

## **AFFIDAVIT OF SERVICE**

*Address and contact information of party completing this document*      County of Stettler  
Box 1270  
Stettler, AB T0C 2L0

I, Chad Jackson, of the County of Stettler, in the Province of Alberta, MAKE OATH AND SAY THAT:

1. I am a Community Peace Officer employed by the County of Stettler and as such have personal knowledge of the matters hereinafter deposed to except where stated to be based upon information and belief, in which case I do verily believe the same to be true.
2. On June 26, 2020, I attended at the following Lands legally described as:

MERIDIAN 4 RANGE 20 TOWNSHIP 36  
SECTION 33  
QUARTER SOUTH WEST  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

Municipally described as:

36537 Range Road 20-4  
County of Stettler, Alberta

(the "Lands")

3. I did on June 26, 2020 personally serve Earl Marshall Trucking Ltd with a true copy of the Stop Order dated June 26, 2020 pursuant to Section 645 of the *Municipal Government Act* and the County of Stettler No 6's Land Use Bylaw No 1443-10 by hand delivering said copy to and leaving the same with Earl Marshall at the Lands. Attached hereto and marked as **Exhibit "A"** to this my Affidavit is a copy of the Stop Order dated June 26, 2020.
4. While on the Lands on June 26, 2020 I did observe heavy equipment operating.
5. Earl Marshall hit the Stop Order from my hands to the ground upon being served.

6. Later in the afternoon on June 26, 2020 I did observe Earl Marshall at the County of Stettler Office at 6602 44 Ave Stettler, Alberta with the Stop Order dated June 26, 2020 in hand and opened.

SWORN BEFORE ME at the Town of Stettler, in the Province of Alberta, this 3<sup>rd</sup> day of July, 2020.



A Commissioner for Oaths in and for the Province of Alberta



Chad Jackson

**Elizabeth Fuller**  
A Commissioner for Oaths  
in and for Alberta.  
My Commission expires May 16, 2022

EXHIBIT "A"

This is Exhibit "A" referred to in the Affidavit of:

Chad Jackson

Sworn /  Affirmed before me this  
3<sup>rd</sup> day of July, 2020.



\_\_\_\_\_  
Commissioner for Oaths, Justice of the Peace,  
or Notary Public in and for Alberta

Elizabeth Fuller May 16, 2022

Print Name and Expiry Date



County of Stettler No. 6  
Box 1270  
6602 – 44 Avenue  
Stettler, Alberta T0C 2L0  
T:403.742.4441 F: 403.742.1277  
www.stettlercounty.ca

## **STOP ORDER**

**Section 645, *Municipal Government Act*  
R.S.A. 2000, c. M-26, as amended**

**June 26, 2020**

**Earl Marshall Trucking Ltd  
c/o Earl Marshall  
PO Box 155  
Erskine, Alberta  
T0C 1G0**

**HAND DELIVERED**  
 **REGISTERED MAIL**

**Tracking  
Number: \_\_\_\_\_**

**Crawford Gravel and Rock Ltd.  
4902 – 51 St  
Stettler, Alberta  
T0C 2L0**

**HAND DELIVERED**  
 **REGISTERED MAIL**

**Tracking  
Number: \_\_\_\_\_**

To Whom it May Concern:

**Re: Section 645 STOP ORDER  
Sand, Gravel and Surface Mineral Extraction on the SW 33-36-20W4M**

In my capacity as Development Authority for the County of Stettler (the "County"), I hereby issue a Stop Order pursuant to section 645 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA"), with respect to the following lands:

MERIDIAN 4 RANGE 20 TOWNSHIP 36  
SECTION 33  
QUARTER SOUTH WEST  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

(hereinafter referred to as the "Lands").

Section 37.1 of the County's Land Use Bylaw No. 1443-10 (the "Land Use Bylaw") states:

If the Development Authority, a Peace Officer or a Bylaw Enforcement Officer finds that a development, land use, or use of a building or structure is in contravention of or not in conformity with the Land Use Bylaw, the Municipal Government Act, the Subdivision and Development Regulation, a Development Permit or a Subdivision Approval, the Development Authority may, by written Order pursuant to the Municipal Government Act, direct the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to:

- (a) stop the development or use of the land or building or structure in whole or in part as directed by the Order;
- (b) demolish, remove, or replace the development, use, building or structure; or
- (c) carry out other actions required by the Order so that the development or use of the land or building or structure is remedied to comply with the Land Use Bylaw, the *Municipal Government Act*, the Subdivision and Development Regulation, a Development Permit, or a Subdivision Approval;

and in such Order establish a time for compliance with such Order, acting reasonably.

