Subdivision and Development Appeal Board Meeting

MINUTES

Wednesday, March 13, 2019, 5:15 PM
Council Chambers
County Administration Building

Present
Chairperson, Laurie Johnson
Board Member, Rick Pries
Board Member, Chris Daniel
Board Member, Everett Matiko
Board Member, Tim Hoogland

Staff Present
SDAB Secretary, Rod Hawken
Jarvis Grant, Development Officer
Recording Secretary, Amber Tripp
Recording Secretary, Erin Ballhorn

1. CALL TO ORDER
Chairperson L. Johnson called the meeting to order at 5:15 p.m.

2. APPROVAL OF AGENDA
Resolution SD20190313.001
MOVED: by Board Member R. Pries
that the Agenda for Wednesday, March 13, 2019 be accepted as presented.

   Carried Unanimously

3. DELEGATIONS
Chairperson L. Johnson declared the Hearing open at 5.20 p.m. and a delegation consisting of Dean Baumann, Lloyd Erhardt, Mark Minchau, Craig Lonsway, Scott Vuylsteke, Doug Dammann, Allanna Dammann, Michele Corry, Brian Brown, Sharon Brown and Cheryl Dupe entered the meeting.

Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable.

No objections were presented.

Chairperson L. Johnson asked the Board if they had any conflict of Interest.

No objections were presented.

Chairperson L. Johnson asked if anyone had any objections to any of the members sitting on the Board.
On October 19, 2011, an appeal hearing for Development Permit D09/284 – Associated Aggregates Inc. Resource Extraction Operation on the SW and SE 36-46-27-W4M was held. On October 26, 2011, the Subdivision and Development Appeal Board upheld the decision made by the County to issue a development permit, but amended Condition #22 regarding the hours of crushing which stated:

"The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. Plant, equipment operations, and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 21, 2011 and related appendixes, studies, and figures. Note: in the event that concerns are received by the County concerning the operating hours, the County will contact the applicant/owner to amend the hours of operation; acting reasonably;”

On November 14, 2018, the County of Wetaskiwin received a development permit application from Associated Aggregates Inc. The application was created by Aspen Land Group out of Edmonton which is an environmental consulting company that provides professional services for the sand, gravel, and the upstream oil and gas industries in Alberta.

On November 27, 2018, Alberta Transportation issued an Alberta Transportation Permit No. RSDP023632 for the expansion of the existing gravel pit.

On December 10, 2018, Aspen Land Group requested that their submitted application be amended to allow gravel crushing for twenty-four (24) hours per day, 365 days per year as established by the Subdivision and Development Appeal Board decision in 2011 for the existing gravel pit area.

On December 20, 2018, a site inspection was conducted of the existing gravel pit site.

The property is zoned as Agricultural (AG) which has the following Permitted and Discretionary uses:

10.1.2 Permitted Uses
a) Agriculture, Extensive
b) Dwelling, Detached
c) Dwelling, Mobile – New
d) Dwelling, Modular – New
e) Intensive Livestock Operation - situated at least 400.0 meters (1312 feet) away from any land not districted as Agricultural or Severed Agricultural
f) Buildings and uses accessory to the above

10.1.3 Discretionary Uses
a) Dwelling, Communal
b) Dwellings, Moved-in
c) Dwelling, Mobile – Used
d) Dwelling, Modular – Used
e) Dwelling, Secondary Suite
f) Agricultural, Intensive
g) Intensive Livestock Operation - within 400.0 meters (1312 feet) of any land not classified as Agricultural or Severed Agricultural under this Bylaw
h) Tree Farm
i) Bed and Breakfast
j) Home Occupation
k) Industry Work Camp
l) Kennel
m) Public Utility
n) Public or Quasi-Public Use

**o) Resource Extraction Operation Type A**

**p) Resource Extraction Operation Type B**

q) Resource Processing Operation
r) Recreational, Extensive
s) Abattoir
t) Greenhouse
u) Veterinary Clinic
v) Minor Business
w) Equestrian Center

x) Recreation Vehicle Use (greater than 80 acres, where no dwelling exists – maximum 3 year permit. If the landowner wishes the use to continue, they must re-apply for the use prior to the expiry of the permit).

y) Buildings and uses accessory to the above

On January 31, 2019, Development Permit D18/238 was issued for the expansion of the existing resource extraction operation subject to twenty-eight (28) conditions, which is as follows:

**RE: Proposed Development: Expansion of Existing Resource Extraction Operation for Gravel**

**Land Location: SW-36-46-27-W4M**

**Municipal Address: 465003 HWY 795**

**Tax Roll Number: 244000 & 243900**

This will acknowledge that your completed development permit application submitted to our office November 13, 2018 for the above described development has been APPROVED by the Development Officer subject to the following conditions:

1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. Location and use of proposed development shall be as specified by documents submitted by applicant.

3. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.
6. The applicant shall enter into a Road Use Agreement with the County of Wetaskiwin Public Works department for all Range, Township and Public Roads used to access the site within fourteen (14) days of the date the Development Permit is approved.

7. As specified in an approval to be obtained from Alberta Transportation.

8. The development shall operate in compliance with all other County approvals and By-laws, including any County of Wetaskiwin No. 10 Page 1 of 6 Application Number: D18/238 road-use agreements as required. Failure to comply with a road-use agreement or other County By-law, or failure to obtain an agreement where required may result in the cancellation of this development approval at the discretion of the Development Officer.

9. The proposed pit is approved as a "Resource Extraction Operation Type A”. Excavations will occur in six phases. The first extraction phase will begin in the south at the area designated as MB1 on the development plan removing the aggregates to their full depth depleting that portion of the pit. The development will then proceed northward depleting Areas MB2 through to MB6;

10. The Developer must provide and maintain proper signage on the property for public safety including signs for access onto the Public Road. A sign permit can be obtained from the Planning and Economic Development Department at the County of Wetaskiwin;

11. The Developer shall ensure all provincial permits and approvals are obtained and in place prior to the commencement of any operations and these shall be kept current and compliant including but not limited to a Conservation and Reclamation Approval (or equivalent approval) from Alberta Environment;

12. Effective January 1, 2007 a $0.25 per tonne levy will be implemented as outlined in Bylaw 2006/41, Community Aggregate Payment Levy, the Bylaw is attached;

13. Any removal of trees or shrubs providing nesting habitat for birds shall not occur during nesting periods between April 15 and August 30th of each year;

14. All traffic to and from the site shall abide by any road ban restrictions unless otherwise stated in a road use agreement;

15. The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. General operations such as excavating, back filling and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 2018, and related appendixes, studies, and figures. Note: in the event that concerns are received by the County concerning the operating hours, the County will contact the applicant/owner to amend the hour of operation; acting responsibly;

16. Should adjacent landowners raise concerns regarding noise from the operations of the development, the applicant or operator must undertake measures to reduce the noise as approved by the County;

17. No haul shall be allowed along Township Road 450 using Range Road 270 heading eastbound for access;

18. A minimum 3.0 metre berm shall be maintained to control noise and is to be parallel to Township Road 465 to the satisfaction of the Development Officer.

19. Trucks shall be tarped when hauling gravel on County roads;

20. The Developer shall ensure that in the process of the extraction and hauling, weeds are not spread onto adjacent properties and road rights of way. In the event that the County determines that weeds are being spread through this process, the Developer shall participate in a weed spraying program to the satisfaction of the County’s Director of Agriculture to eliminate the problem;

21. The Pit shall be located as shown on the plans submitted. Stockpiling shall continue in existing locations as well as in the new area indicated. Any new stockpiling shall be done in such a manner to further mitigate any noise generated by crushing operations;
22. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 10 metres (33 feet) as it appears on the submitted plot plan;

23. An undisturbed buffer of fifteen (15) metres will be maintained at top of bank along the Bigstone Creek;

24. Parking of employee vehicles and company equipment will be accommodated on site. No vehicles or equipment shall be parked on the public road;

25. The Development Permit shall expire and all operations associated with this approval shall cease after December 31, 2023, at which time a new Development Permit may be applied for;

26. There shall be no mining in the archaeological avoidance zone;

27. The Developer shall create a 3 metre berm on the south east side of crusher to act as a sound buffer to the satisfaction of the Development officer;

28. The Development Permit will be rendered void if any of the conditions are not complied with.

This is a discretionary use as specified by Section 10.1.3 (o) & 10.1.5 (a) of Land Use By-law 2017/48.

Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.

2. The developer has two (2) years from the date of issuance to complete the proposed development, unless otherwise outlined in the conditions of this permit.

3. All Recreational Vehicle Use, Short Term Camping and recreational Vehicle (RV) Storage must comply with the provisions outlined and defined in the County's Land Use Bylaw 2017/48.

4. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any encumbrance.

5. The applicant is advised that it is their responsibility to contact the Alberta Energy Regulator Information Services by telephone at 403-297-8311, by fax at 403-297-7336 or by e-mail inquiries@aer.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.

6. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.

