

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING OF BRAZEAU COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING, COUNCIL CHAMBERS, IN BRAZEAU COUNTY, ALBERTA ON TUESDAY, SEPTEMBER 8, 2020.**

**IN ATTENDANCE**                    Anthony Heinrich, Chairman  
   Heidi Swan, Member  
   Marc Gressler, Member  
   Lori Clark, Member-at-Large  
   Shari MacPherson, Member-at-Large  
   Jocelyn Whaley, Manager, Planning & Development  
   Chandra Dyck, Senior Planner  
   Jenna Durkee, Recording Secretary

**ABSENT**

**PUBLIC ATTENDANCE**            Norm Obst, Applicant

**CALL TO ORDER**                    A. Heinrich, Municipal Planning Commission Chairperson, called the meeting to order at 12:58 p.m.

**ADOPTION OF THE AGENDA**

**065/20-09-08**                    Moved by S. MacPherson to adopt the Agenda as amended.  
**CARRIED UNANIMOUSLY**

**ADOPTION OF THE MINUTES**

**066/20-09-08**                    Moved by L. Clark to approve the minutes of the July 28, 2020 Municipal Planning Commission Meeting as presented.  
**CARRIED UNANIMOUSLY**

**BUSINESS ARISING**

**067/20-09-08**                    Moved by S. MacPherson to accept 2020 Municipal Planning Commission Meeting Schedule as presented.  
**CARRIED UNANIMOUSLY**

**DEVELOPMENT PERMIT  
APPLICATIONS**

**PROPOSAL:** Natural Resource Extraction & Processing – Sand and Gravel with a maximum pit site of 116.4 ac (47.1 ha) with setback variances  
**LEGAL DESC.:** NW 24-47-8-W5M and SW 25-47-8-W5M  
**OWNER:** Norwen Aggregate Services Ltd.  
**FILE:** 20D-045

C. Dyck, Senior Planner, presented the above application with a recommendation to be approved subject to the amended conditions listed in Appendix H as presented to the commission.

Commission Members had the following comments or questions:

- Concern with removing condition 17 from this permit and how the Road Use Agreement would still remain in place?
- Clarification if there is a school bus route on the haul route?
- Condition 29 speaks to access constructed on Brazeau right of way. Could they construct a road to provide access if they needed it? Would it be a liability if the public thought it was a public road?
- If a gated private road would be onerous for the operator?

Administrative responses to questions or comments from the Commission members.

- There is a current road use agreement that would cover the extended operation.
- No knowledge of school buses on the haul route but the development agreement covers bus hours.
- Condition 29 covered if the applicant required and access road on the right of way between the two parcels.
- It would be a private road if constructed and gated from the public.
- The location of the right of way is not feasible for building a road.
- The MPC can remove the condition at its discretion.

The applicant provided the following comment:

- Building would be onerous as well as building this road would be impossible due to the hill.

**068/20-09-08**

Moved by M. Gressler to remove section 29 from appendix H.

**CARRIED UNANIMOUSLY**

Commission Members had the following comments or questions:

- Had the applicant addressed the concerned letter received from an adjacent resident to the haul route. Or had any plans to respond?
- What are the requested set back variances from?
- Are the provincial setbacks more applicable in this situation?

The Applicant and Administration had the following responses:

- The Applicant responded that they have not yet responded as they just received it, but they are in good standing with the neighbors and this particular resident is on the north side of the highway and is far removed from the development.
- Administration responded they had questioned residents around the development no one within a mile and a half had any concerns.
- Administration clarified that the setbacks requested are provincial standard setback requirements from property lines with the exception of the road right of way where an encroachment agreement is needed. And that the Provincial standards are more applicable in this case.

**068/20-09-08**

Moved by H. Swan to approve the application 20D-045 with the amended conditions as presented.

1. Approval is granted based on the information provided by the applicant/landowner for the approved development only and no other development.
2. The approved development shall be located as shown on the site plan provided by the applicant/landowner and identified as Schedule 'A' attached hereto.

3. A variance to the following setbacks are granted from the approved development site, specifically:

<u>Property Line</u>	<u>Required Setback (m)</u>	<u>Requested Variance</u>
<b>NW 24-47-8-W5M</b>		
Front (West)	40 m	3 m (ninety-two point five percent (92.5%))
Rear (East)	8 m	3 m (sixty-two point five percent (62.5%))
Side (South)	6.1 m	3 m (fifty point eight percent (50.8%))
Side (North)	40 m	encroaches $\pm$ 20 m onto road allowance (one hundred and fifty percent 150%))
<b>SW 25-47-8-W5M</b>		
Front (West)	40 m	3 m (ninety-two point five percent (92.5%))
Rear (East)	8 m	3 m (sixty-two point five percent (62.5%))
Side (South)	6.1 m	3 m (fifty point eight percent (50.8%))
Side (North)	6.1 m	none – setback will be $\pm$ 155 m