Section 645 of the *MGA* provides that if a development authority finds that a development, land use, or use of a building is not in accordance with Part 17 of the *MGA*, or a land use bylaw or regulation or a development permit, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them to (a) stop the development or use of the land or building in whole or in part as directed by the notice, (b) demolish, remove, or replace the development, or (c) carry out any other actions require by the notice so that the development complies.

On June 16, 2016, the County issued Development Permit No 16026 (the "Development Permit") to Earl Marshall Trucking Ltd (the "Applicant") approving Sand, Gravel and Surface Mineral Extraction (the "Development") subject to conditions for the Lands owned by Crawford Gravel and Rock Ltd (the "Owner").

The Development Permit provides for a 27.3 hectare pit. The Pit Registration Application dated April 2016 for Alberta Environment and Parks ("AEP") provides the pit is currently 28.8 hectares in size. In accordance with the Code of Practice, a pit of this size is a Class I Pit which must be registered with AEP. On January 17, 2019, the County was advised by AEP that the Applicant's application for registration was withdrawn because it was not complete and not accurate. On June 10, 2020, the County confirmed no further applications have been received or approved by AEP for the Development on the Lands.

On June 8, 2020, the County received a written complaint about from a neighbouring landowner about constant noise and dust, the failure to apply dust control and an overburden stockpile covered in Absinthe Wormwood, a weed designated as a Noxious Weed within the County of Stettler No. 6 by Bylaw 1448-10.

On June 23, 2020, I conducted an inspection of the Lands from a neighbouring property and the road allowance and took photographs from off-site. I noted that the Development was in operation as evidence by the noise and activity I observed, including excavating, crushing, processing, loading, and hauling off-site. Further, I observed no evidence of water or other dust abatement measures being employed on the municipal road, access road, or pit. Based on aerial photographic imagery, I further concluded that no substantial reclamation had taken place on the Lands since July 8, 2015.

The Development Permit for the Development on the Lands, among other things, requires the following:

- **Condition #1:** The excavation shall not commence until all conditions, except those conditions of a continuing nature including any relevant conditions provided for in the Land Use Bylaw, have been met or fulfilled.
- **Condition #4:** The applicant shall provide a copy of the approval from Alberta Environment and Parks of a permit to operate the proposed gravel pit.

- **Condition #5:** The operation shall not create a nuisance by way of dust, noise or vibration beyond what could be reasonably expected, at the County's discretion, from this type of operation. Any dust control measures must be carried out in conformance with the County's dust abatement policies, and all costs pertaining thereto shall be borne by the applicant.
- **Condition #8:** Progressive reclamation, including erosion and weed control, shall be undertaken to the satisfaction of the County in accordance with the approved Activity Plan.
- **Condition #12:** The Developer shall provide to the County an annual report indicating progress of pit operations and a drawing showing the current pit boundaries, stockpile locations, reclaimed areas and overall site development status.

Upon review of the file and based on my inspection and observations, I have concluded the Development on the Lands does not comply with the Development Permit for the following reasons:

- (1) The Development and related activities on the Land commenced and continue without satisfying all the conditions in the Development Permit, contrary to **Condition #1;**
- (2) The Applicant has not provided the County with a copy of the approval from AEP of registration to operate the Development, contrary to **Condition #4;**
- (3) The Development is creating a nuisance by way of dust and noise beyond what is reasonably to be expected and dust control measures are not being carried out in accordance to County dust abatement policies, or at all, contrary to **Condition #5;**
- (4) Progressive reclamation is not being undertaken to the satisfaction of the County, contrary to **Condition #8;** and
- (5) No reports of the progress of pit operations or drawings showing the current pit boundaries, stockpile locations, reclaimed areas and overall site development status have been received, contrary to **Condition #12.**

**Accordingly, you are hereby ordered to take the following steps:**

- (1) Immediately cease the Development, including but not limited to extracting, processing, crushing, washing, cleaning, sifting, sorting, combining with other aggregates, stockpiling, packaging, loading, hauling and transportation of aggregate or aggregate material from the Lands; AND
  - a. Comply with all the conditions of the Development Permit by 4pm on Friday August 28, 2020;

OR

  - b. Reclaim the Lands in accordance with the Conservation and Reclamation Plan in Appendix 2 of the Pit Registration Application dated April 2016, including leveling the site, reseeding to pasture and controlling weeds by 4pm on Friday October 30, 2020.