7. It is the responsibility of the applicant to contact the County to inquire if any appeals have been received.

8. No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received). Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

9. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

As the applicant or adjacent landowner, you are being notified in accordance with the County of Wetaskiwin Land Use By-law 2017/48. If you wish to appeal the approval of this development, please fill out the attached form along with a written submission.
stating the grounds of appeal, along with the $150.00 appeal fee, must be received on or before 4:30 p.m., February 21, 2019. The appeal should be addressed to the Secretary of the Subdivision & Development Appeal Board, County of Wetaskiwin No. 10, Box 6960, Wetaskiwin, Alberta T9A 2G5. In the event an appeal is received, a hearing will be scheduled.

On February 21, 2019, a Letter of Appeal was received from Mark Minchau, which reads as follows:

"Brown Gravel Pit SW-36-47-27-4
Friends & neighbors of Bigstone creek
Request and appeal on the following grounds:
Noise pollution—none of us are in favor of 24/7 gravel crushing and trucking operations.
Dust pollution to adjacent crops and crop land, dust pollution to surrounding yard sites.
Trucking—no gravel or gravel equipment trucks east of pit entrance empty or loaded unless gravel is to be used domestically.
Water health & pit reclamation—to what depth is this permit allowing and what, if any contingency plan is in place to protect the shallow aquifer? Where is the detailed reclamation plan and is the site to be returned back to natural habitat?
Property values—after current property values of adjacent owners declines, who will make up the difference?
Much more to discuss, looking forward to voicing our concerns at the Public Hearing,
Sincerely, The Friends of the Bigstone creek
Ron & Darlene Cosgrave
Mike Komives
Craig Susan Lonsway
Mark Minchau
Scott Vuylsteke
Lloyd Erhardt
Linda Erhardt
Collin Cook
Barb Cook
Doug Dammann
Alanna Dammann”

A Subdivision and Development Appeal Board Hearing was scheduled for Wednesday, March 13, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board members, and the Director of Planning and Economic Development on February 25, 2019.

The Development Authority recommends that the appeal of Development Permit D18/238 for ‘the Expansion of Existing Resource Extraction Operation’ located within SW 36-46-27-W4M be refused and Development Permit D18/238 be upheld. The recommendation is made for the following reasons:

- There is a noise study in place for the existing gravel pit which states that there should be limited impact on adjacent residences. Further, the expansion is moving
further away from most of the residences with conditions requiring further berming to help mitigate noise;
• The County has an extensive list of conditions within the development permit as well as within the historical Road Use Agreement with the County’s Public Works Department;
• Reclamation and any Water Act requirements are the jurisdiction of the Province and the proposed and end land uses are compatible with the County’s Land Use Bylaw 2017/48; and
• In the opinion of the Development Authority, with all planning considerations taken into consideration and sufficient mitigation measures in place the approval of Development Permit D18/238 would remain consistent with the 1996 Land Use Policies as put forward by the Province, the County’s MDP, Land Use Bylaw and Policy 61.1.14.

Jarvis Grant, Development Officer went over his Development Officer’s report where he highlighted the following topics:
• The history of the resource extract pit.
• The ACI issued, Environmental Noise Impact Assessment for the no existing pit.
• The existing Road Use Agreement and hauling restrictions.
• Alberta Environment and current Agricultural Districting
• Consistency within the Land Use Bylaw 2017/48, County of Wetaskiwin Policy 61.1.14 Requirements for Resource Extraction Operations as Municipal Development Plan, which is inline with the 1996 Provincial Land Use Policies, which are still in effect.

The Board requested clarification of the future expansion, and current state of the pit. Mr. Grant clarified the proposed expansion areas on the map provided to the board which extends north of the existing pit.

The Board questioned if the applicants will be clearing trees and will future reclamation plans include replanting the trees which will be removed. Mr. Grant replied the will be trees cleared from the expanded areas, in accordance to the Migratory Bird Act, and the lands will be reclaimed to pasture.

The Board questioned if any new permit conditions had been added or amended to the previous approval D09/284 Mr. Grant there are some new conditions added.

The Board questioned where the crusher will be located. Mr. Grant indicated it will be located at same location as it had been previously.

The Board questioned if the the pit will operate 12 months per year. Mr. Grand indicated the applicant would be more suited to answer.

The Board questioned if there have been any condition not met since 2011. Mr. Grant is aware of two. Phone calls were received and the complainant was provided with Policy 21.1.2, the Enforcement Complainant Process Policy or given the optioned to submit their grievance in writing. Enforcement is complaint driven, and an investigation is completed once the complaint is received in writing.

The Board questioned the lifespan of the project. Mr. Grant verified the permit expires in 2023. There is an understanding there is approximately 2 months of crushing remaining. He verified that mining and crushing occur simultaneously.

