

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **May 19, 2016**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: K. Walton; Chair  
L. Schafer; Member-At-Large  
D. Hedley; Member-At-Large  
M. Olson; Member-At-Large

A. Aalbers; Councillor  
J. Sayer; Councillor  
K. Heck; Councillor

IN ATTENDANCE: M. Bloem; Director, Planning & Development/Secretary, Municipal Planning Commission  
M. Pawlow; Manager of Planning Services  
S. Madge; Manager of Development & Permitting Services  
J. Ross; Development Officer  
L. Craven; Recording Secretary

CALL TO ORDER: K. Walton called the meeting to order at 9:01 a.m.

AGENDA MPC 16-056 Moved by J. Sayer  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of May 19, 2016 as presented.  
Carried.

ADOPTION OF MINUTES MPC 16-057 Moved by A. Aalbers  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of May 05, 2016 as presented.  
Carried.

PLDP20160120  
NW 9-33-1-5  
Plan 1512542 Blk - 1 L - 2 Planning and Development Services presented an overview of an existing development located at NW 9-33-1-5 Plan 151254 Blk - 1 L - 2, and provided information as introduced in the agenda package, including the location map, aerial photos and site photos.  
Planning and Development Services provided specific information to the application as follows:  
• Application is for an existing Dugout (used as a borrow pit).

- Zoning is Country Residential (1) District (R-CR1) and the parcel size is 2.05 acres.
- Property is located within Division 7 and the rural neighborhood of Netook.
- Applicant/Landowner – WIFFEN, Christopher & Josie
- The applicant dug the large pit to provide fill for the new residence being built. This application was a result of a Bylaw Enforcement Complaint submitted to the County.
- Dugout is not a listed use within the Country Residential (1) District of the Land Use Bylaw.
- The application was referred to County's Agricultural Department.
- The dugout is located within the required yard setback from the County's road right-of-way.
- The dugout is located across the east-west property boundary between the two R-CR(1) lots.

Municipal Planning Commission discussed the following:

- Administration clarified that in order to gain compliance with the Land Use Bylaw the dugout would be required to be cleaned out and filled in.

Applicant was not present.

Moved By A. Aalbers

MPC 16-058 That the Municipal Planning Commission (MPC) refuse the existing Dugout (used as a borrow pit) in accordance with Land Use Bylaw No. 15/15, within NW 9-33-1-5 Plan 1512542 Block 1 Lot 2 submitted by WIFFEN, Christopher & Josie, Development Permit File No. PLDP20160120 for the following reasons:

- Dugouts are not a listed use within the Country Residential (1) District of the Land Use Bylaw.
- The dugout is located across property lines and is not contained within one (1) legal land description.
- There are safety concerns with the proximity of the dugout to the adjacent Range Road 14 and pre excavation of the dugout area.
- The Alberta Building Code regulates water usage for recreational use through issuance of a Building Permit.
- Alberta Agricultural and Forestry identify Dugouts as being used as an important water source within Canadian Prairies for farm use within their document "Quality Farm Dugouts"

Carried.

PLDP20150509  
SE 23-34-4-5

Planning and Development Services presented an overview of a proposed development located at SE 23-34-4-5, and provided information as introduced in the agenda package, including the location map, aerial photos and site photos.

Planning and Development Services provided specific information to the application as follows:

- Application is for Aggregate Extraction - Gravel Pit and Portable Batch Plant (less than 3 months).
- Zoning is Aggregate Extraction/Processing District (AEP) - 109.6 +/- acres for the pit only (159 acres).
- Property is located within Division 6 and the rural neighborhood of Eagle Hill/Westward Ho Community.
- Applicant / Landowner - BORDER PAVING LTD.
- There are five (5) wells and approximately five (5) pipelines located on the subject property. The proposed operation will not be located within the 100 meter setback as required by Alberta Energy Regulators (AER).
- Property contains moderate environmentally significant areas due to the Eagle Creek being located on the subject property, large mature vegetation and topographic constraints. The pit operation is proposed to be located outside of the designated Environmentally Significant Area (ESA).
- There is no proposed wash plant at this location.
- Property is surrounded by Agricultural and Country Residential and Country Residential 1.
- Estimated volumes 1,880,000 metre tons over 40 years.
- Class 1 pit with a disturbance area of 108.23 acres and requires provincial approvals. The applicant will be applying for provincial approvals after municipal approvals have been granted. Environmental Protection and Enhancement Act and Code of Practice for Pits are 2 of the provincial approvals required.
- Applicant did a community consultation before applying.
- On January 5, 2016 the application was circulated by mail to all adjacent landowners located within one (1) mile of the subject property and within a half mile of the proposed haul route. There were many objection letters received with respect to the subjected applications proposal and is included in the Agenda Package.
- Concerns from adjacent landowners were: dust, property values, excessive noise, hours of operation, increased traffic, obstructed view, water, environmental issues, air quality, not an appropriate use, exceeding the proposed 5 hectares, and 2 other pits in the area already. Applicant responded to the concerns and is included in the Agenda Package.
- Applicant also submitted an Area Drainage Plan and Haul Route Map.
- There is a Condition that that requires the Applicant to obtain a Haul Route Agreement from Red Deer County and submit a copy to Mountain View County. Range Road 41 is a Red Deer County Road.

