



NOTICE OF DECISION

June 16, 2022

File No.: PLDP20220118

Sent via email and mail: admin@west-cansealcoating.com

WEST-CAN SEAL COATING INC
BOX 669
DIDSBURY, AB T0M 0W0

Dear Andrew & Matthew Arnill:

RE: Proposed Development Permit

Legal: SE 35-32-6-5

Development Proposal: Aggregate Extraction/Processing (121.22 acres (49.05 hectares)) and Berming

The above noted Development Permit application on the SE 35-32-6-5 for Aggregate Extraction/Processing (121.22 acres (49.05 hectares)) and Berming was considered by the Municipal Planning Commission on June 16, 2022.

The following policies were taken into consideration by the Municipal Planning Commission when reviewing the application:

Municipal Development Plan Bylaw No. 20/20	Section 8.0 Natural Resources
South McDougal Area Structure Plan Bylaw No. 02/10	Aggregate Extraction/Processing District / Agricultural (2) District Sections 3.3, 7.7, 8.1 and 9.2.
Land Use Bylaw No. 21/21	10.11.a Aggregate Extraction/Processing Section 11.2 A (2) Agricultural (2) District Discretionary Use - Berming Section 14.3 AEP Aggregate Extraction/Processing District Discretionary Use – Aggregate Extraction/Processing

The Municipal Planning Commission concluded that Aggregate Extraction/Processing (121.22 acres (49.05 hectares)) and Berming is suitable development for SE 35-32-6-5 and conforms to the above noted policies.

As such, the Municipal Planning Commission has approved the application subject to the following conditions:

STANDARD CONDITIONS:

1. The provisions of the Land Use Bylaw No. 21/21.
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.
4. If the development authorized by a Development Permit is not complete within twenty-four (24) months from the effective date of the Permit, such Permit approval ceases and the Permit itself is deemed void, expired and without effect, unless an extension to this period has been previously granted.

STANDARD CONDITIONS IF APPLICABLE:

5. N/A
6. All access approaches must be to County standards. A no charge approach permit is required and can be obtained at the Mountain View County office.
7. N/A
8. N/A
9. N/A
10. 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.
11. No development shall be constructed, placed or stored over an easement or utility right of way; the applicant/landowner is responsible for contacting Alberta-One-Call and/or other governing authority.

PERMITS ASSOCIATED WITH BUILDING CONSTRUCTION:

12. Permittees are advised that they are subject to standards of the Safety Codes Act of Alberta and are responsible to meet the requirements of the Act in regards to building, electrical, gas, plumbing, and private sewage disposal systems. Prior to construction required permits must be obtained from Mountain View County. Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies whether or not the said development has complied with the Safety Codes Act of Alberta.

ADDITIONAL CONDITION(S):

13. 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 a.m. to 7.00 p.m. No operation of the pit shall occur on Sundays or Statutory holidays. Hours of Operation shall be strictly adhered to.
14. 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 13, 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.



15. The applicant, landowner and/or operator shall provide dust control within the operation of the gravel pit to ensure there is no adverse impact to adjacent landowners and residences.
16. The applicant, landowner and/or operator shall install an identification sign at the entrance of the gravel pit. This sign must be legible and shall include the name of the pit, the legal land descriptions and rural address information, contact information, and Hours of Operation.
17. Soils shall be separated into topsoil and subsoil piles. 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.
18. Asphalt plants are not permitted to be placed within SE 35-32-6-5. Should this be required, a new Development Permit shall be obtained from the County. Wet scrubber systems shall not be allowed through the permitting process for portable batch plants.
19. 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.
20. The applicant, landowner and/or operator shall implement the phasing and reclamation plan consistent with their submitted application for the SE 35-32-6-5 and return the pit back to agricultural use. 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/original state or reclaimed.
21. 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.
22. The applicant, landowner and/or operator shall obtain all provincial registration/approvals from Alberta Environment and Parks for the gravel pit and wash plant proposed within SE 35-32-6-5.
23. The applicant, landowner and/or operator shall restrict the use of engine retarder brakes within the pit operating area.
24. 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 applicant, landowner and/or operator.
25. Subject to obtaining a Fire Permit, the applicant, landowner and/or operator shall be limited to burn Class A material (ordinary combustible materials that burn with an ember and leave an ash) on site, within a self-contained metal bin to allow for ash to be removed and disposed of properly.
26. Positive drainage shall be maintained throughout the life of the pit and shall be in consultation with Mountain View County.
27. The applicant, landowner and/or operator 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.
28. The applicant, landowner and/or operator shall comply with the Mountain View County's Community Aggregate Payment Levy Bylaw.
29. This permit shall be reviewed by administration every five (5) years to confirm compliance with the above conditions and the Operating Regulations. In addition, and as part of the Administrative compliance review, the applicant, landowners and/or operator shall submit to Administration an up



to date activities plan with a site plan containing the following information: Total Pit Area, Active Pit Area, Reclaimed Area, Certified Area from the Registration with Alberta Environment.