4. The applicant/owner shall enter into an Encroachment Agreement with Brazeau County **within thirty (30) days of the date of issuance of this Permit**, for the encroachment of the stockpiled materials approximately twenty (20) metres onto Brazeau County's road allowance. Brazeau County shall register the Encroachment Agreement by Caveat on the title of NW 24-47-8-W5M until such time that the stockpiled material has been removed and the land reclaimed to the satisfaction of Brazeau County. The applicant/landowner shall pay to Brazeau County all fees associated with the preparation and registration of the Encroachment Agreement in effect at the time of execution.
5. The applicant/owner shall dedicate an Access Easement Area with the Easement to be registered on the title of Lot 2 Plan 922 1443 along with an attached schedule or separate Access Right of Way Plan prepared by an Alberta Land Surveyor showing the location of the mutual access. Brazeau County will prepare and register at Land Titles Office the required Access Easement documents according to the Brazeau County Schedule of Fees in effect at the time of execution.

### Business Operations

6. The approved development shall be operated in accordance with the business information submitted by the applicant/landowner on July 29, 2020.
7. The hours of operation for extraction, processing and hauling on Brazeau County roads to and from the pit are Monday to Friday from eight (8:00) am to five (5:00) pm. In ensuring that normal school bus operations are safely accommodated and not interfered with, hauling on Brazeau County roads may not occur during normal school bus hours of operation.
8. If extended hours of operation are required beyond those outlined in condition 7, the applicant/landowner shall submit a written request to Brazeau County to be reviewed and decided upon by the Chief Administrative Officer. Extended hours may be considered based upon, but not limited to, site characteristics, results and/or recommendations of any studies, adjacent landowner comments, and on-site noise impacts.

### Compliance with Provincial Regulations

9. The applicant/landowner shall be responsible for obtaining any necessary authorizations pursuant to the *Water Act* and *Public Lands Act*. Alberta Environment and Parks (AEP) may be contacted to determine applicable requirements pursuant to the *Water Act* and *Public Lands Act*, including the Alberta Wetland Policy 2013. A copy of the response provided by AEP shall be provided to Brazeau County upon request.
10. Any storage and disposal of oils, fluids or other hazardous substances shall be in accordance with provincial regulations and requirements, including those set out by Alberta Environment and Parks for containers and aboveground storage tanks, and the *Environmental Protection and Enhancement Act* Release Reporting Guideline.
11. The proposed development shall meet all provincial and federal setback requirements, including approval of the application as per the Code of Practice for Pits from Alberta Environment and Parks. Proof of approval must be provided to Brazeau County **within sixty (60) days of the date of issuance of that Permit.**



12. Reclamation and rehabilitation of the pit shall be to the satisfaction of Alberta Environment and Parks. Proof of compliance with reclamation requirements shall be provided to Brazeau County.
13. **Within sixty (60) days of the date of issuance of this Permit, the applicant/landowner shall contact Alberta Transportation regarding the requirement of a Traffic Impact Assessment for Intersections of the local roads and highways. Any improvements to the intersections that may be required as a result of this development, are at the sole expense of the applicant/landowner. Proof of approval must be provided to Brazeau County within sixty (60) days of conclusion of the review, and written advice, of Alberta Transportation.**
14. The approved development on the lands shall abide by the requirements of the *Key Wildlife and Biodiversity Zone* as per Alberta Environment and Parks including, but not limited to, timing restrictions for site development.
15. All aspects of operation associated with this approved development (including but not limited to natural resource extraction and production, conservation and reclamation) shall comply with all other applicable provincial and federal regulations that may not be specifically mentioned herein.

**Road Use / Hauling**

16. The applicant/landowner shall enter into a Road Use Agreement with Brazeau County for the use of municipal roads. This Road Use Agreement will include, but shall not be limited to, regular road maintenance requirements including:
  - a. the cleanup of mud tracked onto the municipal road from the property; and/or
  - b. the provision of effective dust control along the haul route. Effective dust control will be deemed to be the proper application of dust control product satisfactory to Brazeau County, to be applied as required by Brazeau County,at the sole expense of the applicant/landowner. The approved development shall not commence until a Road Use Agreement has been entered into by the applicant/landowner with Public Works and Infrastructure.

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17. Use of Brazeau County developed and maintained roadways, origin or destination roads, require a Multiple Load Permit (MLP), should six (6) or more loads (per site, per day) be hauled on the same section of destination roads.
18. Brazeau County may require approved dust control agents to be applied to Brazeau County roadways being used as part of a haul route on a MLP.