Municipal Planning Commission discussed the following:

- Administration clarified the haul route, dust control, dates for crushing and processing, hours of operation and berms.

- The top soil will be used for berms and will be kept for the life of the pit, and then the soil will be used for reclamation.
- Alberta provincial mapping shows potential aggregate deposit in the area.
- There were changes to Condition 19 & 26 and an additional Condition 38.
- It was clarified that the portable batch plant is conditional for one year only.

Applicant discussed the following:

- Rodger Walls spoke as the applicant.
- Applicant stated that the majority of the gravel from this pit will be used in Red Deer County. The crushing will be done in the fall before the freeze up and then hauled in the winter.
- Tenders decide how often this pit will be utilized.
- Batch plant does not run all the time just when needed; very sporadic.
- Applicant stated that in general portable batch plants are moved to pits closest to the projects.
- Border Paving owns 5 portable batch plants. Plants are used for the specific project then moved to prevent thefts.
- The “Code of Practice” for asphalt paving plants applies.
- Berming with top soil will be placed to help elevate the noise and sight of the pit and also trees will be planted.
- Border Paving has a pit east of Red Deer but the pit is near depletion.
- Applicant stated it takes on average 15-20 years to deplete a pit.
- Applicant stated that they are looking to the future and securing pits now. Economically pits close to projects make the most sense.
- Crushing is usually done in 6-8 weeks.
- Border Paving mentioned that to accommodate surrounding properties they are willing to cease operations for a short time periods to accommodate family events in the vicinity with proper notification.
- Contact info will be posted at the pit entrance for the adjacent landowners.

Moved By A. Aalbers

MPC 16-059 That the Municipal Planning Commission (MPC) approve the proposed Aggregate Extraction - Gravel Pit and Portable Batch Plant (less than 3 months), in accordance with the Land Use Bylaw No. 15/15 and the submitted application, within SE 23-34-4-5 submitted by BORDER PAVING LTD., Development Permit File No. PLDP20150509, subject to the following conditions:

**CONDITIONS:**

**The works outlined in this application are subject to the following Conditions:**

**Standard Conditions:**

1. The provisions of the Land Use Bylaw No. 15/15.
2. Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.
3. The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.

**Standard Conditions If Applicable:**

4. N/A
5. N/A
6. N/A
7. N/A
8. N/A
9. A rural address is required to be posted on the property. The landowner shall contact Mountain View County to obtain a rural address and the requirements for posting it on the property as per the Rural Addressing Bylaw.

**Permits Associated with Building Construction:**

10. N/A
11. N/A

**Additional Conditions:**

12. The applicant and landowner shall enter into a Road Use Agreement with Red Deer County which will confirm that the haul route and any dust control requirements. Any revisions or amendments to the identified haul route shall be submitted to Mountain View County. A copy of the signed Road Use Agreement shall be submitted to Mountain View County.
13. The applicant/landowner shall obtain specifications and any required permits from Red Deer County for the proposed access off of Range Road 41
14. Additional uses other than the gravel pit and associated portable batch plant on the SE 23-34-4-5 will require issuance of a new Development Permit.
15. Regular hours of operation for the gravel pit including stripping and stockpiling, aggregate extraction, loading, crushing, hauling and truck traffic shall be Monday thru

Saturday 7:00 am to 7.00 pm. No operation of the pit shall occur on Sundays or Statutory holidays. Hours of operation shall be strictly adhered to.