The Board stated that the plan indicates reclamation at time of completion and wondered if there is potential to reclaim prior. Mr. Grant stated that there has been some reclamation completed and the applicant was required to provide security to the province to ensure reclamation is completed.

The Board ask for additional clarification of the historical impact area located within the applicants map. Mr. Grant verified the applicant would not be mining in the historically impacted area or the Archaeological Avoidance area.

The Board questioned if the same equipment, both size and numbers, is being used as the Environmental Noise Impact Assessment originally tested for. Mr. Grant stated based on his review the equipment which will be used is comparable.
Michelle Corry, of the Aspen Land Group, provided background and spoke on the following:

- The historical pit was originally disturbed between the years of 1967-1969 as per map 2-8.
- This pit is considered a high and dry pit, no water will be pumped, and the water table will be avoided.
- The process will including stripping the land of topsoil, mine the aggregate, crush the aggregate and haul offsite.
- The applicant will progressively reclaim the property. As a new block is opened, a subsequent block is reclaimed. Much of the existing disturbance is historical.
- All lands will be reclaimed at time of completion.
- There are 6 blocks which remain to be mined. 2 Blocks are currently approved within the existing permit and blocks 3-6 are located within the conditionally approved D18/238.
- Noise mitigation measures, including using 3 metre berms.
- Crushing will only be conducted once per year during the mining season.
- Trucks will haul west, no trucks are to travel east, and all trucks are to be tarped.
- There will be no pit de-watering. Mining will total a depth of 13 feet.
- The pit will be reclaimed to Agriculture use, specifically pasture.

Dean Baumann, of Associated Aggregates Inc. spoke on the following:

- Noise - 24 hour operation, they work with a short season which is largely dependent on weather. Other industries are not required to shut down every other weekend.
- Dust pollution - There are road speed restrictions, minimal processing on site compared to other gravel operations, calcium is applied twice per year and the road was graveled at the County's request the summer of 2018.
- Heavy Traffic East - had not been aware of any instances of trucks heading east.
- Water health - There is no mining into the water table, there is an existing dugout which has not been expanded. There is plan to keep the dugout for the land owner.
- There is no material washing on site. This operation only crushes dry aggregate.
- Property values - This site has been disturbed since the 70's, any perceived devaluation has previously been worked into property values. When the site is reclaimed, property values may improve. Many gravel pits are reclaimed to golf courses.
- This will be a short term gravel project, plans to reenter the site late summer, crush for 2 month and finish the project. A stock pile would be left and hauled out before 2023. Reclamation would be completed prior to 2023. Existing stock piles will be included within the reclamation project.
- The trees located on the expansion area have not yet been cleared.
- The benefits of localized aggregate operations which help reduce the costs of trucking.
- There is a 25 cent levy per tonne paid to the County.
- There are no plans to replant the trees cleared. The reclamation will be pasture.

The Board questioned if removing the trees will increase dust and noise and if there is mitigation to prevent that the increase. Mr. Baumann stated he crusher will be placed in the same location, the stock piles will be used to buffer the sounds once created. It does take two days to create the berm. Noise is generally from the screen deck. The generator can be located by a stock pile to reduce noise.

The Board questioned if there has been an updated Environmental Noise Impact Study. Mr. Baumann stated the same equipment will be used as determined in the original Environmental Noise Impact Study from 2010.

Michelle Corry stated a condition is lands must be seeded with vegetation prior to moving to the next block.

The Board requested the permit applicant verify the project process. Mr. Baumann stated the aggregate in this area must be processed in the summer. There is two months left of crushing within this pit. Associated Aggregates plans to start at the
end of August, crush for two months until early October, every second weekend would be shut down as per the condition of the permit. Majority of the property will be reclaimed. The permit is valid until 2023. The time frame of 2020 - 2023 is to ensure reclamation is complete and vegetation is established.

The Board questioned the total area of trees to be removed. Ms. Corry stated the area to be cleared will be 10 hectares.

The Board questioned if there has been watering or calcium applied to internal road ways. Mr. Baumann confirmed watering would required a Temporary Diversion License, which is difficult to obtain. At this time there is no internal dust control.

Mr. Baumann stated crushing will be completed for this project by freeze up. There will be a stockpile until approximately 2021 and the final stages of reclamation will be completed.

The Board questioned if the Applicant was aware of any complaints. Mr. Baumann stated he had not heard of any complaints. The County of Wetaskiwin, Public Works had contacted him about the road condition and Aggregate Associates placed gravel on TWP RD 460 to rectify the situation.

The Board questioned if any final reclamation has been completed. Mr. Baumann stated no final reclamation has been completed and cannot be addressed until all trucks and disturbances are finished. It is possible to reclaim the north area first and the areas from center east are close to reseeding. The westerly areas cannot been reclaimed at this time as the stock piles of aggregate are stored there.