#### Site Activities

19. The applicant/landowner shall ensure the man-made water features are constructed with slopes as set out in the Supplemental Development Permit Information submitted on July 29, 2020.
20. The applicant/landowner shall notify right-of-way and easement holders **prior to undertaking any ground disturbance** within an area where a pipeline exists; the applicant/landowner is required to obtain approval from the right-of-way and easement holder or the Alberta Energy Regulator to undertake any ground disturbance within the pipeline right-of-way. The applicant/landowner shall provide Brazeau County written proof from the right-of-way and easement holder or the Alberta Energy Regulator that their approval has been given.
21. There shall be no land disturbance, placement of buildings, and/or removal of trees or vegetation within:
  - a. three (3) metres of the road allowance (excepting as may be exempted in the Encroachment Agreement with the County pursuant to condition #4 above); or
  - b. fifteen (15) metres of the top of the bank of the ephemeral creek.
22. Overburden shall be located in a position to act as a sound and visual barrier.
23. The applicant/landowner shall apply for and enter into any Crossing Agreement or Proximity Agreement with the FortisAlberta Inc., for crossing the powerlines on the lands. Any costs associated with the entering into of the Agreements or the relocation of the powerlines shall be the sole responsibility of the applicant/landowner. A copy of the executed Crossing Agreement or Proximity Agreement shall be provided to Brazeau County upon request.

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24. The applicant/landowner shall post adequate signage to alert to the possible danger of open pits, etc. The signage shall include the company name and emergency contact phone numbers. Any sign exceeding 1.5m<sup>2</sup> (16 ft<sup>2</sup>) shall require a Development Permit. Signs shall not be permitted within 0.3 km (0.19 miles) of a highway, unless proper approval from Alberta Transportation has been obtained and a copy provided to Brazeau County upon request.
25. The applicant/landowner shall be responsible for the control of weeds on the lands in accordance with the applicable provincial regulations (*Weed Control Act*) and Brazeau County Bylaws.
26. The applicant/landowner shall keep the area subject to this Development Permit in a clean and tidy condition free from non-aggregate debris.

#### Additional Conditions

27. If, at any time, any of the requirements for the approved development have not, in the opinion of the Development Authority, been complied with, the Development Authority may suspend or cancel this Development Permit for the approved development, pursuant to the provisions of the *Municipal Government Act*.
28. The applicant/landowner shall contain drainage within the lot and not allow runoff water to drain onto neighbouring properties. Runoff shall be directed to a Brazeau County Right of Way or drainage course approved for this purpose and shall not cause flooding of nearby ditches in excess of their capabilities.
29. No further development, expansion, or change in use is permitted unless approved by Brazeau County.

An appeal may be commenced within twenty-one (21) days of the receipt of the written decision of the Development Authority. The date of receipt of the written decision is deemed to be seven (7) days from the date the decision is mailed. Development Permit appeals may be filed by:

- the applicant for the Development Permit; or
- any person affected by an order, decision or Development Permit.

If a Development Permit was issued for a permitted use, an appeal may only be filed on the basis that the provision of the Brazeau County Land Use Bylaw was relaxed, varied, or misinterpreted. In the case of an appeal

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being lodged, the Development Permit is suspended until such time as the Subdivision and Development Appeal Board renders its decision.

**CARRIED UNANIMOUSLY**

**PROPOSAL:** To subdivide to create one (1) ±3.96 ac (±1.60 ha) parcel of land for residential use

**LEGAL DESC.:** Lot B Plan 5847 RS within SW 10-49-7-W5M

**OWNER:** Dixie Getzinger

**FILE:** 20S-009

C. Dyck, Senior Planner, presented the above application with a recommendation to be approved subject to the conditions listed in Appendix H of the report.

Commission Members had the following comments or questions:

- Where will the access to the remnant parcel be?
- Is the mutual access agreement listed in the conditions?
- Is there a need for a water availability study as there is still plenty of ground water available?
- As there is no further development occurring with this area the water study is unnecessary. Should there be any more development, that would be the time to do a water availability study?

Administration provided the following responses to commission member questions and comments:

- The access will be a mutual access off Range Road 73 (the ring road).
- The mutual access easement is covered by condition 2 in appendix H.
- Brazeau County policy required a water availability study, however the commission can remove or add conditions at its discretion.

**070/20-09-08**

Moved by M. Gressler to remove condition 8 listed in Appendix H.

**CARRIED UNANIMOUSLY**

**071/20-09-08**

Moved by M. Gressler to approve the subdivision application 20S-009 with the conditions as amended.