Please be advised that the County has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto the Lands in accordance with Section 542 of the *MGA* to take whatsoever actions are determined by the County to bring the Lands into compliance, and may seek an Injunction or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of the *MGA*. Further, the County has the authority to add the costs and expenses for carrying out this Stop Order to the tax roll for your Lands pursuant to Section 553(1)(h.1) of the *MGA*.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal, containing reasons, together with the applicable fee of \$450.00 must be received by the Clerk of the Subdivision and Development Appeal Board within 21 days after the date on which this Stop Order was made. The address for filing an appeal is:

Subdivision and Development Appeal Board  
The County of Stettler No. 6  
Box 1270  
Stettler, Alberta  
TOC 2L0

Sincerely,

**COUNTY OF STETTLER**

**Per:**

  
Yvette Cassidy  
Development Authority  
Chief Administrative Officer



# County of Stettler No. 6

Box 1270  
6602 – 44 Avenue  
Stettler, Alberta TOC 2L0  
T:403.742.4441 F: 403.742.1277  
[www.stettlercounty.ca](http://www.stettlercounty.ca)

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June 26, 2020

## **RE: Inspection Report, SW 33-36-20 W4M – DP 16026**

Following a written complaint about the subject property, the County of Stettler conducted a desktop review of Development Permit 16026 for compliance with conditions. Upon review, it was noted that the following development permit conditions had not been satisfied:

- **Condition #4:** The applicant shall provide a copy of the approval from Alberta Environment and Parks of a permit to operate the proposed gravel pit.
- **Condition #12:** The Developer shall provide to the County an annual report indicating progress of pit operations and a drawing showing the current pit boundaries, stockpile locations, reclaimed areas and overall site development status.

On June 23, 2020, the County of Stettler conducted an off-site inspection of the SW 33-36-20 W4M from a neighbouring property and road allowance. The intent of the inspection was to determine whether activities requiring a valid development permit were taking place and whether complaints filed by the public could be substantiated. The complaint alleged the presence of Absinthe Wormwood and a nuisance caused by dust from the crusher, loader, stockpiles, and hauling.

The inspection team included Andrew Brysiuk, Director of Municipal Services, Yvette Cassidy, Chief Administrative Officer, Lee Hardman, Manager of Protective Services, and a contracted licensed unmanned aerial vehicle (“UAV”) pilot.

County of Stettler staff began the inspection at approximately 2:30 P.M. from the SE 33-36-20 W4M (263TR A) and later moved adjacent to Range Road 20-4. The inspection relied primarily on photographic detail provided by the UAV, which was monitored by County of Stettler staff in real time as the imagery was collected.

The inspection confirmed the following activities were taking place:

- Extraction
- Crushing/Processing
- Stockpiling
- Loading
- Hauling





**Image 1: Site Overview**

**Photo Taken from Location A by UAV Pilot and Witnessed by Andrew Brysiuk**

Some dust was observed cause primarily by traffic on the site and traffic from the site on Range Road 20-4. No active dust abatement measures were observed.

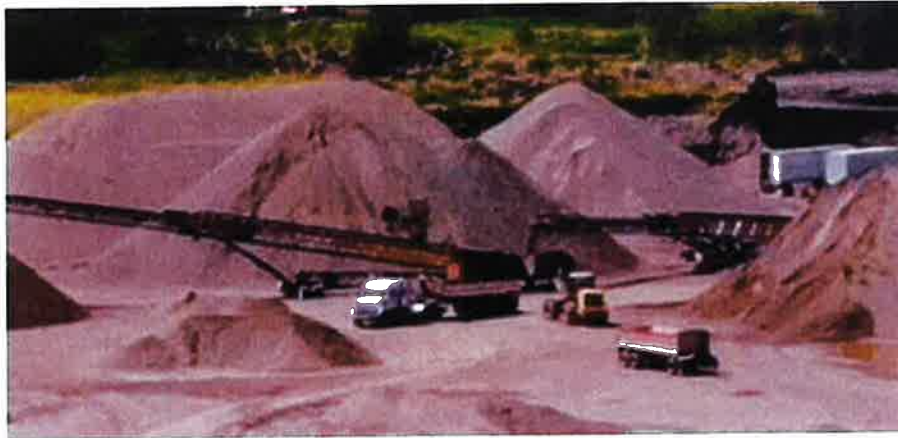
Due to the off-site nature of the observation, it was not possible to confirm the presence of Absinthe Wormwood. A Weed Inspector will follow up on that portion of the complaint in accordance with the Weed Control Act.