30. The Aggregate Extraction/Processing - Gravel Pit (121.22 acres (49.05 hectares)) is approved for dry pit extraction only including a Wash Plant requiring approval from Alberta Environment and Parks.
31. All trucks leaving the pit shall be free of material outside of the haul box of the vehicle.
32. The berms shall be constructed as per the submitted application and shall be completed within 24 months of issuance of the permit. The berms shall remain for the life of the pit.
33. The applicant, landowner and/or operator shall implement weed control measures for the berms and shall seed the berms to prevent the contents from being blown off site. The berms shall be used for reclamation purposes within the pit.
34. The applicant, landowner and/or operator shall maintain 165 meter setback from any dwelling.
35. The applicant, landowner and/or operator shall ensure all gravel pit operations meet required setbacks as determined by Alberta Energy Regulator (AER).
36. A final reclamation certificate shall be obtained from Alberta Environment and submitted to Mountain View County upon completion/reclamation of the gravel pit area.
37. The applicant, landowner and/or operator shall, to the satisfaction of the County, hard surface and maintain the approach to a paved standard, from the property line connecting to the Range Road 61 road surface. This shall be completed prior to hauling to third party locations and the applicant, landowner and/or operator shall contact the County for an inspection once complete.

PRIOR TO ISSUANCE CONDITIONS:

38. **Prior to Issuance** of the Development Permit the applicant, landowner and/or operator shall enter into a Road Construction Agreement with Mountain view County for the required upgrade to the intersection of Highway 584 and Range Road 61. The Road Construction Agreement shall include securities to be obtained to ensure completion of the intersection. The applicant, landowner and/or operator shall be permitted to use materials from the SE 35-32-6-5 to complete the required intersection improvements. Hauling to third party locations shall not be permitted until such time as the intersection is completed.
39. **Prior to Issuance** of the Development Permit the applicant, landowner and/or operator shall enter into a Road Use/Haul Route Agreement for all pit operations from the pit within the SE 35-32-6-5 along Range Road 61 to Highway 584.

A Notice of Decision for this Development Permit, that lists all the conditions and includes the site plan, will be placed on the County's website at <https://www.mountainviewcounty.com/p/development-permits>. This decision will be advertised on **June 21, 2022**, and **June 28, 2022**, in The Albertan. Should you wish to appeal this decision, or any of its conditions, your appeal must be received by the Secretary of the Land & Property Rights Tribunal, by 4:30 p.m. on **July 07, 2022**.

Pursuant to the Municipal Government Act, the appeal body for this application is the Land & Property Rights Tribunal (LPRT). Information regarding the appeal process and application forms can be obtained from the LPRT website at: <https://www.alberta.ca/subdivision-appeals.aspx>

Following the appeal period, should no appeals be submitted, you will receive a letter detailing the "Prior To Issuance" conditions that must be met prior to the Development Permit being issued. Once all "Prior



To Issuance” conditions have been met, the Development Permit will be issued. If a Building Permit is required, please ensure the contractor receives a copy of the approved sketch so that the setbacks as approved are adhered to.

If you have any questions or concerns regarding this matter, please call me at 403-335-3311 ext. 222 or by email at jross@mvcountry.com.

Yours truly,



Jessica Ross, Manager, Development & Permitting Services
Planning and Development Services

/lc

Enclosures

cc Alberta Transportation - Via Email - TransDevelopmentRedDeer@gov.ab.ca





SUMMARY OF CSDP AREAS

TOTAL PROPERTY SIZE =	155 acres
BUFFER AREA =	40 acres
PROPOSED CSDP ZONING CHANGE FOR FUTURE MINING = (SECTIONS 1-7)	115 acres
AREA PREVIOUSLY MINED = (SECTIONS 1 & 2)	25 acres
NET NEW AREA AVAILABLE TO MINE = (SECTIONS 3-7)	90 acres