Scott Vuylsteke spoke to the following:

- How long is this project expected to last?
- They were made aware there was crushing in the area because they heard the equipment.
- Feels much has changed in the area since the original noise study was completed in 2011.
- Will the stock piles be in place longer than 2023?
- Largest concern is noise pollution. Recommended revising the noise study.
- Should additional traffic be expected as a result of logging the trees from the expansion site.

The Board questioned they types of changes in the area from 2011 to 2019 which would increase the sound travelling and if there had been additional development in the area. Mr. Vuylsteke verified the only changes had been onsite.

The Board questioned if crushing on the site had historically been longer than two months? Mr. Vuylsteke stated he did not keep track if it exceeded two month of crushing. There had been no open communication from the developer regarding the operations on the site.

Doug Damman presented a letter, which reads as follows:

"Good evening,
We are Doug and Alanna Dammann, legal Land description 25-46-27 W4M. Our acreage is located directly south east of the current gravel operation. The proposed expansion of the gravel operation will bring the current pit to a significantly closer proximity of our home, resulting in unbearable living conditions. The workings of the original pit operations created an unacceptable noise and dust level that disrupted every aspect of our home life.

The county has given permission for crushing 24/7, with every second weekend and Statutory holidays off. This condition was also in the first development plan but was never followed as was outlined. They have reduced the front yard setback of 131 feet to a proposed distance of 33 feet and has required a 3 meter berm for noise control. Having lived through the initial gravel crusher location, we can assure council and the appeal board that this in no way limits the noise and or dust. We would welcome any member of this appeal board to our home during active crushing and have them experience what we lived with and what will become worse if this operation is allowed. Both my husband and I appealed, actually begged the county if truth be told,
to please enforce the conditions laid out in the original pit operation. Our voice fell on
deaf ears. If this expansion is approved who will be enforcing conditions?

This brings us to our next concern of property value. Living with an active gravel pit is
not possible. But our hands are tied as our property value will plummet, which makes
it impossible for us to sell. Who is accountable for our loss? Who is going to be
financially responsible to make up the difference when we are forced to leave our
home and community?

Our homes water source is an active well, fed by Bigstone Creek with a water table of
3 of feet and a well depth of 59 feet. During the original pit operation we found our
water levels and quality to drop significantly. This was brought to the attention of the
county as it was visually apparent that the operation was at the water table. Again,
this concern was never addressed or responded to. When our well is no longer viable
as a result of this expansion, who is responsible to ensure that our home has water?

If council and the appeal board allow this expansion, what is the time line for
reclamation of the pit site? When and how many trees will be planted to restore our
natural wind break and prevention of soil erosion?

For this appeal board to make an informed decision, we’d strongly suggest that you
visit an active gravel pit and crusher operation to fully experience what we are
being
told that we will have to live with, at minimum, until 2023. The noise is unbearable,
sleep is impossible, the dust is so heavy we are unable to enjoy our yard, leaving our
home is made impossible by trucks that line township 465. In short, there is not a
single aspect of our life that is not affected.

In closing, we sincerely hope that our concerns are taken into consideration before
this development is finalized.

Doug Dammann  Alanna Dammann"

The Board questioned Mr. Dammann’s location compared to the extraction pit and if
the dust is coming form operation, crusher, or the road. Mr. Dammann clarified the
location of his home, and the dust experienced is coming from both the road and
operation. He also stated he had spoken with several members of administration.

The Board questioned when the issues started. Mr. Dammann stated the fall of
2017. The operation had crushed from September until Christmas.

Lloyd Erhardt present a letter, which reads as follows:

"Dear Appeal Board
My name is Lloyd Erhardt and I live on northwest corner of the same land location as
the proposed gravel pit. I have several concerns to have addressed:

1. Last year when the gravel operation started the noise from the crusher and
loaders was very loud and this was annoying especially at late a night. It would
be appreciated if you could cut down the hours of operation to 16 hours a day 6
days a week or close to it as possible.
2. I’m vary concerned about the land after all the gravel has been taken out What
plans does the county have to address this reclaiming of this land? Are you taking
steps to guaranty this will happen? Please note you are taking out a lot of natural
habitat for birds and animals, there is a lot of trees on this land.
3. I travel this road a fair amount going to my Daughters place and to my
neighbours. These trucks cause a lot of dust and potholes. This dust has affected
the neighbours crops because the wind comes mostly from the north west I think
better dust control by the developer by the way of water or calcium chloride on
the road would really help.
4. There is a concern about the water table in this area. Has the county look at the
possibility of having the water table contaminated if they go to deep with the pit
All kinds of animals and cows will use this pit for drinking water. This is not a one
year operation, you have extended the permit to 2023. Please take these concerns
serially, two to three years would not make us happy.
Thank you"
Lloyd Erhardt stated his concerns regarding road maintenance, calcium placement and the method of harvesting the trees from the property.

