. Setbacks from pipelines shall be in accordance with the appropriate provincial legislation and regulations established by the Alberta Energy Regulator (AER). Setbacks from utility corridors shall be in accordance with the appropriate provincial legislation and regulations established by the Alberta Utilities Commission (AUC).
22. 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 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.
23. Should the Developer encounter conditions that require dewatering from below the surface water tables, the Developer must advise Smoky Lake County, and as well, comply with any federal or provincial regulations concerning same.
24. All reasonable measures shall be taken by the Developer to control erosion in the areas approved for sand and gravel extraction.
25. If a portion of the extraction pit shall become inactive for a period lasting of **two (2) or more years**, the pit faces shall be sloped at a ratio of **2:1** to ensure public safety and to minimize erosion.
26. 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.
27. Truck drivers shall be prohibited from using engine-retarder brakes within ½ mile of a residence located on a municipally-controlled road.
28. Any expansion of pit boundaries or gravel extraction and crushing activities beyond that of what has been approved subject to this Development Permit shall require a separate Development Permit to be obtained by the Developer.
29. Contravention of any condition of this Development Permit may result in Smoky Lake County cancelling or rescinding this Development Permit or issuing a Stop Order for said operations and activities that are permitted by this Development Permit.

CARRIED UNANIMOUSLY.

4.1.2 DP 026-18: Dale Croswell Construction Co. Ltd.

MPC18.015: Gawalko

That the Municipal Planning Commission **approve** Development Permit No. 026-18: NE 10-61-18-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 Drawing No. 1-1 "Current Conditions", dated May 15, 2017, contained within the "Updated Activities Plan and Five-Year Report", attached to, and forming part of, this Development Permit.
2. The conditions contained within this Development Permit shall supersede and override the conditions contained within Development Permit DP 044-10, issued on August 23, 2010.
3. This Development Permit will expire **ten (10) years** from the date of its issuance.
4. The Developer shall obtain any and all approvals, permits, authorizations, certificates and licences from any and all agencies, departments and authorities as may be required.

5. The Developer shall comply with all the requirements established by Alberta Environment and Parks, including any registrations, permits, licences and approvals.
6. Reclamation and rehabilitation shall be done in accordance with the *Alberta Environmental Protection and Enhancement Act* (EPEA), the Code of Practice for Pits and Updated Activities Plan as approved by Alberta Environment and Parks.
7. The Developer shall provide Smoky Lake County with a copy of *Water Act* Licence No. 0034529-00-00 prior to this Development Permit taking affect.
8. The Developer shall provide Smoky Lake County with a copy of *Water Act* Licence No. 00381649-00-00 prior to this Development Permit taking affect.
9. No further 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 a *Water Act* approval or licence must be provided to the Development Authority for Smoky Lake County in cases where a surface waterbody is altered or disturbed.
10. Should the Developer encounter conditions that require dewatering from below the surface water tables, the Developer shall advise Smoky Lake County, and as well as, comply with any federal or provincial regulations concerning same.
11. The Developer shall comply with any and all provisions of the *Historical Resources Act*. The Developer shall provide Smoky Lake County with a copy of *Historical Resources Act* approval for HRA Number 4650-16-0033-001 prior to this Development Permit taking affect.
12. Brush clearing on Said Lands shall take place only outside of the Restricted Activity Period (RAP) as outlined by the *Alberta Wildlife Act* and the *Migratory Birds Convention Act*.
13. Any burning of trees, vegetation or brush on Said Lands will require the Developer to obtain a Burn Permit from Smoky Lake County prior to commencement of the burning.
14. The Developer shall be required to comply with Smoky Lake County Bylaw No. 1306-17: *Licensing of Aggregate Extraction Businesses Operating Within Smoky Lake County* and amendments thereto.
15. The Developer shall be required to obtain an Aggregate Business License pursuant to Smoky Lake County Bylaw No. 1306-17: *Licensing of Aggregate Extraction Businesses Operating Within Smoky Lake County* prior to this Development Permit taking affect.
16. The Developer shall be required to enter into a Development Agreement with Smoky Lake County prior to this Development Permit taking affect.
17. The Developer shall be required to enter into a Haul Road Agreement with Smoky Lake County prior to this Development Permit taking affect.
18. The Developer shall be required to pay to Smoky Lake County, Development Permit Fees in the amount of **\$6,610.00** (\$500.00/acre x 13.22 acres), as per Smoky Lake County Policy No. 61-11-04: *Planning and Development Fees*, prior to this Development Permit taking affect.
19. The Developer shall stake the mining area at all times.
20. All equipment and activity related to the mining and crushing operations shall take place and be located in the areas approved for gravel extraction.
21. Any structures and equipment related to the excavation or crushing operations shall be removed from Said Lands upon expiration or cancellation of this Development Permit.
22. Hours of Operation:

Extraction & Crushing Operations: 7:00 a.m. to 9:00 p.m., Monday through Saturday inclusive. Extraction and crushing shall not be permitted on Sundays and Statutory Holidays.

On-Site Development Operations (including tree harvesting, pit development and reclamation): 7:00 a.m. to 9:00 p.m., Monday through Saturday inclusive. On-Site development operations shall not be permitted on Sundays and Statutory and Holidays.

Hauling: 7:00 a.m. to 9:00 p.m., Monday through Saturday inclusive. Hauling shall not be permitted on Sundays and Statutory Holidays.

23. 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.
24. The Developer shall keep the area subject to the Development Permit in a clean and tidy manner, free from rubbish and non-aggregate debris.
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 extraction pit shall become inactive for a period lasting of **two (2) or more years**, the pit faces shall be sloped at a ratio of **2:1** to ensure public safety and to minimize erosion.
27. The Developer shall install and maintain appropriate traffic and safety signage on and about Said Lands and adjacent road accesses.
28. Accesses and haul routes into extraction areas shall be located away from residential areas.
29. The sand and gravel operation is required to comply with all municipal bylaws and setback requirements.
30. Truck drivers shall be prohibited from using engine-retarder brakes within ½ mile of a residence located on a municipally-controlled road.
31. Any expansion of pit boundaries or gravel extraction and crushing activities beyond that of what has been approved subject to this Development Permit shall require a separate Development Permit to be obtained by the Developer. Any unauthorized expansion of said activities may result in Smoky Lake County rescinding this Development Permit or issuing a Stop Order for said operations and activities that are permitted by this Development Permit.
32. The Developer shall ensure that any development involving pipelines 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 Alberta Energy Regulator (AER). Setbacks from utility corridors shall be in accordance with the appropriate provincial legislation and regulations established by the Alberta Utilities Commission.
33. Contravention of any condition of this Development Permit may result in Smoky Lake County rescinding this Development Permit or issuing a Stop Order for said operations and activities that are permitted by this Development Permit.

CARRIED UNANIMOUSLY.

5.0 ISSUES FOR INFORMATION

5.1 Nil.

6.0 CORRESPONDENCE

6.1 Nil.

7.0 DELEGATION

7.1 Nil.

8.0 ADJOURNMENT

MPC18.016: Halisky

To adjourn the Municipal Planning Commission Meeting of August 27, 2018 at 3:31 p.m.

CARRIED.

Lorne Halisky, Chairperson

S E A L

Cory Ollikka, Development Officer