LEGEND

BLUE DASHED	= 105m MINING SETBACK
RED SOLID	= 165m RESIDENCE SETBACK (NO MINING)
BLACK DASHED	= PROPERTY LINE
YELLOW DASHED	= PHASING BOUNDARY
GREEN WAVE	= PROPOSED BERM
TREE SYMBOL	= PROPOSED TREE
BLUE POND	= EXISTING POND
BLACK LINE	= PROPOSED PAVED ACCESS

① PHASING/KEY PLAN
1" = 300'-0"



Figure 1- Summary of CSDP areas



Telephone: 780-427-2444
Fax: 780-427-0986
Email: lprt.appeals@gov.ab.ca

INTERNAL USE ONLY

SUBDIVISION/ DEVELOPMENT AUTHORITY APPEAL FORM

Land and Property Rights Tribunal
1229-91 Street SW
Edmonton AB T6X 1E9

A notice of appeal for a subdivision matter must be filed within 14 days after receipt of the subdivision authority's written decision.
A notice of appeal for a development matter must be filed within 21 days of the development authority's written decision is given.

This is an appeal of: ☐ Subdivision Authority Decision ☐ Development Authority Decision

Part 1- Contact Information

PROPERTY UNDER APPEAL

Name of Municipality	Subdivision/Development Authority (if applicable)	Subdivision/Development Authority File or Permit Number
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Does the land that is subject of the appeal contain, or is it adjacent to, or near, any of the following? (Check ALL that apply)

☐ Highway (#) ☐ Body of Water (Name:) ☐ Landfill

☐ Green Area ☐ Wastewater Treatment Facility ☐ Waste Management Facility ☐ Historical Site/Resource

☐ Provincial License/Permit/Approval/Other Authorization

Land Description	Section	Township	Range	Meridian	Municipal Address or Lot Block Plan
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APPELLANT (e.g. Landowner, Applicant, Affected Party or Government Department filing the Appeal)

Name(Organization)	(Last)	(First)	Telephone Number		
Address	(Street, PO Box, RR)	(Suite, Apartment)	(Municipality)	(Province)	(Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):					

Name(Organization)	(Last)	(First)	Telephone Number		
Address	(Street, PO Box, RR)	(Suite, Apartment)	(Municipality)	(Province)	(Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):					

Name(Organization)	(Last)	(First)	Telephone Number		
Address	(Street, PO Box, RR)	(Suite, Apartment)	(Municipality)	(Province)	(Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):					

LANDOWNER INFORMATION (If different from Appellant)

Name (Last) (First)	Telephone Number
Address (Street, PO Box, RR) (Suite, Apartment) (Municipality) (Province) (Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):	
Name (Last) (First)	Telephone Number
Address (Street, PO Box, RR) (Suite, Apartment) (Municipality) (Province) (Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):	
Name (Last) (First)	Telephone Number
Address (Street, PO Box, RR) (Suite, Apartment) (Municipality) (Province) (Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):	
Name (Last) (First)	Telephone Number
Address (Street, PO Box, RR) (Suite, Apartment) (Municipality) (Province) (Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):	

REPRESENTATIVE INFORMATION AND AUTHORIZATION (if Appellant is Represented by an Agent)

Name of Organization	Telephone Number
Address (Street, PO Box, RR) (Suite, Apartment) (Municipality) (Province) (Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):	
I (We) hereby authorize _____ to act on my (our) behalf to this application.	
_____ Signature of Applicant(s)	_____ Date
_____ Signature of Applicant(s)	_____ Date

Part 2- Decision of the Subdivision/Development AuthorityDate of Decision:

Copy of Subdivision/Development Authority Decision included?

☐ Yes☐ No**Part 3- Reasons for Appeal**

All appeals must contain reasons. Attach additional pages if required.

☐ Approval - Why do you oppose the approval or what conditions of approval do you disagree with and why?

☐ Refusal - Why do you think the application should be approved?

Signature of Appellant OR Person Authorized to Act on
Behalf of Appellant

Date

The personal information collected is for the purpose of setting up application/appeal proceedings which will be provided to those who may be affected by your application/appeal and will be considered a public record. Your contact information will be used to send a follow up survey designed to measure satisfaction with the tribunal proceedings. This personal information collection is authorized by section 33(c) of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection of personal information, you may contact the Land and Property Rights Tribunal, 1229-91 Street, SW, Edmonton, Alberta T6X 1E9, (780) 427-2444 (Outside of Edmonton call 310-0000 to be connected toll free) or by email to lpri@gov.ab.ca.

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