1. Pursuant to Section 657 of the *Municipal Government Act*, the applicant/owner shall submit to Brazeau County (in digital and paper format), a plan of survey suitable for registration with the Alberta Land Titles Office. Should road widening be required, the proposed parcel boundaries shall be located after the road widening has been accounted for. The size of the subdivided parcel(s) shall be as per the approved Tentative Plan. Please note that descriptive plans specific to roads will not be accepted.
2. The applicant/owner shall dedicate an Access Easement Area with the Easement to be registered on each title of the proposed Lot 2 and the remnant parcel along with an attached schedule or separate Access Right of Way Plan prepared by an Alberta Land Surveyor showing the location of the mutual access. Brazeau County will prepare the required Access Easement documents according to the Brazeau County Schedule of Fees in effect at the time of endorsement, and provide same to the applicant/owner's agent for registration concurrently with the Subdivision Authority Approval.
3. Pursuant to Section 7(g) of the *Subdivision and Development Regulation*, the applicant/owner shall ensure the on-site sewage disposal system on the proposed Lot 2 with requirements of the Alberta Private Sewage Disposal Regulations. The applicant/owner shall provide Brazeau County with a Certificate of Compliance from an accredited agency reflecting that the proposed parcel boundaries have been taken into consideration when compliance was considered. The arrangements and expenses for obtaining the Certificate of Compliance are the responsibility of the applicant/owner.
4. The applicant/owner shall ensure that the accessory structure (horse shelter) located adjacent to the east parcel boundary on the proposed Lot 2 shall be relocated to meet the required setbacks of the Country Residential (CR) Zone from the new property boundaries. The setback of the accessory structure shall be verified by an Alberta Land Surveyor and shall be provided to Brazeau County for review and approval.

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5. Pursuant to Section 654(1)(a) of the *Municipal Government Act*, the applicant/owner has obtained a setback relaxation from ARC Resources to the emergency response area around the ARC PEM 6-10-49-7W5 wellsite. The reduced setback shall be registered against the title of the remnant parcel by Restrictive Covenant. Brazeau County will prepare the required Restrictive Covenant documents according to the Brazeau County Schedule of Fees in effect at the time of endorsement, and provide same to the applicant/owner's agent for registration concurrently with the Subdivision Authority Approval.
6. The applicant/owner shall install an individual sewer connection at the property line of the remnant parcel to ensure separate services for each parcel, consistent with the Town of Drayton Valley requirements.
7. The applicant/owner shall pay to Brazeau County any applicable sewer connection fees as per the Brazeau County Schedule of Fees in effect at the time of endorsement.
8. The applicant/owner shall pay a final subdivision endorsement fee, according to the Brazeau County Schedule of Fees in effect at the time of endorsement.
9. Pursuant to Section 654(1) of the *Municipal Government Act* the applicant/owner shall pay all taxes owing to Brazeau County, up to and including the year in which subdivision is to be registered, prior to Brazeau County signing the final subdivision approval documents.

**CARRIED UNANIMOUSLY**

**SUBDIVISION &  
DEVELOPMENT APPEAL  
BOARD DECISIONS**

No appeals

**ADMINISTRATIVE  
MATTERS**

Report – Frequency of Municipal Planning Commission Meetings

J. Whaley Presented the Frequency of Municipal Planning Commission Meetings Report.

Commission Members had the following comments or questions:

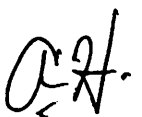
- Questioned if this was a change for MPC or Council to approve.
- Keep in mind that one of the mandates passed on to CAO was that applications are to be completed in a timely manner and that the 3 week meeting schedule was done to achieve that as a service to our residents.
- Questioned if by changing the number of meetings is their ability to add an extra meeting if it was needed?
- Confirmed this is a service to our residents that comes at a cost and we may need to call a meeting in the busy season.
- Questioned if we have the authority to change the schedule, Council set the number of meetings and MPC is designated to deal with Planning matters, wondering if MPC can actually approve the change of schedule or if we are to make the recommendation of the change and Council approve it as it is a level of service.
- Recommended that the decision goes to council in the interest of fairness.

Administration provided the following responses to commission member questions and comments:

- Clarified that this does not need to go to Council as it is not a change to the Bylaw and can be decided during MPC Meeting.
- Meeting can be called at the discretion of the chair and would only require a majority membership signed approval or with 24 hours' notice advertised.
- Clarified that council could motion this, if recommended by MPC as historically it seems Council changed the number of meetings for MPC.

**070/20-09-08** Moved by M. Gressler to recommend to Council at their organizational meeting that the MPC meet once a month on the second Tuesday at 9:30 a.m.

**CARRIED UNANIMOUSLY**



**ROUND TABLE**

Nothing to report

**ADJOURNMENT:**

**070/20-09-08**

Moved by H. Swan that the Municipal Planning Commission meeting of September 8, 2020 adjourn at 1:39 P.M.

**CARRIED UNANIMOUSLY**

  
Chairman

  
Manager of Planning and Development