Mark Minchau submitted a letter to the board which reads as follows:

"Some of our concerns as follow below:

1. The Permit, to clarify was issued for the SW-36-46-27-4 and only the SW, is this correct?
2. Depth of extraction in relation to the shallow aquifer. We can't seem to find anywhere on the Permit a proposed pit depth or a water quality study of existing domestic water supply. We would advise a detailed water study of adjacent water wells be completed before any further operations proceed. As well, we would like to know who assumes the liability should something adverse happen, the Developer or the Permit issuer?
3. Reclamation: Referring to Paragraph 1 on the Permit it states that the Developer is responsible for Provincial permits and approvals including Conservation and Reclamation. Who if anyone oversees this and enforces it? As for the reclamation, Paragraph 25 states that All Operations cease DEC 31/2023. Will the area be returned to Natural Habitat by then or will there be livestock at large in the open excavation? We recommend no further extensions be granted beyond 2023.
4. Noise and dust control will be addressed by other adjacent land owners.
5. No hauling of equipment or gravel trucks, empty or loaded east of present pit entrance with the acceptance of domestically purchased aggregates.

We sincerely wish the Browns and the Developer success on the next phase of their pit and hope they can appreciate our concerns.

Thankyou
Mark Minchau"

Mark Minchau stated the following:

- Dust and effects on adjacent crops.
- Recommends better dust control moving forward.
- The TWP RD 460 was not maintained very well summer of 2018.
- Concerns regarding the reclamation process. Would like to see the reports that reclamation has been completed properly.
- Understands Agricultural parcels have the ability to extra gravels and that weather plays a factor.
- Recommends better sound control.

Craig Lonsway stated the following:

- His property vibrates when a crusher is operating.
- Concerns for future water effects.
- Dust coats everything.
- Has experience flooding, was unsure if it was a result of the mining.

The Board questioned if the trucks head past Mr. Lonsway's home. He verified there are trucks which travel east on TWP RD 460.

The Board questioned how much dust is attributed specifically to truck travel. Allanna Dammann stated the pass of one vehicle and back yard life is eliminated.

Cheryl Dupe read a letter submitted by Geri Faulk, which reads as follows:

"I. (Gerry Faulk) I have a concern about the dust that we had to put up with in the last 2 years. From the gravel pit at SW-36-46-27-W4M any south winds, the winds follow the tree line and seem to dump the dust at our place.

Even when the farms are not in their fields this dust must be coming from the gravel pit.

The side of the house is covered in dust.

The furnace and inside the home is covered in it dust, Brown Dirt."
We have had this kind of dust before the gravel pit opened up.

Now you want to extend the pit for another 5 years??

I don’t mind people making money.

We moved to the country. We expect dust and dirt when the farms are in the fields. But not all year long.

Gerry Faulk"

Cheryl Dupe presented the following statements and concerns:

- Was relieved to hear it will be only two months of crushing, not five years.
- Silica is a byproduct of mining and can cause health concerns. This was researched on the internet.
- Requests notification when crushing will occur.
- Is there a way to monitor the dust to ensure it is not toxic?

The Board clarified that water is located within the Province’s Jurisdiction and cannot be addressed by the Subdivision and Development Appeal Board.

Brian Brown, owner of the lands being developed, spoke to the following:

- The history of the lands including when they were purchased, previous developers and mining operations within the lands.
- Chose to partner with Aggregate Associates because they would respect the terms of development provided by the Browns, including the location of mining and the avoidance of certain lands within the half section.
- Many parcels of lands have changed hands through the last five years and there had been no complaints of reduced revenues.
- The existing water sources has remained, even in years of drought.
- It is a short term projects.
- Was unaware that trucks headed east of the pit.
- The largest haul was the winter of 2017 for Leduc County.

The Board asked for verification of the Brown’s home location. Mr. Brown confirmed his home is located west of the extraction pit.

The Board questioned if the water sources could be used for dust control. Mr. Brown confirmed it would be available. **(As stated in previous discussion, Mr. Baumann confirmed watering would required a Temporary Divers License, which is difficult to obtain.)**

Rod Hawken, Secretary to the Board read a letter submitted by Ron and Darlene Cosgrave:

"We live across the road from the Pit. There was a lot of trucks and a lot of Dust. They covered my pasture, hay land and crop land. Would like to see calcium put from mail box’s to drive way into the pit.