I am satisfied that the development and related activities have commenced and that no dust control methods have been carried out in accordance with County dust abatement policies.

  
Yvette Cassidy  
Chief Administrative Officer

## Reference Images

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**Image 2: Loading Material**  
**Photo Taken from Location B by UAV Pilot and Witnessed by Andrew Brysiuk**



**Image 3: Extracting Material**  
**Photo Taken from Location A by UAV Pilot and Witnessed by Andrew Brysiuk**



Image 4: Crushing / Processing  
Photo Taken from Location A by UAV Pilot and Witnessed by Andrew Brysiuk



Image 5: Stockpiling  
Photo Taken from Location A by UAV Pilot and Witnessed by Andrew Brysiuk



Image 6: "James Marshall Trucking Ltd." Truck hauling from the site (Range Road 20-4)  
Photo Taken from Location C by Andrew Brysiuk



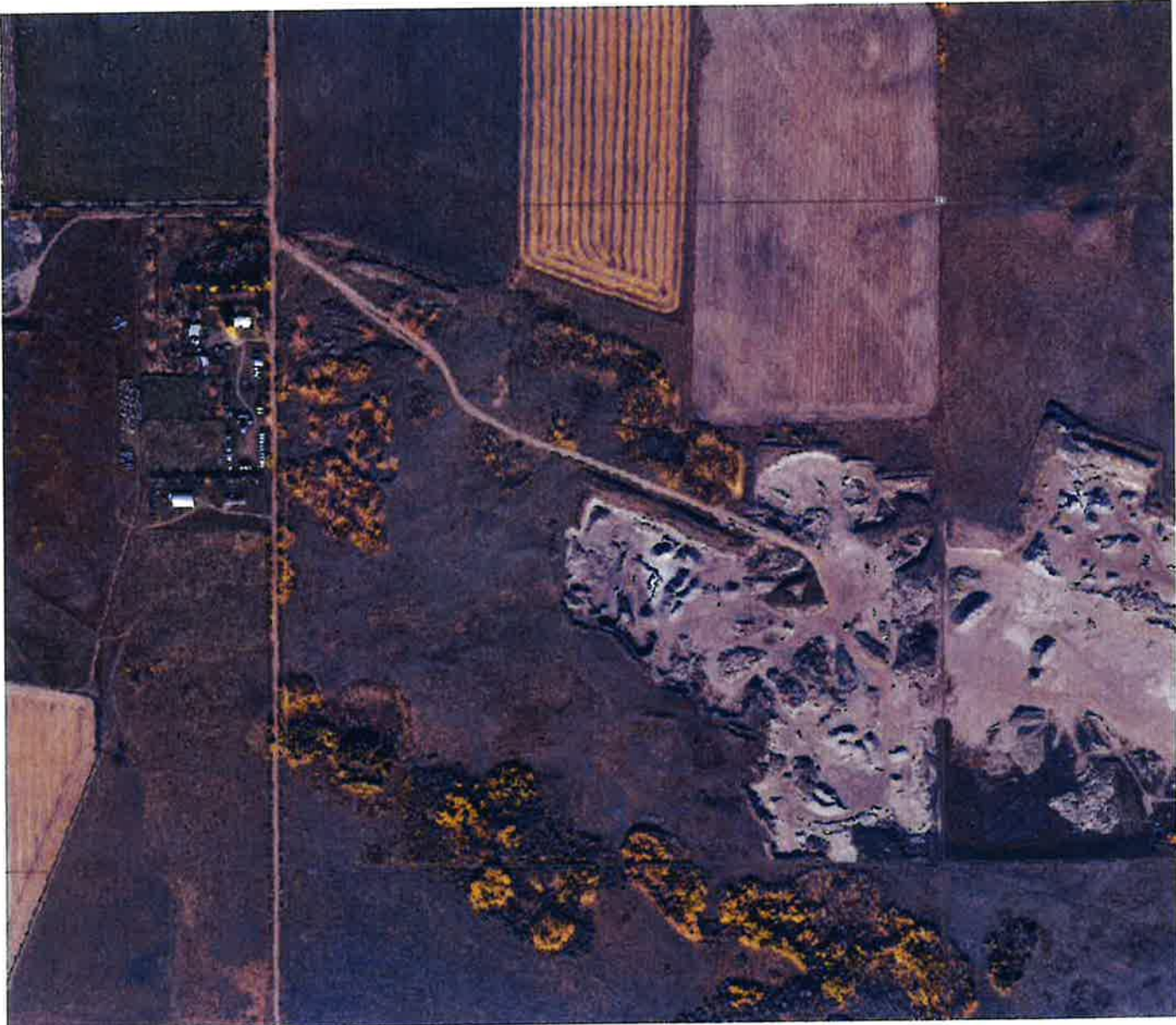
Image 7: Dust generated by the operations  
Photo Taken from Location B by UAV Pilot and Witnessed by Andrew Brysiuk