16. Use of the portable batch plant is approved by this permit; Operation of the plant shall be limited to a maximum of three (3) months for one (1) year from the date of issuance of the permit. The applicant, landowner and/or operator shall reapply for a portable batch plant for any future use within the subject property.
17. On the occasion that the applicant, landowner and/or operator wishes to extend the hours of operation for crushing purposes other than the hours specified in Condition #14, the operator shall obtain and submit to Mountain View County written consent from the majority of adjacent landowners within a half (1/2) mile of the subject property.
18. The applicant and/or operator shall provide dust control within the operation of the gravel pit to ensure there are no adverse impacts to adjacent landowners and residences.
19. The applicant, landowner, and/or operator shall restrict the use of engine retarder brakes and reduce the amount of heavy gearing within the pit operating area.
20. All loads leaving the site shall be tarped to prevent spillage of rocks and gravel on the roads.
21. The operator and/or landowner shall comply with the Mountain View County's Community Aggregate Payment Levy, Bylaw No. 14/11.
22. The operator shall install an identification sign at the entrance of the gravel pit property. This sign must be legible and shall include the name of the pit, the legal and rural address, contact information, and hours of operation.
23. Soils shall be separated into top soil, sub soil piles and all piles and berms shall be seeded to prevent the contents from being blown off site and shall be used for reclamation purposes within the pit.
24. Positive drainage shall be maintained throughout the life of the pit as per the submitted Area Drainage Plan illustration and shall be in consultation with Mountain View County.
25. The operator shall plant a row of spruce trees along the east and south property boundaries to create a visual site barrier. Spruce trees shall be a minimum of 6 feet high and shall be maintained or replaced as needed.
26. The applicant, landowner and/or operator shall implement progressive reclamation consistent with their submitted

application and return the pit back to an agricultural use with an end pit lake in conformance with Alberta Environment approvals. Any additional uses for the subject property shall require the issuance of permits from Mountain View County. A maximum of 30 acres in total shall be disturbed at any one time (excluding access roads); the remainder of the pit shall either remain in its natural state or reclaimed.

27. The applicant, landowner and/or operator shall conform to the noise control methods identified within Section 6.7.1 of "A Guide to the Code of Practice for Pits" published by Alberta Environment
28. The applicant, landowner and/or operator shall observe and practice the standard code of practice for pits as described within the "A Guide to the Code of Practice for Pits" published by Alberta Environment.
29. That the applicant, landowner and/or operator complies with Section 6.6.2 Extraction Setbacks of the "A Guide to the Code of Practice for Pits" for the southerly gravel pit setbacks from the property lines.
30. The applicant, landowner and/or operator shall dispose of any chemicals collected and contained on site at an approved waste facility in a timely manner to prevent possible soil contamination. Any contamination clean up shall be the responsibility of the owner and/or operator.
31. That the applicant, landowner and /or operator shall meet any standards and obtain any approvals and inspections required under the Fire Code or Petroleum Tank Management Association of Alberta.
32. The applicant shall not be permitted to burn waste on site at any time.
33. The applicant shall ensure all gravel pit operations are located outside of the 100 meter buffer as required by Alberta Energy Regulator (AER).
34. A final reclamation certificate shall be obtained from Alberta Environment and submitted to Mountain View County upon completion/reclamation of the gravel pit area.
35. This approval is for a wet pit extraction gravel pit. Approvals shall be obtained from Alberta Environment to ensure compliance with all relevant Provincial Legislation.
36. The operator and/or landowner shall ensure that all truckers and/or contractors are aware of and comply with the conditions of this development permit relating to the operation of the gravel pit.

Adopted

37. This permit shall be reviewed by administration every five (5) years to confirm compliance with the above conditions. If the review confirms non-compliance, the Approving Authority will take the appropriate actions to remedy the non-compliance.
38. Berming shall be constructed to mitigate noise and visual impacts of the active pit area. Any berms being constructed within the pit area shall ensure that positive drainage is maintained on the subject property.

Carried.

CORRESPONDENCE

Information Items

MPC 16-060

Moved by K. Heck

That the Municipal Planning Commission receive the following items as information:

- 1) ASDAA Agenda from May 05, 2016
- 2) Permitted Development Permits Approved

Carried.

NRCB RA16022

MPC 16-061

Moved by A. Aalbers

That the Municipal Planning Commission receive NRCB Application Review 2014 items as information:

- 1) Location, Land Use & Ownership Map
- 2) RA16022 Application Complete 20160429

Carried.

ADJOURNMENT

MPC 16-062

Moved by L. Schafer

That the Municipal Planning Commission of May 19, 2016 be adjourned at 10:18 a.m.

Carried.

Adopted June 02, 2016

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Chair

I hereby certify these minutes are correct.

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Secretary, Municipal Planning Commission