Thank you.

Ron Cosgrave"

Jarvis Grant, Development Officer, provided final comments:

- The pit is in compliance with the hierarchy which has been put in place by the province.
- There are sufficient mitigation efforts to reduce noise and dust.
- If there are complaints, they are to be submitted in writing for enforcement actions to be taken as resources are available.
- Recommended to uphold the permit with the amendment from SW 36-46-27-W4M to SE & SW 36-46-27-W4M.

The Board questioned the protocol of calcium capping. Mr. Grant confirmed land owners pay for the service in front of their properties. If there is a road use
agreement in effect for a development, calcium capping is addressed at that time. Also, Planning and Development are not notified when capping takes place.

Rod Hawken, Secretary to the Board, clarified that calcium capping can be done at any time, however, it is generally completed in the month of June due to labour availability.

Dean Baumann stated the following:

- Calcium capping occurs in June, with reapplication in August.
- Will address trucks heading east of the pit on TWP RD 460.
- Silica infections are not an issue in Western Canada. His staff are not required to wear masks because they are not at risk.
- Is will to consult with adjacent land owners to receive feedback for the locations of berms to prevent noise.

The Board questioned if the trucks only run when the crusher operates. Mr. Baumann stated the trucks operate during construction season. Generally, June to September.

The Board question how many trucks will operate on average. Mr. Baumann stated that an average of ten (10) trips would be made daily from the pit.

Dean Baumann stated Mr. Brown will be receiving the trees from the property for his personal use. The remaining smaller poplar will be brushed and burned.

Brian Brown confirmed several neighbours had re-drilled water wells prior to mining.

Scott Vulsteke stated the amount of brushing completed will be significant. He also stated communication is key and showed concern for the changes in the water table.

Alanna Dammann stated there is lack of communication. and was unaware there is a complaint process and form. The noise created by the operation is unbearable. Her list of concerns are as follows: 1. Lack of communication, 2. Noise, 3. Dust, 4. The operation has not shut down every second weekend in the past.

The Board questioned where Ms. Dammann's estimation of the location where the dust originates. Ms. Dammann replied the dust originates within the site.

The Board questioned which direction the winds prevail from. Ms. Dammanm stated wind direction does not affect the dust volume.

Chairperson L. Johnson questioned appellants if they felt he had a fair hearing. It was in agreement that they felt they a fair hearing.

Chairperson L. Johnson declared the hearing closed at 7:28 p.m and the Board thanked the delegation for attending and they left the hearing.

The meeting recessed at 7:29 p.m.

The meeting reconvened at 7:32 p.m.

The Board discussed the following to come to a decision:

- Recapped the issues of communication, dust and noise.
- Reviewed the amounts of dust created by the operation.
- East bound trucks on TWP RD 460.
- Watering Options for dust control.
- Volume of dust generated both on TWP RD 460 and within the mining site.
- The use of calcium chloride as a dust control measure.
- County of Wetaskiwin’s responsibilities
- Reclamation timelines.
- Methods of available communication.
- Different signage options.
- Disposal options of brush piles.
- Time frames for crushing, subject to weather.
- Berm sizes, locations and effectiveness.
- File history.
- All conditions of the conditionally approved permit.
• Noise impacts resulting from the removal of trees within the mining site.
• Associated Aggregates Updated Action Plan.
• The Enforcement Complaint Process 21.1.2.

Resolution SD20190313.002
MOVED: by Board Member C. Daniel

The board denied the appeal by The Friends of Bigstone Creek for Development Permit D18/238, Expansion of Existing Resource Extraction Operation for Gravel within SE & SW 36-46-27-W4M, Aggregate Associates Inc. be approved subject to the following conditions:

1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

3. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

4. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

5. The applicant shall enter into a Road Use Agreement with the County of Wetaskiwin Public Works department for all Range, Township and Public Roads used to access the site within fourteen (14) days of the date the Development Permit is approved;

6. As specified in an approval to be obtained from Alberta Transportation.

7. The development shall operate in compliance with all other County approvals and By-laws, including any road-use agreements as required.