**Image 8: Tree Removal**  
**Photo Taken from Location A by UAV Pilot and Witnessed by Andrew Brysiuk**



Image 9: 2003 Aerial Imagery



**Image 10: 2007 Aerial Imagery**

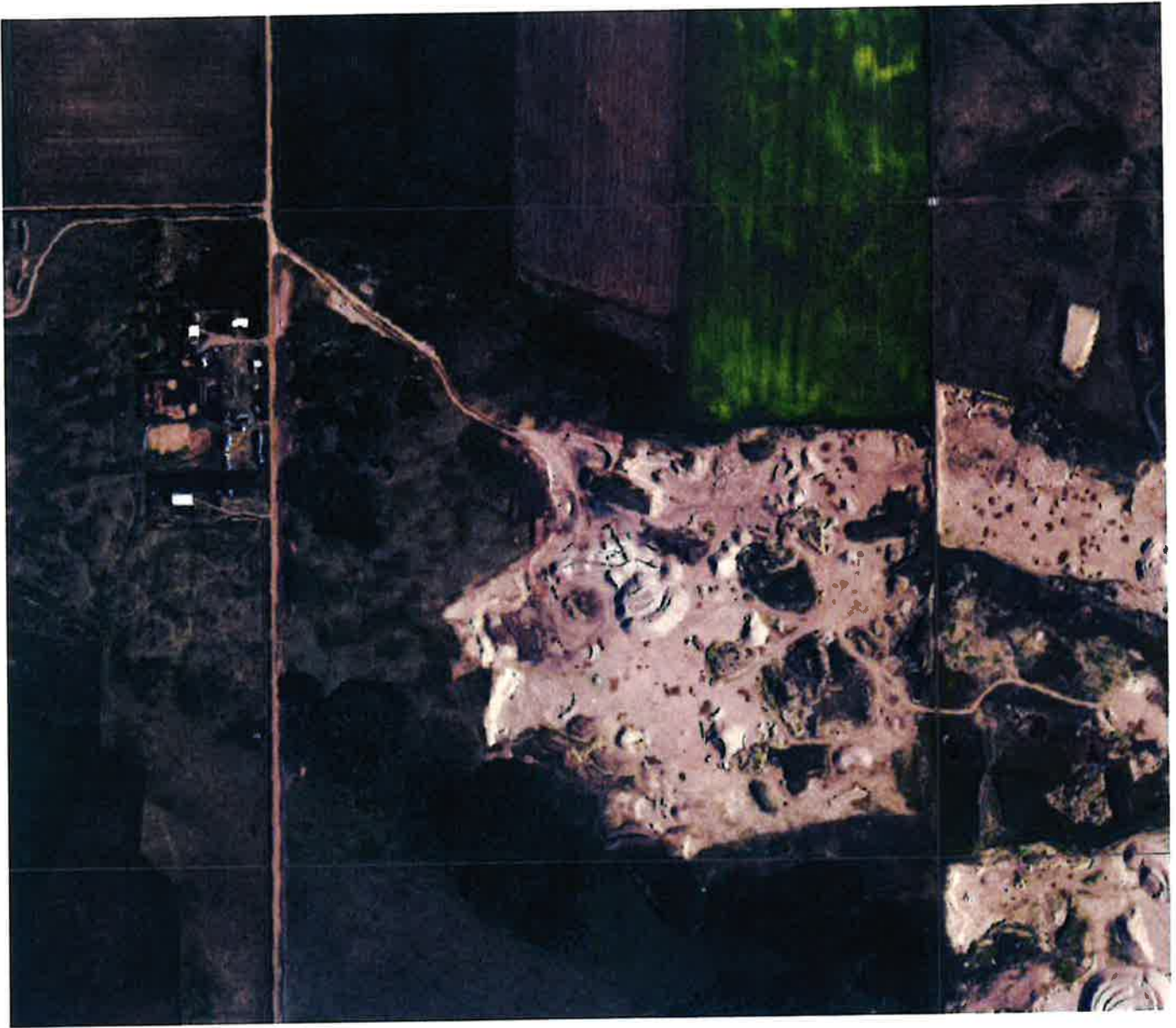


Image 11: 2015 Aerial Imagery