8. The proposed pit is approved as a "Resource Extraction Operation Type A". Excavations will occur in six phases. The first extraction phase will begin in the south at the area designated as MB1 on the development plan removing the aggregates to their full depth depleting that portion of the pit. The development will then proceed northward depleting Areas MB2 through to MB6;

9. The Developer must provide and maintain proper signage on the property for public safety including signs for access onto the Public Road. Signage is required stating "NO LEFT TURN" upon exiting the pit to Township Road 465. A sign permit can be obtained from the Planning and Economic Development Department at the County of Wetaskiwin;

10. The Developer shall ensure all provincial permits and approvals are obtained and in place prior to the commencement of any operations and these shall be kept current and compliant including but not limited to a Conservation and Reclamation Approval (or equivalent approval) from Alberta Environment. Copies of obtained permits shall be submitted to the County of Wetaskiwin for their records;

11. Effective January 1, 2007 a $0.25 per tonne levy will be implemented as outlined in Bylaw 2006/41, Community Aggregate Payment Levy, the Bylaw is attached;

12. Any removal of trees or shrubs providing nesting habitat for birds shall not occur during nesting periods between April 15 and August 30th of each year, in accordance to the Migratory Birds Conservation Act;

13. All traffic to and from the site shall abide by any road ban restrictions unless otherwise stated in a road use agreement;

14. The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. General operations such as excavating, back filling and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 2018, and related appendixes, studies, and figures;
15. No haul shall be allowed along Township Road 465 using Range Road 270 heading eastbound for access;
16. The applicant shall have an updated Environmental Noise Impact Assessment completed to recognize the reduction in tree cover and expansion of the pit; for the purpose of recommending locations and sizes of berms to reduce noise to nearby residences.
17. Trucks shall be tarped when hauling gravel on County roads;
18. The Developer shall ensure that in the process of the extraction and hauling, weeds are not spread onto adjacent properties and road rights of way. In the event that the County determines that weeds are being spread through this process, the Developer shall participate in a weed spraying program to the satisfaction of the County’s Director of Agriculture to eliminate the problem;
19. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 10 metres (33 feet) as it appears on the submitted plot plan;
20. An undisturbed buffer of fifteen (15) metres will be maintained at top of bank along the Bigstone Creek;
21. Parking of employee vehicles and company equipment will be accommodated on site. No vehicles or equipment shall be parked on the public road;
22. The Development Permit shall expire and all operations associated with this approval shall cease after December 31, 2023, at which time a new Development Permit may be applied for;
23. There shall be no mining in the archaeological avoidance zone;
24. There shall be no burning of brush piles during crushing or hauling operations to manage air quality.
25. A communication plan shall be developed by the Applicant to the satisfaction of the Development Officer and shall abide by terms of the approved plan.
26. There shall be dust suppression on site during operations to the satisfaction of the County.

This is a permitted use as specified by Section 10.1.3 (o) & 10.1.5 (a) of Land Use By-law 2017/48. Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.
2. The developer has two (2) years from the date of issuance to complete the proposed development, unless otherwise outlined in the conditions of this permit.
3. All Recreational Vehicle Use, Short Term Camping and recreational Vehicle (RV) Storage must comply with the provisions outlined and defined in the County’s Land Use Bylaw 2017/48.
4. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
5. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any encumbrance.
6. The applicant is advised that it is their responsibility to contact the Alberta Energy Regulator Information Services by telephone at 403-297-8311, by fax at 403-297-7336 or by e-mail inquiries@aer.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.
7. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.
8. Pursuant to the provisions of Section 685 (3) of the Municipal Government Act, no appeal lies respecting the issuance of this development permit for a permitted use,
unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

9. No physical excavation or construction may legally begin prior to the permit issue date of March 25, 2019. Any excavation or construction started prior to the permit issue date will be done at the sole risk and cost of the applicant.

10. Location and use of proposed development shall be as specified by documents submitted by applicant.

Reasons for the Board's Decision:

- The adjacent landowners' concern regarding noise can be mitigated by requiring an update to the noise impact assessment that will provide recommendations to reduce the noise heard by nearby residences.
- The adjacent landowners' concern regarding dust can be mitigated by requiring dust suppression on site during operations to the satisfaction of the County.
- The adjacent landowners' communication concerns can be addressed by having the applicant develop and abide by a communication plan.
- No Evidence was provided to support lost of property values.
- No evidence was provided that would impact domestic water wells. This matter is also outside the jurisdiction of the Subdivision and Development Appeal Board.
- Gravel pit extraction is a discretionary use within the Agricultural District, Section 10.1.3 (o) of the Land Use Bylaw 2017/48. This application was completed in accordance with the County of Wetaskiwin's Policy 61.1.14, Requirements for Resource Extractions Operations as required by the Municipal Development Plan which is in line within the 1996 Provincial Land Use Policies, which are still in effect

Carried Unanimously

7. ADJOURN

Resolution SD20190313.003

MOVED: by Board Member T. Hoogland

that the meeting adjourn at 9:22 p.m.

Carried Unanimously

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CHAIRPERSON

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SECRETARY