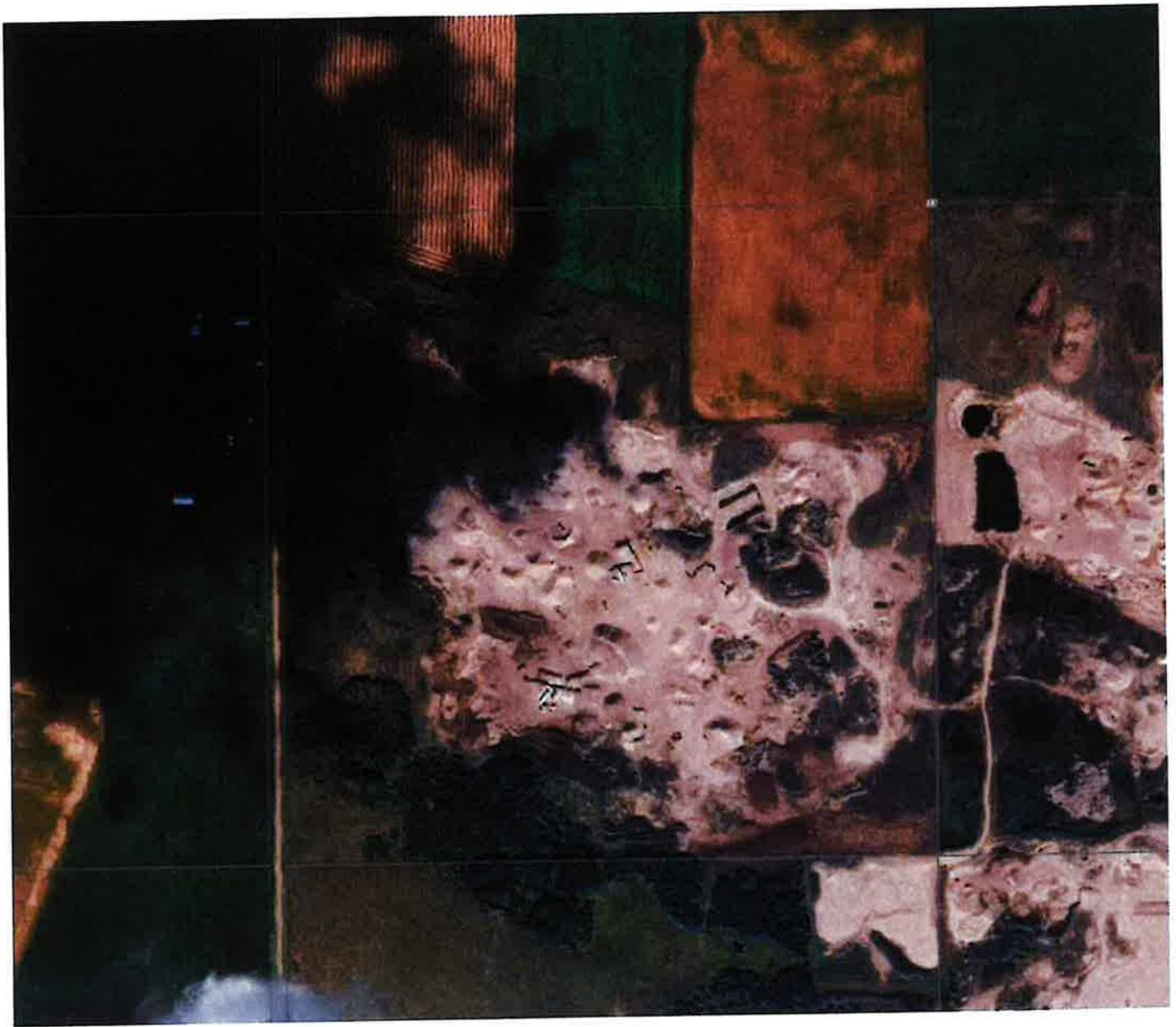


Image 12: 2019 Aerial Imagery

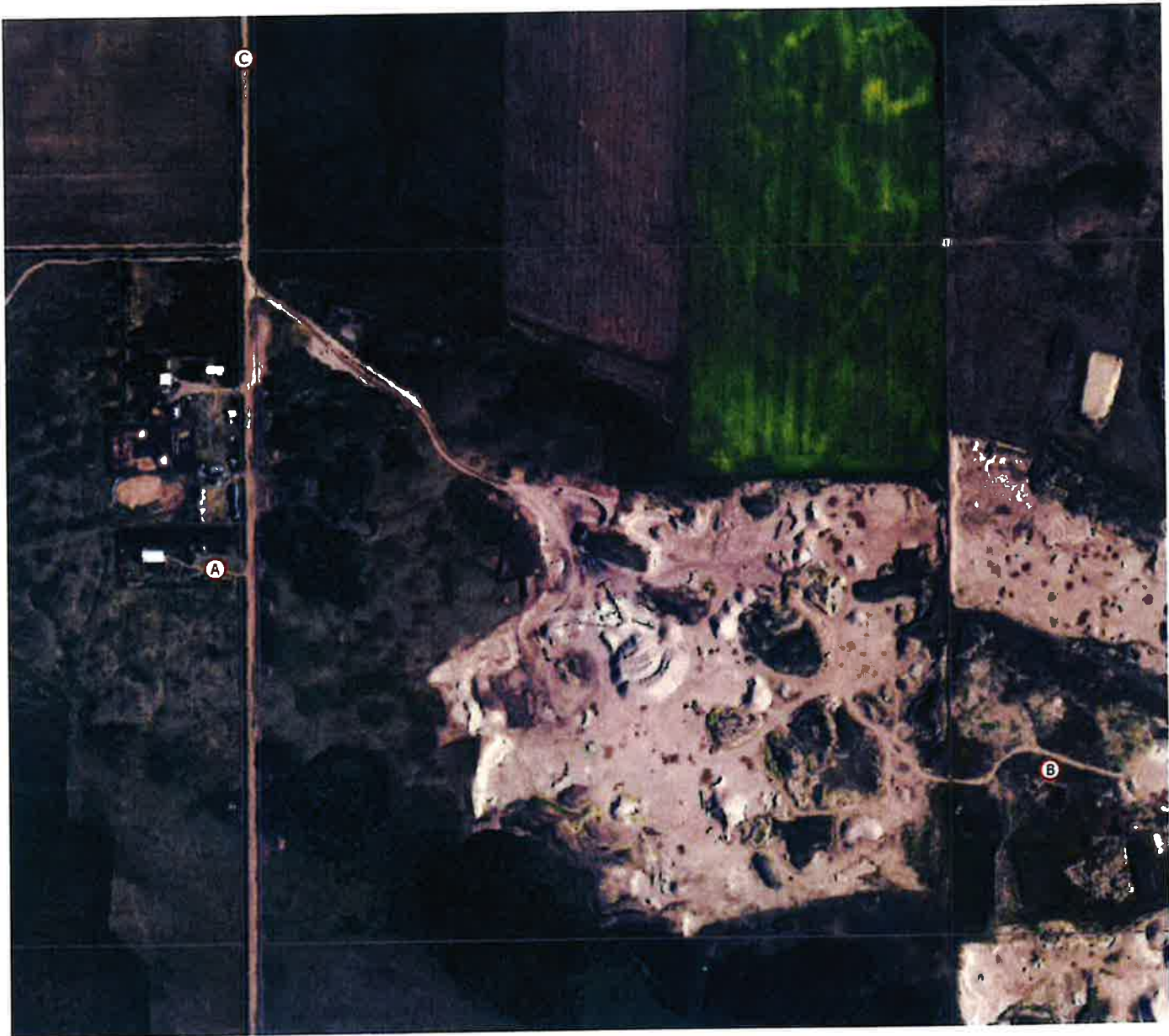


Image 13: Photo Location Reference Map